



The Republic of Uganda

RULES AND REGULATIONS GOVERNING THE RECRUITMENT AND EMPLOYMENT OF UGANDAN MIGRANT WORKERS ABROAD

PART 1 GENERAL PROVISION

RULE I DEFINITION OF TERMS

For the purpose of these rules, the following are defined as follows:

1. **Accreditation** – refers to the grant of authority to a foreign principal to engage Ugandan migrant workers for specific jobs through a licensed agency for overseas employment.
2. **Administration** – refers to the External Employment Unit (E.E.U), Ministry of Gender, Labour and Social Development.
3. **Administrator** – refers the Administrator of the E.E.U.
4. **Agency** – refers to a licensed recruitment agency, as defined herein.
5. **Allottee** – refers to any person named or designated by the overseas migrant worker as the recipient of his/her remittances to Uganda.
6. **Authentication** – refers to an attestation made by a duly authorised officer by which he certifies that a person appeared before him and is known to him to have voluntarily executed a document.
7. **Beneficiary** – refers to the person/s to whom compensation benefits due under an employment contract are payable by operation of law or those to whom proceeds of a life or accident insurance are likewise payable.

8. **Claims** – refers to a valid contractual claim for compensation or benefits arising from employer-employee relationship or for any personal injury, illness or death at levels provided for within the terms and conditions of employment of Ugandans.
9. **Ministry** – refers to the Ministry of Gender, Labour and Social Development.
10. **Derogatory Record** – refers to the existence of negative information such as, but not limited to, illegal recruitment, falsification, swindling or estafa, and/or conviction for crimes involving moral turpitude.
10. **MFA** – refers to the Ministry of Foreign Affairs.
11. **Joint and Solitary Liability** – refers to the nature of liability of the principal and the agency for any and all claims arising out of the implementation of the employment contract involving Ugandan migrant workers. It shall likewise refer to the nature of liability of officers, directors, partners or sole proprietors with the company over claims arising from employer-employee relationship.
12. **LAC** – refers to Labour Assistance Centre
- License** – refers to the document issued by the Permanent Secretary or his/her duly authorised representative authorising any person, a partnership or company to operate a recruitment agency.
13. **Licensed Recruitment Agency** – refers to any person, partnership or company duly licensed by the Permanent Secretary or his/her duly authorised representative to recruit and deploy Ugandan migrant workers for employment.
14. **Contract agreement** – refers to a written agreement entered into by and between the principal and recruitment agency defining their respective rights, obligations and responsibilities.
15. **CID – Criminal Investigations Department (Interpol Unit)Non–licensee** – refers to any person, partnership or company who has no valid license to engage in recruitment and placement of Ugandan migrant workers, or whose license is suspended.
16. **OEC** – refers to the Overseas Employment Certificate.
17. **OWWA** – refers to the Overseas Workers Welfare Administration.
18. **PDOS** – refers to the Pre-Departure Orientation Seminar.
19. **Personal Injury** – refers to any disease or impairment of a Ugandan Migrant Worker’s physical or mental condition or death arising out of or in connection with his/her employment.
20. **Principal** – refers to a foreign person, partnership or company engaging and employing Ugandan migrant workers through a licensed recruitment agency.
21. **Provisional License** – refers to a license issued to a new recruitment agency with a limited period of one year within which the licensee shall comply with its undertaking to deploy fifty (50) Ugandan migrant workers to its new market.
22. **PRC** – refers to the Professional Regulation Commission.
23. **Recruitment and placement** – refers to any act of canvassing, contracting, transporting, utilising, hiring, or procuring workers, and referrals, contract services, promising or advertising for migrants’ employment, whether for profit or not; provided that any persons shall be deemed to be engaged in recruitment and placement.
24. **Registration** – refers to the act of recognising and entering in the official records of the Administration the existence of a foreign principal whose documents have been verified and authenticated by the appropriate officials of the Government.

25. **ROC** – refers to Registrar of Companies.
26. **Permanent Secretary** – refers to the Permanent Secretary, Ministry of Gender, Labour and Social Development.
27. **Standard Employment Contract** – refers to a written government-approved employment contract stipulating a specific period of employment and formulated through tripartite consultation individually adopted and agreed upon by the principal/employer and the Uganda migrant workers.
28. **Verification** – refers to the act performed by a Ugandan Overseas Labour Officer or any other officer designated by the Permanent Secretary responsible for Labour and Employment in the Ugandan Embassy/Consulate, in reviewing and verifying the recruitment documents of foreign principals including the employment contract, with the view to establish the existence of the employing company, its capability to hire Uganda Migration Workers at acceptable rates and at desirable working conditions that are in conformity with the minimum standards prescribed by the Administration taking into consideration the labour laws and legislations of the country of employment.
29. **Uganda Migrant Worker:** Refers to a Ugandan citizen who is to be engaged, or has been engaged in remunerated activity in a state of employment.

RULE II
STATEMENT OF POLICY

It is the policy of the Administration:

- a) To uphold the dignity and fundamental human rights of Ugandan migrant workers and promote full employment and equality of employment opportunities for all;
- b) To protect every Ugandan desiring to work overseas by securing the best possible terms and conditions of employment;
- c) To allow deployment of Ugandans to countries which have existing labour and social laws or are signatories to International agreements protecting the rights of migrants;
- d) To develop strategies and programmes to ensure full and quality employment opportunities for Ugandan migrant workers through possession of appropriate level of competence, training and certification as required by the International Conventional on Standards of Training for Ugandan migrant workers and other applicable conventions, laws, rules and regulations;
- e) To pursue with the active participation of the private sector, the creation of an environment conducive to overseas employment in order to maximise opportunities for employment generation, facilitation, enhancement and preservation;
- f) To help strengthen support programmes for the effective reintegration of returning migrants into the Ugandan society;
- g) To establish an adequate shared government information system on overseas employment programmes using computer databases that are linked electronically to allow verification and full flow of data exchanges;
- h) To provide an effective gender-sensitive mechanism that can adequately protect and safeguard the rights and interests of Ugandan migrant workers;
- i) To recognise the participation of the private sector in the recruitment and placement of Ugandans to serve national development objectives;
- j) To deregulate recruitment activities progressively, taking into account emerging circumstances which may affect the welfare of Ugandan migrant workers and their families;
- k) To cooperate with duly registered Non-Governmental Organisations, in a spirit of trust and mutual respect, in protecting and promoting the welfare of Ugandan overseas workers.

PART II
LICENCING AND REGULATION

RULE I

EXTERNAL EMPLOYMENT PROGRAMME

Section 1. **Qualifications:** Only those who possess the following qualifications may be permitted to engage in the business and placement of Ugandan migrant workers:

- a. Ugandan citizens, partnerships or companies at least seventy five percent (75%) of the authorised and voting capital stock of which 51% is owned and controlled by Ugandan citizens
- b. A minimum capitalisation of Uganda Shillings one hundred million (US\$ 100,000,000/=) in case of a partnership and a minimum paid-up capital of Uganda Shillings one hundred million (US\$100,000,000/=) in case of a company; and
- c. Those not otherwise disqualified by law or other government regulations to engage in the recruitment and placement of Ugandan migrant workers.

Section 2. **Disqualification.** The following are not qualified to engage in the business of recruitment and placement of Ugandan migrant workers:

- a. Travel agencies and sales agencies of airline companies;
- b. Officers or members of the Board of any company or members of any partnership engaged in the business of a travel agency;
- c. Company and partnership, when any of its officers, members of the Board or partners, of a company or partnership engaged in the business of a travel agency;
- d. Persons, partnerships or companies which have derogatory records, such as but not limited to the following:
 1. Those certified to have a derogatory record by the International Security Organisation and External Employment Unit.
 2. Those against whom there is probable cause or prima facie finding of guilt for illegal recruitment or other related case exists.
 3. Those convicted for illegal recruitment or other related cases and/or crimes involving moral turpitude.
 4. Those agencies whose licences have been previously revoked or cancelled by the Administration for violation of External Employment Unit rules and regulations.
- e. Persons, partners, officers and directors of companies whose licences have been previously cancelled or revoked for violation of recruitment laws.

All applicants for issuance/renewal of licence shall be required to submit clearances from the International Security Organisation and Anti-illegal Recruitment Branch, EEU, including clearances for their respective officers and employees.

RULE II ISSUANCE OF LICENSE

Section 1. **Requirements for Licensing:** Every applicant for license to operate a recruitment agency shall submit a written application together with the following requirements:

- a. A certified copy of the Articles of Incorporation or Partnership duly registered with the Registrar of Companies in the case of a company or partnership or Certificate of Registration of the firm or business.
- b. ***Proof of financial capacity.*** In the case of a partnership verified income tax returns for the past one (1) year and a savings account showing a maintaining balance of not less than Uganda Shillings one hundred million (USh 100,000,000/=), provided that the applicant should submit an authority to examine such bank deposit. In case of a newly organised company, submission of savings account showing a maintaining balance of not less than Uganda Shillings ten million (USh 10,000,000/=), with authority to examine the same. For an existing company, submission of a verified financial statement, income tax returns for the past two (2) years an account showing a maintenance of not less than Uganda Shillings ten million (USh 10,000,000/=), with the corresponding authority to examine such deposit.
- c. ***Proof of marketing capability:***
 1. Job placement of not less than (50) vacancies at the time of placement of the application.
 2. Certification from Pre-Employment Services of the EEU on the existence of new markets.
 3. Proof of international connections via websites, emails etc.
- d. Clearance of all members of the Board of Directors, partners and proprietor of the applicant agency from the CID, EEU and other government agencies as the need may require; provided that where the member or partner concerned is a foreigner, clearance from his/her country of origin shall be required.
- e. A verified undertaking stating that the applicant shall:
 1. Provide to the Uganda migrant workers orientation on recruitment policies and procedures, terms and conditions of employment and other relevant information;
 2. Ensure that any Ugandan migrant workers recruited or deployed by them is qualified and holds the documents necessary for the job concerned;
 3. Ensure that contracts of employment are in accordance with the standard employment contract and other applicable laws, regulations and collective bargaining agreements;
 4. Ensure that Ugandan migrant workers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement;
 5. Ensure that proper arrangements are made for UGANDAN MIGRANT WORKERS to examine their contracts of employment and articles of agreement before and after they are signed and for them to receive a copy of the contract of employment;
 6. Assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
 7. Assume joint and solitary liability with the employer for all claims and liabilities which may arise in connection with the implementation of the employment contract, including but not limited to wages, death and disability compensation and their repatriation;

8. *Guarantee compliance with the applicable labour, social and labour legislations of Uganda and applicable regulations of the employment state and international labour bodies such as International labour organisation (ILO);
 9. Assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement;
 10. Deploy at least fifty (50) Ugandan migrant workers to its new market within one year from issuance of its license which shall also be a condition to the accreditation of old principals; and
- f. In case of a company or partnership, verified undertaking by officers, directors and partners that they will be jointly and severally liable with the company over claims arising from employer-employee relationship.
 - g. Individual income tax returns of the proprietor, partners, or board of directors as the case may be, for the past one (1) year.
 - h. 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 ISO and the EEU.
 - i. Proof of publication of notice of the application with the names of the proprietor, partners, incorporators and officers;
 - j. Certificate of attendance of owner and/or chief Executive officer in a pre-application seminar conducted by the EEU.

Only applications with complete supporting documents shall be processed.

Section 2. *Payment of a filing fee:* Upon receipt of an application with complete requirements, the Administration shall require payment of a non-refundable filing fee of Fifty thousand Uganda Shillings (50,000/=) and a submission of proof of payment thereof.

Section 3. *Action Upon the Application:* Within fifteen (15) calendar days from receipt of an application with complete requirements including proof of payment of the filing fee of One hundred thousand Uganda Shillings (100,000/=), the Administration shall evaluate the pertinent documents, inspect the office premises of the applicant and determine whether or not to grant the application. Denial of an application will result in the forfeiture of the filing fee.

Section 4. *Payment of Fees and Bank Guarantee:* Upon approval of the application, the applicant shall pay a licence fee of Uganda Shillings five hundred thousand (US\$ 500,000/=) and a Bank Guarantee of Uganda Shillings fifty million (US\$ 50,000,000/=) will be presented.

The Bank guarantee shall answer for all valid and legal claims arising from violations of the conditions for the grant and use the license and/or contracts of employment. The bank guarantee shall likewise guarantee compliance with the provisions of these rules and pertinent Ugandan laws and all liabilities which the Administration may impose.

Section 5. *Validity of the License:* Every Licence shall be valid for two (2) years from the date of issuance unless sooner cancelled, revoked or suspended for violation of any

Ugandan Law, these rules and other pertinent issuances. Such license shall be valid only at the place/s and where the licensed person, partnership or company operates.

Section 6. ***Non-Transferability of the License:*** No license shall be transferred, conveyed or indirectly used by any person, partnership or company other than the one in whose favour it was issued.

In case of death of the sole proprietor, and in order to prevent disruption of operations and so as not to prejudice the interest of legitimate heirs, the licence may be extended upon request of the heirs, to continue only for the purpose of winding up business operations.

Section 7. ***Change of Ownership/Relationship of:*** Transfer or change of ownership licensed to engage in Ugandan migrant workers' employment shall cause the automatic revocation of the license.

A change in relationship of the partners in a partnership duly licensed to engage in Ugandan migrant workers' employment, which materially interrupts the course of the business or results in the actual dissolution of the partnerships, shall likewise cause the automatic revocation of the license.

Section 8. ***Upgrading of Partnerships:*** License holders, which are partnerships, may convert into a company for purposes of upgrading or raising their capabilities to respond adequately to developments/changes in migrants' recruitment and to enable them to better comply with their responsibilities arising from the recruitment and deployment of Uganda migrant workers.

The approval of merger, consolidation or upgrading shall automatically revoke or cancel the licenses of the partnerships or companies so merged, consolidated or upgraded.

Section 9. ***Derogatory Record:*** After Issuance/Renewal of license of a partnership shall be suspended until cleared by the Administration should any derogatory record be found to exist against any or all the partners, as the case may be. The appointment of any officer or employee of any licensed agency may be cancelled or revoked at any time with due notice to the agency concerned, whenever the said officer or employee is found to have any derogatory record, as herein contemplated.

Section 10. ***Appointed/Change of Officers and Personnel:*** Every appointment of agents or representatives of a licensed agency shall be subject to prior approval or authority of the Administration. The acknowledgement or approval may be issued upon submission of or compliance with the following:

- a. Proposed appointment or special power of attorney;
- b. Clearances of the representative or agent from the CID and Anti-illegal Recruitment Branch of the EEU.
- c. Sworn or verified statement by the designating or appointing person or company assuming full responsibility for all acts of the agent or representative done in connection with the recruitment and placement of Ugandan migrant workers.

Every change in the composition of the Board of Directors of a company, appointment or termination of officers and personnel shall be registered with the Administration within thirty (30) calendar days from the date of such change. The agency shall be required to submit the minutes of proceedings duly certified by the Registrar of Companies in case of election of new members of the Board of Directors with their bio-data, ID pictures and clearances.

Administration reserves the right to deny the acknowledgement or appointment of officers, employees and representatives which were directly involved in the recruitment irregularities.

Section 11. **Publication of Change of Director/Others and Personnel/Revocation, or Amendment of Appointment of Representatives.** In addition to the requirement of registration with and submission to the Administration, every change in the membership of the Board of Directors, termination for cause of other officers and personnel, revocation or amendment of appointment of representatives shall be published at least once in a newspaper of general circulation, in order to bind third parties. Proof of such publication shall be submitted to the Administration.

Section 12. **Transfer of Business Address.** Any transfer of business address shall be affected only with prior authority or approval of the Administration. The approval shall be issued only upon formal notice of the intention to transfer with the following attachments:

- a. In the case of a company, a Board Resolution duly registered with the Registrar of Companies (ROC) authorising the transfer of Business address; and
- b. Copy of the contract of lease or proof of building ownership.

The new office shall be subject to the regular ocular inspection procedures by duly authorised representatives of the Administration.

A notice to the public of the new address shall be published in a newspaper of general circulation.

Section 13. **Establishment of Extension offices:** Extension offices may be established subject to the prior approval of the Administration.

Section 14. **Renewal of License:** An agency shall submit an application for the renewal of its license on or before the expiration of the license. Such application shall be supported by the following documents:

- a. Renewed Bank guarantee in the amount of Uganda Shillings fifty million (US\$ 50,000,000/=) with a commercial bank to primarily answer for the valid and legal claims of recruited Ugandan migrant workers as a result of recruitment violations or money claims;
- b. Audited financial statements for the past one (1) year with verified corporate or individual tax returns. In case the equity of the agency is below the minimum capitalisation requirement, it shall be given thirty (30) days from release of the renewed license to submit proof(s) of capital infusion. Otherwise the license shall be suspended until it has complied with said requirement;
- c. Clearance from the CID and Anti-Illegal Recruitment Branch for all its employees and officers; and
- d. Other requirements as may be imposed by the Administration.

Section 15. **Monitoring Compliance with Conditions of License:** The Administration shall monitor the compliance of agencies with their undertakings in connection with the issuance or renewal of the licence. Appropriate sanctions shall be imposed for non-compliance with any of their undertaking.

Section 16. ***Non-expiration of Licence Pending Renewal:*** When the license holder has made timely and sufficient application for renewal, the existing license shall not expire until the application has been finally determined by the Administration. For this purpose, an application shall be considered sufficient if the applicant has complied with the requirements for renewal.

Section 17. ***Action on Renewal of Licence:*** Within forty-eight (48) hours from receipt of the application for the renewal with the complete requirements, the Administration shall undertake evaluation and inspection and determine the grant or denial of the application. Application for renewal of license, which fails to meet the requirements set by the Administration, shall be denied.

Only applications for renewal submitted with complete requirements shall be processed.

Section 18. ***Late Filing of Renewal:*** Any agency which failed to file an application for renewal of license may be allowed to renew within thirty (30) calendar days from expiry thereof and subject to the payment of a fine of Uganda Shillings two hundred thousand (UShs 200,000/=).

Section 19. ***Bank Guarantee as Garnished:*** As soon as an order or Notice of Garnishment is served upon the bank, and the same is correspondingly earmarked, the bank guarantee of an agency shall no longer be considered sufficient. The Administration shall forthwith serve upon the agency a notice to replenish its Bank Guarantee.

Section 20. ***Classification, Ranking and Incentives:*** The Administration shall undertake the classification and ranking of agencies. In recognition of their exemplary performance, the Administration shall issue guidelines for entitlement of agencies to schemes for incentives and rewards such as extension of validity of the license, express processing and in-house documentation.

**RULE III
INSPECTION OF RECRUITMENT AGENCIES**

Section 1. ***Inspection for Purposes of Issuance of License/Transfer of Office/Opening of Branch and Other Facilities.*** Before issuance of a license, the Administration shall conduct an inspection of the premises and pertinent documents of the applicant. Inspection shall likewise be conducted on the new premises in case of transfer of office or opening of branch or other facilities.

Section 2. ***Routine/Regular Inspection:*** All agencies shall be subject to periodic inspection of offices or pre-departure orientation seminar (PDOS) venues by the Administration to determine compliance with existing rules and regulations.

Section 3. ***Spot Inspection:*** Inspection may be conducted by the Administration upon receipt of a complaint or report of violation of existing rules and regulations.

Section 4. ***Authority to Inspect:*** An authority to inspect shall be issued by the Administration before any inspection may be conducted. Such authority stating the purpose and subject of inspection shall be presented to the agency before inspection.

Section 5. ***Scope of Inspection:*** Depending on the purpose of inspection, the Administrator or his/her duly authorized representative may inspect the premises and require the presentation of necessary documents, records and books of accounts of the agency and examine the same.

Section 6. ***Inspection Programme and Procedures:*** The Administration shall conduct inspection in accordance with the inspection programme and procedures of the EEU.

Section 7. ***Violations Found in the Course of Inspection:*** Violations found in the course of inspection such as non-compliance with existing rules and regulations shall be grounds for the imposition of appropriate sanctions or for the denial of application for the issuance or renewal of license. A copy of the inspection report shall be endorsed to the appropriate unit for the conduct of necessary proceedings.

**RULE IV
PLACEMENT FEES AND CONTRIBUTIONS**

Section 1. ***Fees Chargeable to Principals:*** Agencies shall charge from their principals a fee to cover services rendered in the recruitment and deployment of Ugandan migrant workers.

However, recruitment agencies shall charge a nominal fee from the Ugandan migrant workers for their recruitment and deployment services as administration costs.

**RULE V
ADVERTISEMENT FOR EXTERNAL EMPLOYMENT**

Section 1. ***Advertisement for Actual Job Vacancies:*** Licensed recruitment agencies may advertise for actual job vacancies without prior approval from the Administration if covered by manpower requests of accredited foreign principals and projects. The advertisements shall indicate the following information:

- a) Name, address and EEU license number of the agency;
- b) Level of competence, skill and knowledge categories and qualification standards; and
- c) Number of available positions.

Section 2. ***Advertisement for Manpower Pooling:***

Licensed recruitment agencies may advertise for manpower pooling without prior approval from the Administration subject to the following condition:

The advertisement should indicate in bold letters that it is for manpower pooling only.

**RULE VI
PLACEMENT FEES AND DOCUMENTATION COSTS**

Section 1. ***Fees chargeable Against Principals:*** Agencies shall charge from their principals a service or recruitment fee to cover services rendered in documentation and placement of workers.

Section 2. ***Fees/Costs Chargeable from Workers:***

- a. Private employment agencies may charge placement fees as may be authorised by the Permanent Secretary from a hired worker to cover costs of placement and services such as trade or skill testing, medical examination, passport, visa, clearances, inoculation, airport terminal fees, notaries, among others.

The above charge shall be collected from a hired worker only after he/she has signed the employment contract and shall be covered by receipts clearly showing it.

- b. Recruitment agencies shall charge a minimal fee not exceeding Uganda Shillings Fifty thousand (USh 50,000/=) from Ugandan migrant workers for its recruitment and placement services.

Section 3. ***No other charges shall be imposed on the worker.***

**RULE VII
ADVERTISEMENT FOR MIGRANT WORK VACANCIES**

Section 1. ***Advertisements: Advertisements for publication or broadcasts of job vacancies of accredited foreign principal or project on point, radio or television*** duly approved by the Administration shall indicate the following basic information:

- a) Name, address and EEU license number of the agency;
- b) Name and/or accreditation number of the project and/or principal and work site; and
- c) Skill categories and qualification standards.

Section 2. ***Advertisement for Manpower Pooling by Agencies:*** Agencies desiring to generate qualified applicants for additional manpower requirements, principal or project not covered by duly approved job order by the Administration may advertise only for highly skilled recruitment categories and manpower upon prior approval of Administration.

The advertisement shall indicate that the announcement is for manpower pooling only and that no fees shall be collected from the applicants. The following shall be reflected in the advertisements:

- a. Name, address and EEU license number of the agency;
- b. Work site of prospective principal/project;
- c. Skill categories and qualification standards.

Section 3. ***Press Release on Recruitment:*** For purposes of this rule, press and media releases, whether on print, radio or television negotiations with firms involving overseas job openings, shall be considered as advertisement, and therefore shall be subject to monitoring and regulation.

Subsequent publication of a previously approved advertisement or a portion thereof, in another form of media release shall no longer require another approval provided that said publication is under taken within a period of one month from the date of EEU approval.

Section 4. ***Sanctions:*** False and deceptive advertisement published and aired by agencies including but not limited to those published not in accordance with guidelines shall be considered as violation and shall, therefore, be a valid ground for the cancellation of accreditation of principal/project and/or for the cancellation of a license.

Section 5. ***Foreign/Advertisers for Overseas Job Vacancies:*** Foreign principals/employers who wish to advertise job vacancies outside Uganda using media, broadcast or television may do so only through EEU licensed agency or through the Administration.

RULE VIII

TRADE TEST AND MEDICAL EXAMINATION FOR OVERSEAS EMPLOYMENT

Section 1. ***When to Conduct Trade Tests:*** Trade tests for workers for overseas employment shall be conducted only after the agency and/or its principal has secured placement for a worker and the latter has pre-qualified for an existing overseas position duly covered by an approved job order by the Administration.

Section 2. ***Scope of Trade Tests:*** The agency shall ensure that unless otherwise stated in the agency trade test referral slip, the pre-employment test shall be based on the line category the worker has applied for.

Section 3. ***When to Conduct the Medical Examination:*** Medical examination of workers for overseas employment shall be conducted only after the principal shall have interviewed and trade-tested or have pre-qualified the worker for an existing overseas position duly covered by an approved job order.

RULE IX

PERSONAL ACCIDENT AND LIFE INSURANCE, WAR RISK INSURANCE AND WAR RISK PREMIUM PAY

Section 1. All migrant workers shall be provided both life and personal accident insurance which is applicable top the host country.

Section 2. Benefits and Compensation Awarded to Beneficiaries:

Proceeds or benefits from the life, personal accident of war risk insurance shall go to the designated beneficiaries as defined in these rules.

RULE X

DEPARTURE OF CONTRACT WORKERS

Section 1. **Labour Assistance Centres: Labour Assistance Centres** may be established at international airports and other exit points in the country. The Labour Assistance Centres shall assist and facilitate the deployment and reception of overseas contract workers, monitor and provide appropriate advice to workers and foreign principals and employers on employment, travel and recruitment procedures.

Section 2. **EEU Clearance for Special Cases:** The EEU shall issue special clearances to non-contract workers possessing contract workers' passports and visas or work permits for the host country, subject to the guidelines formulated by the Administration for the purpose.

Section 3. **Coordination with Government Functionaries:** The LAC shall maintain close coordination with the Ministry of Internal Affairs, Ministry of Foreign Affairs, Uganda Tourism Board, and other appropriate government bodies in the discharge of its duties.

RULE XI

LEGAL ASSISTANCE AND ENFORCEMENT MEASURES

Section 1. **Acts Constituting Illegal Recruitment:** All recruitment activities as defined under Section 2 Rule 1of these Rules and all prohibited practices under the labour regulations of Uganda shall all constitute illegal recruitment activities.

Recruitment and placement activities of agents or representatives appointed by a licensee, whose appointments were not previously authorized by the Administrator, shall likewise constitute illegal recruitment.

Section 2. **Illegal Recruitment Programmes:** The Administration shall adopt policies and procedures, prepare and implement programs toward the eradication of illegal recruitment activities such as, but not limited to the following;

- a. Providing legal assistance to victims of illegal recruitment and related cases as well as recruitment violations, which are administrative or criminal in nature;
- b. Prosecution of illegal recruiters;
- c. Special operations such as surveillance of companies, establishments and entities found to be engaged in the recruitment of workers for overseas employment without having an operational license.

Whenever necessary, the Administration shall coordinate with other appropriate entities in the implementation of the said programmes.

Section 3. **Legal Assistance:** The Administration shall provide free legal service to victims of illegal recruitment and related cases as well as recruitment which are administrative or criminal in nature in the form of legal advice, assistance in the preparation of complaints and supporting documents, institutions or actions and whenever necessary, provide counselling assistance during preliminary investigations and hearings.

Section 4. **Filing of Complaints for Illegal Recruitment:** Victims of illegal recruitment and related cases as well as recruitment violations, which are criminal in nature, may file with the Administration a report or complaint in writing and under oath.

The complaint shall state the following, among others:

- a. The name/s and address/es of the complaint/s;
- b. The name/s and address/es of the alleged offender/s. Where the offender is a company, partnership or association, the officer/s responsible for the wrongdoing shall as far as practicable be individually and specifically named;
- c. The specific act/s and/or omissions complained of as constituting the offence;
- d. The date, place and approximate time when the alleged act/s and/or omission was/were committed;
- e. Amount extracted, if any, and place of payment; and
- f. Relief sought and such other allegations by way of particulars.

All pertinent documents in support of the complaint must be attached thereto, whenever possible. In the regions outside the national capital region, complaints involving illegal recruitment may be filed with the appropriate regional office of the department or with the centre or regional extension unit concerned with corresponding legal assistance and enforcement measures.

Section 5. **Action on the Complaint/Report:** Upon receipt of the complaint/report; the Administration shall be immediately docketed and numbered and thereafter referred for assignment and investigation. Where the complaint/report alleges that recruitment activities are ongoing, the necessary surveillance shall be conducted and on the basis of the findings.

The issuance of a closure order may be recommended to the Administrator if recruitment activities are confirmed. If on the basis of the investigation conducted, sufficient basis for institution of a criminal action against the offender/s is found, the case shall be immediately forwarded to the Administration for such action.

Section 6. **Surveillance:** The Administration, upon receipt of any information and/or complaint or on its own initiative may conduct surveillance on the alleged recruitment activities.

No surveillance may be conducted unless authorised by the Administrator, or duly authorised representatives.

Within two (2) weeks from the termination of the surveillance, the corresponding report duly supported by an affidavit on surveillance, shall be submitted to the Administration.

Section 7. ***Issuance of Closure Order:*** The Permanent Secretary or the Administrator or their duly authorised representatives, may conduct an ex-parte oral examination to determine whether the activities of a non-licensee constitute a danger to national security and public order, or will lead to further exploitation. For this purpose, the Permanent Secretary or the Administrator or their duly authorised representatives, may examine personally the complainant and/or their witnesses in the form of searching questions and answers and shall take their testimony of the complaints and/or shall be reduced in writing and signed by them.

If from the preliminary examination conducted or based on the findings and recommendations and affidavit or surveillance of the Administration or designated officer, the Permanent Secretary or the Administrator concerned is satisfied that such danger or exploitation exists, he/she may issue a written order of closure of the establishment being used in connection with the illegal recruitment.

In case of a business establishment whose license or permit to operate a business was issued by the local government, the Permanent Secretary shall likewise recommend to the granting authority the immediate cancellation/revocation of the license or permit to operate its business.

Section 8. *Implementation of Closure Order:* A closure order shall be served upon the offender or the person in charge of the establishment against which the complaint was made. The closure shall be effected by sealing the establishment and posting a notice of such closure in bold letters at a conspicuous place in the premises of the establishment. Whenever necessary, the assistance and support of the approved law enforcement agencies may be requested for this purpose.

Section 9. *Report On Implementation:* A Report on the implementation of the closure order executed under oath stating the details of the proceedings shall be submitted to the Administrator, as the case may be, within two (2) days from the date of implementation.

Section 10. *Institution of Criminal Action:* Any aggrieved person, may initiate the corresponding criminal action with the appropriate office.

Where a complaint is filed with the Administration and the same is proper for preliminary investigation, it shall cause the filing of the corresponding complaint with the appropriate Officer authorised to conduct the requisite preliminary investigation. The complaint to be filed shall be supported with a certification from the closure order, if any, and a report on the closure implementation thereof and other relevant documents. Whenever necessary and practicable, the Prosecution Division will provide the complainant/victim with counsel to assist in the prosecution of the offender/s. the Administration shall monitor all cases if initiated.

Section 11. *Motion to Lift A closure Order:* A motion to lift a closure order, which has already been implemented, may be entertained only when filed within fourteen (14) calendar days from the date of implementation thereof. The motion shall clearly state the grounds upon which it is based, attaching thereto the documents in support thereof. A motion to lift, which does not conform to the requirements herein set forth, shall be denied outright.

Section 12. *Who May File:* The motion to lift a closure order may be filed only by the following:

- a. The owner of the building or his duly authorised representative;

- b. The building administrator or his duly authorised representative;
- c. The person or entity against whom the Closure order was issued and implemented or his/its duly authorised representative; and
- d. Any other person or entity legitimately operating within the premises of the office which was closed/padlocked whose operations/activities are separate from the recruitment activities of the person/entity subject of the closure order and who would be unduly prejudiced by the continued closure of the said office.

Section 13. *Grounds for Lifting/Reopening Lifting of the Closure Order (CO) and/or Re-opening of the Office Closed or Padlocked may be Granted on any of the following grounds:*

- a. That the office closed or padlocked is not the office subject of the CO;
- b. That the contract of lease between the owner of the building or administrator, as the case may be covering the closed office/premises that were padlocked, has already been cancelled or terminated. The request or motion to re-open shall be duly supported by an affidavit of undertaking either of the owner of the building or the building administrator that the same will not be leased/rented to any other person/entity for recruitment purposes without the necessary approval from the Administrator.
- c. That the office which was closed/padlocked is likewise the office of the person/entity not otherwise connected with or participating directly or indirectly in illegal recruitment activities which was the basis of the CO sought to be lifted;
- d. Any other ground that the Administration may consider as valid and meritorious.

Lifting of a closure order shall not prejudice the filing of a criminal complaint with the appropriate office against the person/s alleged to have conducted illegal activities at the office/premises closed or padlocked.

Section 14. **Appeal:** The order of the Administrator denying the motion to lift may be appealed to the Office of the Permanent Secretary within ten (10) calendar days from service of CO.

Section 15. **Re-Closing/Re-Padlocking of Office Earlier Re-Opened:** Where an office was allowed to be re-opened upon any grounds hereinabove provided was subsequently confirmed to as being used for illegal recruitment activities again, the said office shall be closed/padlocked. For this purpose, a new CO shall be issued. In such cases, no motion to lift shall be entertained.

**PART III
PLACEMENT BY THE PRIVATE SECTOR**

**RULE I
ACCREDITATION OF PRINCIPAL AND REGISTRATION OF PROJECTS BY
LANDBASED AGENCIES/CONTRACTORS**

Section 1. ***Application for Accreditation of Principals:*** Only duly licensed agencies may file applications for accreditation of their principals or projects abroad.

Section 2. ***Requirement for Accreditation:*** An agency applying for the accreditation of its principals or projects shall submit the following:

- a. For a recruitment agency for its principals
 1. Standard or master employment contract;
 2. Special power of attorney/service agreement;
 3. Manpower request from a foreign principal indicating skills, wages and the number of workers needed; and
 4. Other documents which the Administration may find necessary.

Whenever required and determined by the Permanent Secretary, verification or authentication of documents for Accreditation of principals or projects shall follow the following:

- a. Verification of documents at the site of employment may be undertaken by the Labour Attaché or the Assistant Labour Attaché in his absence, or by the official at the Ugandan Embassy or the Ugandan foreign representative in the absence of a Ugandan Mission.
- b. Authentication of documents at the site of employment may be undertaken by the appropriate official of any of the designated Ministries/Office of the host countries.

Requirements for accreditation shall not be authenticated if basic documents are not signed by the authorised officials of both the hiring company and its affiliate in the presence of any member of the EEU or duly designated officers of the Administration.

Section 4. ***Parties to the Agreement:*** Accreditation may be granted only when the foreign signatory to the recruitment agreement with the applicant agent employer of the workers to be recruited. Foreign placement agencies may be accredited as principals if they are authorised to operate as such in their countries.

Section 5. ***Accreditation of Principals:*** A foreign principal or project shall be accredited to only one agency.

Section 6. ***Transfer of Accreditation:*** The accreditation of the principal may be transferred to another agency provided that transfer shall not involve any wages and benefits of workers.

The transferee agency in these instances shall comply with the requirements of accreditation and shall assume full and complete responsibility to all obligations of the principals to its workers originally recruited and processed by the former agency.

Prior to the transfer to accreditation, the Administration shall notify the previous agency and principal of such application.

Section 8. *Approval and Validity of Accreditation:*

The Administration shall issue to the agency an accreditation certificate for its principal or project after approval of the accreditation request.

Full accreditation shall be valid for a maximum period of two (2) years from the date of issuance, subject to renewal; Provisional accreditation may be granted for ninety (90) days for a principal or a project that meets the accreditation requirements substantially.

Section 9. *Revocation of Accreditation of a Principal or Project: Revocation of a principal or project* may be revoked by the Administration in any of the following cases:

- a. Upon request or notification by the principal or contracting partner;
- b. Upon request of the agency;
- c. False documentation or misinterpretation in connection with the application for accreditation; or
- d. Violation of applicable laws, rules and regulations on overseas employment.

Section 10. *Blacklisting of Persons, Principals and Contracting Partners:* Employers, principals and contracting partners including natural persons found violating contractual obligations to workers, agencies and/or violating rules and regulations on overseas employment or committing grave misconduct, shall be prohibited from participating in the overseas employment programme. For this purpose, the Administration shall advise the employer, principal or contracting party concerned including its Embassy/Consulate in the Ugandan government entities participating in this programme.

RULE II DOCUMENTARY PROCESSING

Section 1. *Recruitment Order:* Agencies which have selected workers for their accredited principals shall, as a pre-requisite for contract processing with Administration, submit for approval a recruitment order (RO) or as the cases may be, using the prescribed form which shall indicate inter-alia the wages and salaries of selected contract workers.

Section 2. *Documentary Processing.* Documentary processing shall commence upon presentation of the approved RO together with the copy of the contract signed between the worker and employer.

The Administration may impose such other processing requirements as may be necessary.

Section 3. **Payment of Processing Fees.** Payment of processing fees shall be made immediately after approval of the RO or the employment contract (EC). All payments shall be acknowledged by official receipts.

Section 4. **Failure of the Agency to Deploy a Worker: If the agency fails to deploy a worker within a period of one hundred twenty (120) days following receipt of the RO without valid reasons, such failure** shall be a cause for suspension or cancellation of license or fine to the agency; and the agency shall return all documents at no cost to the worker.

Section 5. **One-Stop Processing Centre:** The EEU as an inter-agency processing centre shall act as a one-stop servicing body to provide expeditious clearing system for contract workers and facilitate their deployment abroad.

PART IV PLACEMENT BY THE ADMINISTRATION

RULE 1.

RECRUITMENT AND PLACEMENT THROUGH THE ADMINISTRATION

Section 1. **Hiring through the Administration:** The Administration shall recruit and place workers primarily on government-to- government arrangements. It may also recruit and place workers for foreign employers in such sectors as policy may dictate. The Administration shall, among others:

- a. Administer programmes and projects that may support the employment objectives of the Administration; and
- b. Undertake to organise recruitment activities in districts.

Section 2. **Documentary Requirements from an Employer.** An employer hiring through the Administration shall submit the following documents:

- a. Work permit or visa assurance of workers, where applicable;
- b. Recruitment order which shall state the number and category of workers needed, compensation benefits, qualifications, guidelines and testing procedures;
- c. Model employment contract; and
- d. Other documents which the Administration may find necessary.

Section 3. ***Formalisation of a Recruitment Agreement:*** An employer hiring through the Administration shall be required to formalise a Recruitment Agreement and Attestation, which shall, among others, contain the following provisions:

- a. Responsibilities of the parties to the agreement;
- b. Selection and documentation procedures;
- c. Fee schedules and terms of payment;
- d. Manner and facilities for remittance of worker' salaries;
- e. Grievance machinery for workers; and
- f. Validity and revocation of the Agreement.

The standards and requirements set by the Administration for the recruitment and placement of workers shall apply to hiring through the Administration.

Section 4. ***Recruitment and Placement of Workers:***

- a. **Interview and Selection.** An employer hiring through the Administration shall select workers from the manpower pool developed and maintained by the Administrator;
- b. **Medical Examination.** Selected workers shall undergo and pass a standard pre-employment medical examination conducted by a duly accredited medical practitioner;
- c. **Travel Arrangements.** The employer may assume the full cost of worker's transportation after formal arrangement has been agreed to;
- d. **Orientation.** Before departure for the worksite, hired workers shall undergo the required Pre-Departure Orientation Seminar (PDOS).

Section 5. ***Documentation of Workers:***

- a. **Contract Processing.** Workers hired through the Administration shall be issued the following documents:
 - (1) Individual Employment Contract duly signed by the employer or his/her authorised representative or Administration where appropriate;
 - (2) Such other documents as may be necessary for the travel.
- b. **Passport Documentation.** The Administration may secure directly the selected worker's passport from the Department of Immigration.
- c. **Visa Arrangements:** The Administration may assist employers and selected workers secure their visas from the appropriate Embassies.

RULE II.

NAME HIRES.

Section 1. **Name Hires:** Individual workers who are able to secure contracts for overseas employment on their own without the assistance or participation of agencies shall be processed by the Administration.

Section 2. **Ban on Direct Hires:** No employer may hire Ugandan workers for overseas employment except through the Administration or agencies licensed by the EEU. Direct hiring by workers of the diplomatic corps and/or international organisations is prohibited.

PART V

MARKET DEVELOPMENT AND FORMULATION OF EMPLOYMENT STANDARDS

RULE I

MARKET DEVELOPMENT

Section 1. **Market Development:** The promotion and development of employment opportunities abroad shall be under taken by the Administration in cooperation with other government agencies and the private sector, through organised market research and promotion activities and services.

Section 2. **Market Research and Planning:** The Administration shall undertake market development, which shall include:

- a. Conduct of continuing market situation assessments and special market studies on competition, wages and working conditions, among others; and
- b. Formulation and implementation of appropriate marketing strategies.

Section 3. **Market Promotions:** The Administration shall undertake, among others, a comprehensive **manpower marketing strategy** through:

- a. Dispatch of marketing missions abroad;
- b. Development and promotion of programmes or arrangements that would encourage the hiring of Ugandans in organised or corporate groups as well as government arrangements;
- c. Pursuance of bilateral labour agreements with existing/prospective host countries of Ugandan manpower,
- d. Promotion and advertising in appropriate media and development of support communication materials;
- e. Client referral to the private sector; and
- f. Establishment and maintenance of effective linkages with other government agencies including Ugandan Missions abroad or corps of labour recipient

governments directly or through their Embassies, foreign employers, the local private recruitment sector, and other organisations.

RULE II

FORMULATION OF EMPLOYMENT STANDARDS

Section 1. ***Employment Standard:*** The Administration shall determine, formulate and review employment standards in accordance with the welfare objectives of the overseas employment programme and the prevailing market conditions.

Section 2. ***Minimum Provisions for Contract:*** The following shall be considered the minimum requirements for contracts of employment:

- a. Guaranteed wages, for regular working hours and overtime pay for services rendered beyond regular working hours in accordance with the standards approved of the Administration;
- b. Free emergency medical and dental treatment facilities;
- c. Just cause for the termination of the contract or of the services of the workers;
- d. Workers compensation benefits and war hazard protection;
- e. Repatriation of workers remains and properties in case of death to the point of hire, or if this is not possible under the circumstances, the proper dispatch upon prior arrangement with the worker's next-of-kin and the nearest Embassy or Consulate.
- f. Assistance in the remittance of worker's salaries, allowances or allotments to his/her beneficiaries; and
- g. Free and adequate lodging facilities or compensatory food allowance at prevailing costs of living standards in the jobsite.

Section 3. ***Standard Employment Contract:*** The Administration shall under take development and/or periodic review of regional, country and skills as specified in the employment contracts for standard employment contracts (SEC) for Ugandan migrant workers. These contracts shall provide for minimum employment standards herein enumerated under this Rule and shall recognise the prevailing labour and social legislations at the site of employment and international conventions. The SEC shall show terms and conditions of employment. All employers and principals shall adopt the SEC in connection with the hiring of workers without prejudice to their national terms and conditions of employment over and above the minimum standards of the Administration.

PART VI
RECRUITMENT, VIOLATION AND RELATED CASES

RULE I

JURISDICTION AND VENUE

Section 1. ***Jurisdiction:*** The Administration shall exercise original and exclusive jurisdiction to hear and decide all pre-employment cases, which are administrative in character, involving or arising out of violation of recruitment laws, rules and regulations including money claims arising therefrom or violation of the conditional issuance of license to recruit workers.

Section 2. ***Grounds for suspension/cancellation of license:***

- a. Charging, imposing or accepting directly or indirectly any amount of money, goods and services, or any fee or bond for any purpose whatsoever employment is obtained for an applicant worker or where the fee charged is excessive or contrary to what is prescribed by the Permanent Secretary responsible for Labour and Employment.
- b. Engaging in act/s of misrepresentation, in relation to recruitment and placement of workers, such as publication or advertisement of deceptive notices or information or submission for processing of documents which are fraudulent or containing false information;
- c. Including or attempting to induce an already employed worker to transfer from or leave his/her employment for another unless the transfer is designed for workers from oppressive terms and conditions or employment;
- d. Influencing or attempting to influence any person or entity not to employ any worker who has applied for employment through his agency;
- e. Obstructing or attempting to obstruct inspection by the Permanent Secretary, the Administrator or their duly authorised representatives;
- f. Substituting or altering employment contracts and other documents approved and verified by the Administration from the time of actual signing between parties up to and including the period of expiration of the same without Administration's approval;
- g. Failure to file reports as may be required by the Administration;
- h. For the owner, partner, or officer/s of any licensed agency to become an officer or member of the Board or any company or partnership engaged indirectly in the management of travel agency;
- i. Unreasonable withholding or denying travel or other pertinent documents from workers for monetary consideration or reasons other than those a under the Code and its implementation rules and regulations;
- j. Engaging in recruitment activities in places other than those specified in the licence without prior approval from the Administration;
- k. Appointing or designating agents, representatives or employees without prior approval from the administration;
- l. Falsifying or altering travel documents;
- m. Deploying workers whose employment and travel documents were not processed by the Administration;

- n. Publishing or causing the publication of overseas job vacancies in violation of the prescribed rules;
- o. Failure to deploy workers within the prescribed period without valid reason;
- p. Disregard of lawful orders, notices and other processes issued by the Administration;
- q. Coercing workers to accept prejudicial arrangements in exchange for certain benefits that rightfully belong to the workers;
- r. Withholding of workers' salaries or remittances without justifiable reasons;
- s. Violation of other pertinent provisions of the Code and other relevant laws, rules and regulations, guidelines and other issuances on recruitment and placement of workers for overseas employment and the protection of their welfare; and
- t. Committing any other acts similar or analogous to the foregoing.

Section 3. *Grounds for Revocation of Licence:*

- a. Violation/s of the conditions of License;
- b. Engaging in act/s of misrepresentation for the purpose of securing a license or renewal thereof, such as giving false testimonies or falsified documents;
- c. Engaging in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of Uganda;
- d. Incurring an accumulated three (3) counts of suspension by an agency based on final and executory orders within the validity period of its license.

Section 4. ***Venue:*** Any complaint/report involving violation of recruitment laws and regulations, violation of the terms and conditions for the grant and license to recruit workers for overseas employment and violation of pertinent conditions of the Code, its implementing rules and regulations.

**RULE II
FILING OF COMPLAINTS**

Section 1. ***Who May File:*** Any person may file a complaint in writing and under oath for the suspension or cancellation of the license of any agency by the Administration.

The Administration on its own initiative or upon filing of a complaint or report for the investigation by any aggrieved person, shall conduct the necessary proceedings for the suspension or cancellation of the license of any agency.

Section 2. ***Caption and Title:*** The complaint shall be filed in accordance with the following options:

- a. For recruitment violation(s) and related cases filled with the Administration –

In the matter of Violation of Recruitment Rules & Regulations Implementing the Labour Code,

- Versus -

EEU Case No.
(M)

.....
Respondent/s.

Section 3. *Contents of Complaint/Reports shall be under oath and must contain, among others, the following:*

- a. The name/s and address/es of the complainant/s;
- b. The name/s and address/es of the respondent/s;
- c. The nature of the complaint;
- d. The substance, cause/grounds of complaint;
- e. When and where the action complained of happened;
- f. The amount of claim, if any;
- g. The relief/s sought.

All pertinent papers, or documents in support of the complaint must be attached whenever possible. The complaint shall be under oath, and shall be authenticated by any officer authorised by law.

Section 4. ***Docket and Assignment of Cases:*** Complaints duly received shall be docketed and numbered and shall be raffled off to Hearing Office Administration.

**RULE III
ACTION UPON THE COMPLAINANT**

Section 1. ***Answer/Counter Affidavit:*** Upon receipt of the complaint, the Administration shall issue a show cause order directing the respondent/s verified Answer/Counter-Affidavit within ten (10) calendar days and not a Motion to Dismiss, incorporating therein all pertinent documents in support of defence, and attaching thereto proof of service of a copy thereof upon the complainant/s. The answer shall be deemed filed with the date of receipt thereon, if filed personally, or on the date stamped on the envelope filed through registered mail.

Section 2. ***Failure to File Answer/Counter-Affidavit:*** Failure to file answers within 10 days of receipt of complaints and without a waiver on the part of the respondent, the hearing /investigation shall proceed ex-parte.

Section 3. ***Service of Subpoena Duces Tecum and Subpoena Ad Testificandum:*** The Administration shall issue subpoena duces tecum. The process server who personally served the subpoena duces tecum and/or subpoena ad testificandum, notice, order, resolution or decision shall return within five (5) calendar days from the date of his/her service, thereof, stating legibly in his/her return his/her name, the mode/s of service, the name/s of person/s served and the date of his service,

when it was effected, the serving officer shall state the reason therefore. The return shall form part of the records of the case.

Section 4. ***Failure or Refusal to Obey Subpoena Duces Tecum and Subpoena Ad Testificandum:*** The license of an agency who fails or refuses to obey a subpoena and testificandum shall be suspended until compliance of the directive of this Administration.

This is without prejudice to the outcome of the investigation wherein the proper penalty may be imposed.

Section 5. ***Proof and Completeness of Service:*** The return is *prima facie* proof of the facts service. Service by registered mail is complete only after receipt by the addressee or agent; but if the addressee or agent fails to claim his/her mail from the Post Office within five (5) calendar days from date of notice of the postmaster, service shall take effect after such time.

Section 6. ***Motion for Extension:*** Only one motion for extension of time to file Answer/Counter-Affidavit shall be allowed. The Hearing Officer on receipt of such motion may, upon meritorious grounds, grant a non-extendible period not exceeding ten (10) calendar days. Ruling of the hearing on motion for extension shall be sent by personal service or by courier service or by registered mail.

Section 7. ***Authority to Initiate Clarifying Questions:*** At any stage of the proceedings and prior to the submission by the parties of the case, the Administration may initiate clarifying questions to further elicit facts or information, including but not limited to the subpoena of relevant document evidence.

Section 8. ***Summary Judgement:*** Should the Hearing Officer find upon consideration of the answers, counter-affidavits and evidence submitted, that a final resolution/decision may be rendered thereon, the case shall be deemed submitted.

Section 9. ***Nature of proceedings:*** The proceedings shall be non-litigious in nature, subject to the requirements of due process; the technicalities of procedure and the rules obtaining in the courts of law shall not strictly apply thereto. The Hearing Officer may avail him/herself with all means the fact of the case, including ocular inspection, where appropriate, and examination of informed persons.

Section 10. ***Effects of Withdrawal:*** The withdrawal of the complaining witness shall not bar the Administration from proceeding with the investigation on recruitment violation/s. The Administration shall act on the case as may be merited by the results of the investigation and such penalties on the erring agency as may be deemed appropriate.

Section 11. ***Resolution of the Case:*** The Hearing Officer shall, within thirty (30) calendar days from submission of the case, submit its recommendation to the Adjudications Office of the EEU.

Section 12. **Who may Issue Orders/Resolutions:** Only the Permanent Secretary or his/her duly designated representative may issue cancellation or revocation. Orders of suspension of license or the lifting of preventive suspension or suspension of documentary processing shall be signed by the Administrator and in his/her absence by his duly designated Officer-in-charge.

All other orders or resolution shall be signed by the Director, Adjudication Office, EEU.

Section 13. **Contents of Orders/Resolutions:** Orders/Resolution issued by the Administration shall be clear and concise and shall include a brief of the following:

- a. Facts of the case;
- b. Issue/s involved;
- c. Applicable law/s or rule/s
- d. Conclusions and reasons therefore; and
- e. Specific remedy/remedies or relief/s granted for imposable sanction/s.

Section 14. ***Suspension of Documentary processing***: The Administration may order the suspension of the processing of documents pertaining to a respondent agency or any of the grounds for violation of any provision of these Rules, EEU Orders, Rules and Regulations. This is without prejudice to the outcome of the investigation.

Section 15. ***Suspension of License pending investigation***: Pending resolution of the recruitment violation/s and upon notice, the license of the respondent agency may be suspended for a period not exceeding the impossible penalties under the schedule of penalties on the following grounds:

- a. That there exists reasonable grounds to believe that the continued operation of the agency will lead to further violation or exploitation of the worker recruited or adversely affect friendly relations with any country or otherwise prejudice national interest; and
- b. There is a prima facie evidence of a case for violation of the code, its implementing rules and regulations or any issuance of the Administration and that the evidence of culpability is strong.

The Administrator may issue an order lifting or modifying the order of preventive suspension as the circumstances may warrant.

Section 16. ***Suspension/Cancellation of License***: Orders of suspension/cancellation shall be imposed in accordance with the schedule of penalties promulgated by Administration.

Section 17. ***Fines***: The Permanent Secretary or the Administrator may impose fines.

The Permanent Secretary may also impose additional fines for failure to comply with a final order.

Section 18. ***Restraining Orders***: The order/s of suspension shall become effective immediately unless a restraining order (RO) is obtained from the Office of the Permanent Secretary.

Motions for issuance of a RO shall be filed with the Adjudication office of the EEU.

Section 19. ***Effects of Orders of Suspension/Cancellation or Revocation***: An order of suspension/cancellation or revocation shall have the suspending or terminating of all the activities of the agency, which fall under the definition of recruitment and placement. The administration may solicit the assistance of other government institutions, agencies or offices to ensure that suspension or cancellation orders are implemented.

RULE IV REVIEW

Section 1. ***Jurisdiction***: The Permanent Secretary shall have exclusive jurisdiction to review recruitment violation cases and other related cases decided by the Administration *motu proprio* or upon petition of party/parties in interest.

Section 2. ***When to File***: Petitions for review shall be filed within ten (10) calendar days from receipt of the Order by the parties:

All Motions for Reconsideration shall be treated as a petition for review.

Section 3. ***Effects of Filing a Petition for Review***: The filing of a petition for review shall not automatically stay the execution of the order of suspension unless restrained by the Permanent Secretary.

RULE V EXECUTION OF ORDERS

Section 1. ***Issuance of Writ of Execution***: After the order has become final and executory, the Administration shall, upon motion of the party issue a writ of execution requiring the Enforcement officer to execute the same.

Section 2. ***Issuance, Form and Contents*** of a writ of execution must issue in the name of the Republic of Uganda, the name of the Enforcement Officer to execute the Orders of the Administrator or the Permanent Secretary or his duly authorized representative as the case may be.

The writ of execution must contain the disparities portion of the orders or awards sought to be executed and must require the Enforcement Officer to serve the writ upon the losing party or upon any other person required by law to obey the same before proceeding to satisfy the judgment in the following manner out of the cash bond and/or escrow deposit or where applicable, the surety bond, the personal property, then out of his/her real estate/property, for refund of money claims.

Claims

A writ of execution shall not be necessary for the enforcement of orders for the return of travel and other related documents. A copy of the order served upon the losing party or upon any other required by law to obey such order is sufficient.

The writ of execution shall be valid and effective for a period of sixty (60) calendar days from issuance thereof.

Section 3. **Enforcement of Writs:** In executing an Order, the Enforcement Officer shall be guided strictly by the Manual of Instructions for Enforcement Officers of the EEU which shall form part of these Rules.

Section 4. **Garnishment:** In cases where several writs of execution are issued against the same agency, enforcement of the same through garnishment cash, bond and/or escrow or through surety bond shall be on a “first-come, first-served” basis. The order of garnishment that is first served on the Accounting Division and/or the Trustee Bank of the Administration or the Security Bonding Company shall be satisfied first irrespective of the date of filing the case or the date of the decision or date of issuance of writ of excursion. The cash bond, escrow or surety bond shall be pro-rated among the claimants and served simultaneously.

Section 5. **Return of Writ of Execution:** The person serving the writ of execution shall submit his/her return immediately, but not exceeding sixty (60) days from the date of issuance thereof. The return shall state the mode/s of service, the name/s of the person/s served and the date/s of receipt. The returned service slip shall also indicate legibly the full name of the serving officer. The return shall form part of the records of the case.

.....
Complainant/s

*-Versus- EEU Case

(M)
.....
Respondent/s

.....

- a. For an employer-employee relations case with recruitment violations

Republic of Uganda
External Employment Unit
Adjudication Office

.....

Complainant/s

-Versus-

.....
Respondent/s

x.....x
c. for disciplinary cases

Republic of Uganda

External Employment Unit
Adjudication Office

.....
Complaint/s

*-Versus- EEU Case No.
(M)

Respondent/s

x-----x
c. for disciplinary cases

Republic of Uganda

External Employment Unit
Adjudication Office.

.....
Complainant/s

*-Versus- EEU Case No.

c. for case/s originating from the Regional Offices.

Republic of Uganda

External Employment Unit
Adjudication Office

Complaint/s

-Versus- RO Case No.

(M)

Respondent/s

x-----x

All pertinent papers or documents in support of the complaint must be attached whenever possible.

Section 4. ***Docketed and Assignment of Cases:*** Complaints duly received shall be raffled off to Hearing Officers of the EEU Adjudication Office.

Section 5. ***Service of Summons:*** Upon receipt of the complainant, the Administration shall issue Summons against the respondent/s, attaching therewith details of complaint and its supporting documents, if any, and require the respondent/s to file an Answer and not a Motion to Dismiss, within ten (10) calendar days of receipt of the complaint.

The process server who personally served the summons, notice, order or resolution shall submit his/her return, his/her name, the mode/s of service, the name/s of the other person/s offered and the date/s of receipt. If no service is done, the serving officer shall state the reason/s therefore. The return shall form part of the records of the case.

Section 6. ***Proof and Completeness of Service:*** The return is *prima-facie proof* of the facts stated therein. Service by registered mail is complete upon the addressee or agent; but if the addressee or agent fails to claim his/her mail from the post office within five (5) calendar days from date of last notice, postmaster service shall take effect after such time.

PART VII WELFARE AND EMPLOYMENT SERVICES

RULE I ASSISTANCE TO WORKERS

Section 1. ***Responsibility to Assist Workers:*** Agencies shall ensure that workers they deploy overseas are amply protected and their interest and well being are promoted. Agencies shall be responsible for the faithful compliance by their foreign principals of all obligations under the employment contract and therefore be liable for any and all violations of the contract.

Section 2. ***Request for Assistance:*** The Administration shall take cognisance of overseas employment from the country and/or his family.

Section 3. ***Responsibility of Providing a Pre-Departure Orientation Seminar:***

It shall be the responsibility of every licensed agency to provide each worker it sends overseas a thorough Pre-Departure Orientation Seminar (PDOS) in compliance with the provisions of this Rule.

The conduct of PDOS shall be limited to accredited entities into the following categories:

- a. Licensed agency with such an average annual deployment as may be determined by the Administration and with a previously accredited PDOS
- b. Association of licensed agencies;
- c. Non-government organisations (NGOs) with special interest and concerns for overseas contract workers;
- d. Other persons/entities as may be allowed by the Administration; and
- e. Embassies, Consuls or Diplomatic Attaches of countries where workers are to be deployed.

Section 4. ***Cost of PDOS:*** Attendance by a worker in the PDOS shall form part of the package of placement services already paid for by either the worker through his/her placement or by the employer or principal.

Section 5. ***Review and Approval of PDOS Programmes and Tie-Ups and Accreditation of PDOS Trainers:*** All pre-departure orientation seminar programmes, PDOS programme tie-ups and trainers shall be reviewed, screened and approved by the Administrator and tie-ups which meet the requirements and trainers who pass the qualification standards of the Administration shall be given accreditation.

Section 6. ***Supervision and Monitoring of PDOS Activities;*** The Administration shall supervise and monitor the PDOS activities of accredited agencies. The PDOS venue of every agency shall be subjected to inspection and/or spot check inspections as often as the Administration deems it proper.

Section 7. ***Submission of PDOS Reports.*** Agencies shall submit to the Administration an advance monthly schedule of their pre-departure orientation report which shall include seminars held the previous month indicating the names of the facilitators, workers/participants, the date of PDOS and the countries of destination.

Section 8. ***Certificates of Attendance:*** Workers who complete the PDOS shall be issued certificates of attendance. The copies of certificates of attendance shall be submitted to the Administration.

Section 9. ***PDOS for EEU-Placed Workers:*** The Administration shall provide PDOS to workers placed overseas through its own facility.

Section 10. ***Other Related Programmes and Activities:*** The Administration shall deploy and implement other programmes and activities in support of PDOS. The Administration may undertake a trainers' training for agencies and advance programmes designed to equip workers with the necessary skills to adapt to changes in environment.

Section 11. ***Sanctions:*** Violation of any of the provisions of this Rule shall be subject to sanctions.

Section 12. ***Agency Manpower Pool:*** An agency may establish its own manpower pool in support of its marketing programme provided no fee shall be charged to the worker for membership to the manpower pool.

Section 13. ***Disqualification from the manpower Registry:***

- a. Submission of fake documents;
- b. Breach of the code of discipline for Ugandan migrant workers;
- c. Tampering with documents issued by the Administration such as registration card, history cards and other forms used in registration, and
- d. Other grounds that may be determined by the Administration.

RULE V
MANPOWER RESEARCH AND DEVELOPMENT

Section 1. **Research Studies:** The Administration in coordination with other entities shall conduct periodic researches and studies in labour supply especially if it relates to the range and scope of demandable and critical skills for overseas employment including but not limited to international standards and technical development programmes, migrant workers and for developing guidelines to regulate the outflow of critical skills especially in essential services and industries indispensable to the national interest.

Section 2. **Manpower Development Programme for Overseas Workers:** In order to rationalize the supply of qualified manpower for overseas employment, the Administration shall identify/develop training programmes and enlist the participation of both government and the private sector to undertake such programmes that are on demand overseas.

Section 3. **Developing of training standards.** On the basis of such research studies, the Administrator shall coordinate with both private entities and agencies and employers concerned in the formulation of accreditation and training standards.

Section 4. **Implementation, Supervision and Regulation of Training Programmes for Overseas Employment:** The Administration shall implement, regulate and supervise the conduct of training programmes for overseas contract workers.

RULE VI.
CODE OF DISCIPLINE FOR OVERSEAS CONTRACT WORKERS

Section 1. **Obligation of Overseas Workers:** It shall be the obligation of every Ugandan overseas worker to abide by the terms and conditions of contract and to behave in the best manner and tradition of a Ugandan and to observe or respect the laws, customs, morals, traditions and practices of the country which she or he is working. It shall also be his/her obligation to abide with the requirements on remittance of earnings as well as to provide material help to his/her family of his/her overseas employment:

a. Duty to family:

- 1) To provide ample financial and moral support to his/her family in Uganda; and
- 2) To communicate with his/her family as often as he/she can and make his/her presence felt just as if when he/she is around.

b. Duty to fellow contract workers:

- 1) To assist and cooperate with other contract workers working in the same site; and
- 2) To restrain from degrading a colleague in order to get a position or rank or from putting a fellow worker in bad light before his/her colleagues or superiors.

c. Duty to country:

- 1) To uphold the ideals of the Republic of Uganda and to defend it, if warranted;
- 2) To abide by the rules and regulations aimed at promoting the workers interest and enhancing national gains, and
- 3) To be the Ambassador of Goodwill, projecting only the good in Ugandan and restrain from tarnishing Uganda's image abroad.

d. Duty to agency and/or employer.

- 1) To provide the agency and/or employer with correct and true statements/certifications regarding his/her skills, experience and qualifications;
- 2) To understand and abide with the terms and conditions of the employment contract;
- 3) To maintain a high level of productivity as well as abide by company rules and regulations; and
- 4) To refrain from committing acts which are detrimental to the interests of his/her employer, agency during his/her documentary processing and employment.

e. Duty to host country:

1. To respect the morals, customs and traditions of the host country; and
2. To respect and obey the laws of the host country.

RULE VIII
FOREIGN EXCHANGE REMITTANCE

Section 1. ***Choice to Remit:*** A contract worker may remit to his/her beneficiary in Uganda such percentage of his/her earnings as s/he may decide and have the same exchanged for Shillings through the Ugandan banking system.

Section 2. ***Obligation to Report:*** Agencies shall submit periodic reports to Bank of Uganda on their foreign exchange earnings and such information also shall be furnished the Administration. The EEU shall establish, maintain and regularly update a database on agencies' foreign exchange payments resulting from their overseas transactions such as service fees, airfares and others. Silent features of this database, research findings, policy changes and any other information will be widely published and disseminated especially on the EEU website.

**PART VIII
GENERAL AND MISCELLANEOUS PROVISIONS**

Section 1. **Authority to Administer Oaths:** The Administrator, or any person designated by him/her to handle cases or disputes, shall have authority to administer oaths and require the attendance of witnesses or the production of any book, paper, correspondence, memoranda and other documents relevant to a complaint case or inquiry.

The Administrator may also designate any EEU office of employee to administer oath on matters pertaining to the filing and receiving complaints as well as of decisions, orders or resolutions of the Administration.

Section 2. **Consolidation of Cases** Where there are two (2) or more cases pending before different Hearing Officers, involving the same respondent, the case, which was filed, last may be consolidated with the first to avoid unnecessary costs or delay. Such cases shall be handled by the Hearing Officer to whom the first case was assigned.

Section 3. **Prescription:** All money claims arising from the acts or wrongs enumerated in Section 1, Rule 1 of Part VI, shall be barred if not commenced by Administration within three (3) years after such cause of action accrued.

Likewise, disciplinary action shall be barred if not commenced or filed within the Administration without three (3) years of such action having occurred.

Section 4. **Construction:** These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labour Code of Uganda, to overseas employment and to assist the parties in obtaining just, expeditious and inexpensive settlement of disputes.

Section 5. **Reparability Clause:** The provisions of these Rules and Regulations are declared to be separable and if any provision or the application is found to be invalid or unconstitutional, the validity of the other provisions shall not be affected.

Section 6. **Repealing Clause:** All policies, issuances, rules and regulations inconsistent with these Rules are hereby repealed or modified accordingly.

Section 7. **Effectively:** These rules shall take effect fifteen (15) days from publication in newspapers of general circulation.