

► Policy Brief

Registration, licensing, and inspection mechanisms of legislative frameworks for Uganda, Kenya, and Ethiopia

► Background

This research identifies key findings and recommendations to guide Employers' Business Membership Organizations (EBMOs) in advocating for improved labour migration regulatory frameworks, specifically enhanced registration, licensing, and inspection mechanisms in the East and Horn of Africa. This brief draws on three labour migration corridor studies to inform its recommendations. The studies focus on Ugandan domestic workers in Saudi Arabia, Kenyan migrants in Somalia's education sector, and Ethiopian hospitality employees in South Sudan. The corridor studies provide valuable insights, identifying key themes across labour migration corridors, as presented in this brief. EBMOs are advised to consult the brief in conjunction with the corridor studies for a comprehensive understanding.

The research questions were:

1. What is the stakeholder engagement flow for a typical migration experience, differentiated by sex where applicable?
2. What stakeholders and stakeholder interactions pose critical risks, challenges, and opportunities throughout the migrant journey?
3. What are employers' perspectives on the stakeholder risk and opportunity analysis?
4. What lessons and recommendations can inform EBMOs' national and regional strategies to mitigate critical risks and capitalize on opportunities, particularly in employer services and policy advocacy?

The researchers interviewed stakeholders from EBMOs, government officials, private recruitment agencies, and employers of migrant workers.

Data analysis used a matrix approach, a proven method of organising data entry and qualitative analysis data. The researchers regularly reviewed, synthesized, and analyzed data using Microsoft Excel spreadsheets. This enabled the condensation, filtering, and aggregation of narrative data to identify patterns, trends, and outliers relevant to the research questions and focus areas. This process allowed for triangulation of findings through examination of the same issues from diverse stakeholder perspectives.

► Key Findings

The main findings across the corridors examined are presented below.

1

The absence of comprehensive national policies detailing recruitment agency registration, licensing, and inspection processes, as well as adequate resourcing, constitutes a critical barrier to safe and sustainable labour migration.

Uganda's Employment Regulations, 2021, stipulate that national recruitment agencies are fully liable for the well-being of migrant workers abroad. However, limitations exist due to insufficient resources for effective monitoring and enforcement, inadequate coordination among ministries, governments, civil society organizations, and private sector stakeholders, and stringent regulatory demands that hinder recruitment agencies' ability to meet client timelines and increase operating costs.

2

The absence of bilateral labour migration agreements between origin and destination countries fuels irregular migration, leaving lower-skilled workers vulnerable to trafficking and exploitation.

Among the corridors examined, only Uganda and Saudi Arabia have a bilateral labour agreement. There is no evidence of pending bilateral labour migration agreements between Kenya-Somalia and Ethiopia-South Sudan. The absence of harmonized recruitment regulations and monitoring coordination between national governments perpetuates a dysfunctional labour migration environment. In the absence of bilateral agreements that benefit migrant workers, recruitment agencies, and employers, migrant workers resort to irregular migration channels operated by human smugglers and traffickers to access destination countries.

3

Inter-ministerial inefficiencies in registration and licensing procedures prolong the recruitment cycle, negatively impacting the revenue stream of private recruitment agencies.

The absence of a robust national labour migration policy across all corridors hinders the availability, accessibility, and quality of regular migration pathways. Furthermore, the presence and role of formal recruitment agencies in labour migration are critical. However, governments' reliance on private recruitment agencies for monitoring and inspection services — as seen in countries like Somalia and Uganda — poses a risk to migrant worker safety. The quality and quantity of services provided are contingent on their available revenue pool.

► Recommendations

This section outlines time-bound recommendations for EBMOs.

#	Recommendation
Strengthening labour market integration of migrant workers at the national level	
1	To achieve this, governments must prioritize establishing robust labour market information systems to collect accurate and up-to-date data on labour market demands, skills gaps, and future workforce needs. This will support evidence-based decision-making and ensure that labour market integration balances migrant workers' well-being and economic development goals. Specifically: 1. Inter-Agency Coordination: Foster proper coordination and networking among inter-agencies to harmonize skills development. 2. Recognition Agreements: Develop more bilateral and regional agreements on recognition of diplomas, skill certification and validation of prior learning, ensuring acknowledgement of universal work certificates in both destination and origin countries. 3. Public-Private Partnerships: Enhance Public-private partnerships and collaboration, reflecting employers' views to improve skills development, skills certification, recognition and matching. 4. Technology Integration: Leverage technology in data collection, analysis and skill matching of demand and supply.
2	Establishing mechanisms for recognizing foreign qualifications and skills is crucial for facilitating the recruitment and employment of skilled migrant workers. This involves creating transparent systems for evaluating and verifying qualifications, ensuring that employers can effectively assess potential employees' capabilities. Key Recommendations: 5. Remove Labour Restrictions: Abolish restrictions on the free movement of labour in line with Article 10 of the EAC Common Market Protocol, eliminating nationality-based discrimination in employment, remuneration and working conditions. Review and Align Laws: Review immigration, employment and migration laws and policies to align with the EAC Common Market Protocol. 6. Harmonize fees and Procedures: Standardize fees, classification, and procedures for work and residence permits and forms as stipulated in the Common Market Protocol, including rights of establishment and business. 7. Strengthen the National Coordination: Enhance the National Coordination Mechanism on Migration (NCM) to improve inter-ministerial and inter-agency coordination in labour migration policy management and implementation, including finalizing the draft National Policy Framework and Strategy.
Strengthening Recruitment Legislative Frameworks	
3	Review and update existing legislation to effectively address recruitment industry challenges, including designated funding. This entails clarifying recruitment agencies' roles and responsibilities, outlining prohibited practices, and establishing penalties.
4	Offer training programmes for government officials regulating recruitment agencies, enhancing knowledge of relevant laws, investigative techniques, and enforcement procedures.
Monitoring and Remedies	
5	Given the evolving national and bilateral policy landscape, the ILO should conduct in-depth research on labour migration policies and their impact.