



# ► Promising practices for fair recruitment

March 2022

## Regulation of private recruitment agencies in Uganda

### Key points

- Comprehensive recruitment regulation, developed through tripartite consultation
- A four-party employment contract holds PEAs in Uganda and in the country of destination jointly liable.
- The 2021 Employment Regulations cover licensing of recruitment agencies; inspection; accreditation of foreign recruitment agencies; recruitment, advertisement and placement; fees and charges; and pre-departure orientation guidance and training.

### Focus

**FRI pillar:** Improving laws, policies and enforcement to promote fair recruitment

**Sector:**

**Country:** Uganda

**Responsible organization(s):** The Ugandan Ministry of Gender, Labour and Social Development (MGLSD)

## Uganda migration and recruitment profile

Uganda is a labour migration county of origin and destination, and a major host of refugees. Situated

in East Africa, Uganda is part of several Regional Economic Communities (RECs), including the East African Community (EAC), Intergovernmental Authority on Development (IGAD), and Common Market for Eastern and Southern Africa (COMESA) – which have concluded free movement protocols. Most Ugandan migrants work in neighbouring countries, in particular Kenya, South Sudan and Rwanda. Inter-regional labour migration of low-skilled workers has increased in recent decades, primarily to countries in the Arab States. Ugandan workers in this region largely work as domestic workers, security guards, drivers and construction workers.<sup>1</sup>

<sup>1</sup> ILO (2020) The potential of skills development and recognition for regulated labour mobility in the IGAD Region: A scoping study covering Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda.

## Regulation of international recruitment of migrant workers

Migration to the Arab States is primarily facilitated by private employment agencies (PEAs). Uganda has not ratified the Employment Service Convention, 1948 (No. 88), the Private Employment Agencies Convention, 1997 (No. 181) or the Domestic Workers Convention, 2011 (No. 189), however it has introduced numerous labour migration governance structures – including specific legislation, regulation of recruitment agencies, and signing of bilateral labour agreements (BLAs), among others. The competent authority is the Ministry of Gender, Labour and Social Development (MGLSD), which includes the External Employment Unit (EEU) who are responsible for licensing and regulating PEAs.

The key national legislation is:

- The Employment Act, 2006 (Act No. 6)
- The Employment (Recruitment of Ugandan Migrant Workers) Regulations, 2021
- The 2015 Guidelines on Recruitment and Placement of Ugandan Migrant Workers Abroad (currently undergoing revision)

The government has signed BLAs with Saudi Arabia and Jordan (currently suspended), and a Memorandum of Understanding (MoU) with the United Arab Emirates (UAE). The government is in the process of developing BLAs with Bahrain, Kuwait, Lebanon, and Qatar.

The **Employment (Recruitment of Ugandan Migrant Workers) Regulations**, introduced in 2021, replaces the previous 2005 Rules and Regulations Governing the Recruitment and Employment of Ugandan Migrant Workers Abroad. The 2021 Employment Regulations cover licensing of recruitment agencies; inspection; accreditation of foreign recruitment agencies; recruitment,

advertisement and placement; fees and charges; and pre-departure orientation guidance and training.

A **standardized system of licensing PEAs** is overseen by the EEU, under the MGLSD. The two-year Licences can be applied for and approved through the online External Employment Management Information System (EEMIS). The EEMIS portal is used for potential jobseekers as well, as it contains a list of approved and vetted PEAs and overseas jobs that Ugandans can apply to. Tripartite consultations contributed to the development of the licensing system.<sup>2</sup> PEAs are only able to recruit and place workers where there is a signed BLA with the country of destination (currently Saudi Arabia). Regarding monitoring and enforcement, the 2021 Employment Regulations grant the Ministry the authority to inspect the premises, documents and equipment of the recruitment agency and the premises where pre-orientation seminars are conducted (Article 15(1)), including spot inspections (Article 15(2)).

**Regarding fees and costs**, the 2021 Employment Regulations outline fees payable by a foreign recruitment agency, fees chargeable to migrant workers, and fees to be paid by the agency to the Ministry. Migrant workers may be charged a fee not exceeding 20,000 Uganda shillings (UGX) (USD 5.50 as of 16/03/2022) for the administrative costs of recruitment (Article 26(1)). Article 26(2) and 26(3) state that where the recruitment agency does not charge a migrant worker the UGX 20,000 as per Article 26(1), the recruitment agency may charge a migrant worker placement fees to cover a range of costs, including trade or skill testing, pre-departure training, medical examination, passports, notarization etc. The placement fees are only to be paid by the worker once the employment contract is signed, and a receipt must be issued. In the case of

<sup>2</sup> ILO (2020) An assessment of labour migration and mobility governance in the IGAD region: Country report for Uganda.

recruitment of domestic workers, the foreign recruitment agency is required to cover all costs for recruitment and placement (Article 25(3)). However, it must be noted that fees chargeable to migrant workers are contrary to international standards that workers should not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment.

The Government has also instituted a **four-party employment contract**, whereby PEAs in Uganda and in the country of destination are **jointly liable**. The four signatories are the PEA in Uganda, the PEA in the country of destination (in this current case, in Saudi Arabia), the migrant worker and the employer. In addition, the EEU ensures that the employment contracts of workers deployed by PEAs conform to the standard employment contract and keep copies.<sup>3</sup>

## Role of social partners

The **Uganda Association of External Recruitment Agencies (UAERA)** was founded in 2013, and as of July 2021 includes 206 members.<sup>4</sup> Section 32 of the 2015 Guidelines on Recruitment and Placement covers the roles of stakeholders, and requires the association of PEAs to develop a binding code of conduct and ethics; to gather information on high risk agencies and regularly screen their members and new membership applications; and to sensitize their members on the code of conduct and ethics. In 2017, UAERA adopted a code of conduct that all its members must adhere to.<sup>5</sup> UAERA is active in monitoring of placements, and has undertaken three monitoring visits to Jordan.

In recent years the **National Organization of Trade Unions (NOTU)** has become active in the space of labour migration. **In February 2022, NOTU and UAERA signed an MOU, witnessed by the Federation of Uganda Employer (FUE)**. The objectives of the MOU are to develop a working relationship between UAERA and NOTU for promotion of decent work in external employment, and to defend the interests and voice of migrant workers. As per the Agreement, both parties will participate in the orientation of migrant workers; both parties shall review the model contract periodically; both parties shall make proposals to review BLAs and MOUs as and when required; and the parties agree to engage in joint awareness raising activities, including campaigns to ratify ILO Conventions.

## The 'Better Regional Migration Management' project (September 2021 – May 2022)

BRMM is focused on laying the foundations for improving labour migration governance in East Africa by using evidence-based policies, enhancing migrant workers' qualifications and skills, and actively engaging social partners for improved development outcomes. The project is implemented in Ethiopia, Djibouti, South Sudan, Sudan, Somalia, Kenya, Uganda, Tanzania and Rwanda. The project covers 3 interrelated pillars of intervention: i) Established and strengthened foundations for enhanced labour market and migration information systems (LMMIS); ii) Better skills matching, recognition and development along specific migration corridors; and iii) Strengthened capacities of the social partners to engage in labour migration

<sup>3</sup> ILO (2021) Africa Regional Fair Recruitment Report: The recruitment of migrant workers to, within and from Africa.

<sup>4</sup> UAERA (2021) Progress report: 2020-21.

<sup>5</sup> ILO (2021) Africa Regional Fair Recruitment Report: The recruitment of migrant workers to, within and from Africa.

policy development and implementation. The project is funded by the UK Foreign, Commonwealth and Development Office.

## Resources

ILO (2020) [An assessment of labour migration and mobility governance in the IGAD region: Country report for Uganda](#)

ILO (2020) [The potential of skills development and recognition for regulated labour mobility in the IGAD Region: A scoping study covering Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda](#)

ILO (2018) [Africa regional report on defining recruitment fees and related costs \(unpublished\)](#)

ITUC-Africa (2018) [Africa Labour Migration to the GCC States: The Case of Ghana, Kenya, Nigeria and Uganda](#)

### Five years of the Fair Recruitment Initiative

- This promising practice is part of a series, and results from a stocktaking exercise undertaken five years after the launch of the Fair Recruitment Initiative (FRI).
- The FRI aims to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, ensure gender equality. Specifically, they:
  1. Are transparent and effectively regulated, monitored, and enforced;
  2. Protect all workers' rights, including fundamental principles and rights at work (FPRW), and prevent human trafficking and forced labour; and
  3. Efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

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