

► Policy Brief

Legislative frameworks on complaints and remedy procedures for Uganda, Kenya, and Ethiopia

► Background

This brief outlines key findings and recommendations for Better Recruitment and Migration Management (BRMM) stakeholders to strengthen complaints and remedy procedures in the East and Horn of Africa. Drawing from three in-depth labour migration corridor studies, the brief provides valuable insights into enhancing migration governance. The studies focus on specific labour migration corridors, including the migration of Ugandan domestic workers to Saudi Arabia, Kenyan migrants in Somalia's education sector, and Ethiopian hospitality employees in South Sudan. The corridor studies serve as the evidence base for identifying key themes across labour migration corridors, presented herein. For a deeper understanding, readers are advised to consult the brief in tandem with the respective corridor studies.

The research questions of the corridor studies were:

1. **What is the stakeholder engagement process throughout a migrant's journey, and how does it differ by gender where relevant?**
2. **What stakeholders and stakeholder interactions present critical risks, challenges and opportunities in the migrant journey?**
3. **What are employer perspectives on the stakeholder risk and opportunity analysis?**
4. **What are the lessons and recommendations for Employers and Business Member Organisations (EMBOs) to address critical risks and opportunities at the national/regional level, with an assumed focus on employer services and policy advocacy?**

The researchers conducted interviews with stakeholders from EBMOs, government ministry officials, private recruitment agencies, and employers of migrant workers.

Data analysis employed a matrix approach, a proven method for organizing and analyzing qualitative data. The researchers regularly reviewed, synthesized, and analyzed data using Microsoft Excel spreadsheets. This enabled:

- Condensing of narrative
- Filtering, and aggregation of data
- Identifying patterns, trends, and outliers related to research questions and corridors.

This analysis allowed triangulation of findings by examining issues through diverse stakeholder perspectives.

► Key Findings

The corridor studies yielded the following key findings:

1

Migrant workers' access to complaints and remedy mechanisms hinges on the financial resources and staffing of recruitment agencies and embassies.

In Uganda, the government mandates recruitment agencies and the embassy in Riyadh to conduct workplace inspections and receive migrant worker complaints. These private recruitment agencies in Somalia have experience mediating and resolving workplace grievances between Kenyan migrant employees and employers. However, they lack legal and financial backing to operate at scale. In South Sudan, budgetary limitations and data gaps hinder ministerial labour inspectors' ability to inspect and follow-up on labour complaints filed by migrant workers.

2

The absence of comprehensive national and bilateral regulatory policies on labour migration forces migrant workers to resort to irregular channels which lack effective complaint and remedy mechanisms.

Ugandan workers bypass the complex regular migration pathway, opting for informal migration channels to facilitate their movement and employment in Saudi Arabia. Consequently, migrant workers in transit and in Saudi Arabia lack access to official complaint and remedy procedures. Furthermore, in the Kenya-Somalia corridor, informal intermediaries exploit migrant workers with relative impunity, due to government budgetary and data constraints that hinder effective labour monitoring and inspection.

3

In corridors with limited recruitment agency presence, receiving companies typically assume responsibility for the entire labour migration process, encompassing recruitment, employment, and dissemination of information on labour rights, standards, and grievance mechanisms.

Employers in Somalia's education sector recruit, contract, and transport Kenyan teachers, often neglecting to inform them about workplace standards and employee rights. Similarly, in South Sudan's hospitality sector, employers leverage professional, social, and family networks to identify and hire Ethiopian migrant workers. To evade government fees and labour inspectorate scrutiny, South Sudan employers are hesitant to pay registration fees for lower-skilled migrant workers.

► Recommendations

This section provides timebound recommendations for EBMOs.

#	Recommendation
1	Advocate for a multi-stakeholder forum facilitating cooperation among government ministries, embassy labour inspectorates, and private recruitment agencies, focusing on clear communication channels and data-sharing agreements to efficiently handle migrant worker complaints.
2	Promote government-to-government agreements and Memoranda of Understanding (MoUs) to strengthen cooperation between origin and destination countries, addressing informal recruitment, human trafficking, and fraudulent practices to protect migrants' workers' rights.
3	Promoting fair labour practices requires the establishment of accessible and user-friendly complaint mechanisms for regular and irregular migrant workers. This can be achieved through toll-free hotlines, online platforms, or physical complaint centres operated by international organizations and regional bodies, trade unions, or government agencies. These mechanisms ensure migrant workers can report grievances without fear of retaliation, safeguarding their rights.
4	Governments should establish easily accessible missions in destination countries, adequately funded and staffed to effectively manage and resolve migrant worker complaints. When allocating resources, consideration should be given to whether these foreign missions operate independently or in partnership with private recruitment agencies.