

Labour Inspection Country Profile: Uganda

Labour Inspection Structure and Organization

Name of institution that manages work issues

[The Ministry of Gender, Labour and Social Development \(MGLSD\)](#) is the lead Ministry responsible for labour administration in the country.

Department(s) responsible for Labour Inspection

The MGLSD has three Directorates, namely, the Directorate of Labour, Employment and Occupational Safety and Health, the Directorate of Gender and Community Development and the Directorate of Social Protection. The Directorate of Labour, Employment and Occupational Safety and Health performs most of the labour administration functions. It is divided into three Departments each of which is headed by a Commissioner. These are the Department of Labour, Industrial Relations and Productivity, Department of Occupational Health and Safety, the Department and of Employment Services. The Department of Labour, Industrial Relations and Productivity is responsible for formulating, implementing and enforcing labour policies and laws related to working conditions. Inspection of occupational safety and health issues falls under the responsibility of the Department of Occupational Health and Safety.

Law that covers organization and functional composition

Occupational Safety and Health Act, 2006

Employment Regulations, 2011

Employment Act, 2006

National Employment Policy for Uganda 2011

Scope of labour inspection

Labour officers in Uganda are legally empowered to engage in labour inspection activities including securing the enforcement of legal provisions relating to conditions of work, supplying technical information and advice to employers and employees and bringing to the notice of the Minister defects or abuses not specifically covered by existing legal provisions. According to the National Employment Policy for Uganda 2011, labour officers also arbitrate between workers and employers on undesirable working conditions. Much of a labour officer's time (particularly at the district level) is devoted to dispute resolution at the expense of labour inspection activities.

Local divisions

Labour inspection for general working conditions is a decentralized service. According to the Employment Act of 2006, labour officers should be appointed in each of the country's 111 districts, but due to budgetary limitations and differing political priorities at the district level many districts do not have labour officers in place. Local government authorities have the discretion to establish or maintain inspection services according to their own policy and budget priorities. In its current decentralized structure, the MGLSD faces a difficult challenge in functioning as a central authority to guide labour inspection action throughout the country.

OSH inspection, on the other hand, remains a centralized function of the MGLSD carrying out visits from Kampala to the districts. In practice there are very few OSH inspections carried out in the districts.

Programming and communication

There is limited coordination between the districts and the MGLSD particularly with respect to planning and carrying out labour inspections as well as the sharing of information with respect to activities. The coordination between OSH officers and labour officers in the field is even less developed, due primarily to the fact that OSH officers are centralized in Kampala. Some districts develop annual work plans but priorities set at the central level by the MGLSD are not necessarily reflected in them. Some districts seek assistance from Kampala to address certain labour problems whether related to disputes, occupational injuries or other matters. However, communication is said to be infrequent and more ad hoc than systematic and mostly at the initiative of district officials. The Employment regulations establish that the Commissioner shall issue inspection guidelines to district labour officers, however the Commissioner has no effective supervisory powers over district labour officers and is not able to produce reports on the regular achievements, trends or challenges of the labour administration and labour inspection system.

Current reforms

Ministry officials have been considering the possibility of re-establishing a fully-fledged Ministry of Labour, in line with a directive of the East African Community Council of Ministers.

Human Resources and career development

Permanency of inspectors

Labour officers are civil servants, although many of the approved posts in the MGLSD are not filled due to limited resources. The Departments of Labour, Industrial Relations and Productivity and Occupational Health

and safety have a high rate of staff turnover due to low salaries, limited career advancement opportunities and insufficient resources to properly carry out their work.

Selection process

Posts are normally filled in consultation with the Ministry of Public Service and the Ministry of Finance to ensure adequate budget resources are available. The probationary period for new professional staff is one year and all labour officers must complete annual performance appraisals.

Background required

The Ministry of Public Service has a general training policy for new civil servants, but the MGLSD does not have a written training policy, although it does have a training committee. Currently, all new labour officer recruits are required to have at least a university bachelor's degree. New labour officers receive standard training given to all civil servants. In addition to on the job training, there is occasional ad hoc instruction on specific technical competencies they have been hired to perform. If officers desire training on a particular technical subject, they must identify these opportunities and secure funding.

Visits and functions

Types of visits

The approach to labour inspection is more reactive than proactive. In general, labour officers, whether at the central level or in the districts, spend the bulk of their time dealing with complaints brought by workers related to unfair dismissal, unpaid wages and workers' compensation. In the districts, inspection visits (both general working conditions and OSH inspections) are carried out infrequently if at all.

Role of preventive measures

Among the responsibilities of the Directorate of Labour, Employment and Occupational Safety and Health is the development and dissemination of national guidelines on labour and employment and inspection of workplaces to ensure compliance with labour laws, regulations and standards.

Planning of labour inspection visits

Labour officers do not plan visits based on a list of priority enterprises or sectors. Instead visits are usually carried out in a certain geographic location, with inspectors visiting random workplaces. In most cases, inspectors do not give notice to employers in advance of their visits.

The OSH Department plans its work using quarterly work plans, which target specific districts. Teams of inspectors (usually teams of four) then decide on the schedule for performing the visits. The visits do not target specific enterprises but rather geographic areas. Advanced notice is given for OSH inspections in the oil and gas sector.

There are no joint visits planned between labour officers carrying out general labour inspections and OSH inspectors – though the Permanent Secretary has specifically encouraged this practice.

Registries and reporting of accidents/diseases at work

Labour officers are required to keep a register of workplaces and use a standardized inspection report form when visiting an enterprise. This is not systematically done, however, and the records from such visits are not gathered in a manner that would assist in follow up visits, monitoring trends in labour law compliance and developing more strategic approaches to labour inspection activities. A pilot project has been set up to update databases and instruments for gathering labour market information.

The OSH Department keeps a central register of all workplaces visited and is working to collaborate with other agencies to find out information such as whether an enterprise has workers' compensation coverage or not. There used to be collaboration with the National Social Security Fund but since the NSSF is no longer under the authority of the MGLSD, sharing of information on enterprises no longer takes place. The OSH department does however systematically receive information from the National Environment Management Authority (NEMA) on company environmental impact assessments.

There is widespread under-reporting of occupational accidents and diseases.

Sanction and administrative processes

Labour officers have the power to initiate civil or criminal proceedings before the Industrial Court for violations of the Employment Act and may even prosecute and appear before the Industrial Court in their own name. However, since the Industrial Court has not yet been established, this power is not effective in practice.

Labour officers are empowered by the Employment Act to order the closure of a workplace or process that poses an imminent danger to the health and safety of workers.

Social dialogue and labour inspection

Since 2011, the main body for social dialogue has been the Labour Advisory Board whose role is to advise the Minister on matters relating to employment and industrial relations, ILO matters, vocational guidance and training, implementation of Child Labour Policy, HIV and AIDS at Work Policy and the National Employment Policy, regulation of employment agencies and bureaus, and overseeing of the dispute resolution process.

Employers and unions both consider that labour inspection services could and should be strengthened, but the Advisory Board does not regularly address labour inspection issues. Some districts have regular meetings with the social partners.

ILO Conventions ratified

Uganda ratified Convention No. 81 in 1963 and has not ratified Convention No. 129.