

**UGANDA TEXTILE, GARMENTS, LEATHER AND ALLIED WORKERS' UNION
(UTGL&AWU)**

**A COUNTRY REPORT TO BE PRESENTED IN THE TRAINING COURSE A105066-
TRADE UNION TRAINING ON EMPLOYMENT RELATIONS AND INFORMAL
ECONOMY**

(Anglophone and Francophone Africa)

AT THE INTERNATIONAL TRAINING CENTER OF ILO

(Turin-Italy from 20/02/ to 02/03/201)

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Introduction

Uganda has got forty (40) registered Labour Unions representing workers in different sectors. However, there are a few Unions which are strong in terms of membership and carrying out activities to help their members.

The Labour force in Uganda is about 11million people (Employment Policy, 2011), out of which only 1.5 million workers are unionized. The Country has got two Labour Centers that's; National Organisation of Trade Unions (NOTU) and Central Organisation of Free Trade Union (COFTU). However, the Ministry of Gender, Labour and Social Development (MGLSD) is making a fresh survey to establish the number of each Center.

It's important to note however, that; there are two Unions which de-affiliated from the Center (COFTU) and now operating independently.. These Unions include Uganda Hotels, Food, Tourism and Allied Workers' Union (UHFTAWU) and Uganda Textile, Garments, Leather and Allied Workers' Union (UTGL&AWU)

Opportunities for Trade Union movement in Uganda

- The Favourable Labour Laws in the Country
- Workers' representation in Parliament and on a number of National Boards like National Social Security Fund (NSSF), Industrial Training Council, Immigrations Board among others.
- The potential membership in different sectors represented by the forty registered Labour Unions.
- Political stability in the Country which enables free movement in different parts of the Country
- The coming of more investors

Challenges to Trade Union movement in Uganda

- Politicising the Labour Movement where all workers' members of Parliament belongs to the ruling party (NRM).
- Weak Labour Administration which is characterized by just a department within the Ministry of Gender and Social Development (MGLSD)' with insufficient and inexperienced personnel to supervise and handle Labour matters in the Country.
- Non compliance by many Companies towards Unionisation especially those owned by Indians and Chinese.
- Lack of political will which has hindered proper implementation of the Labour Laws
- Financial constraints to most Unions to organize, recruit and educate their members on Labour matters.
- Union Leadership wrangles facilitated by the National Centers/Federations.

The Economic, Social and Labour Dimensions of global economic crisis

The global economic crisis led to the lay-off of many workers in different sectors and closure of some Companies for instance in the Textile and garments, Hotels and Banking sectors. This led to reduction

of both membership and finances of different Unions, and immoral behaviours in society such as Robbery, Drug abuse and idleness in towns/city. As a result still, it became very difficult for Unions to negotiate for Salary increment of their members who retained employment hence, withdraw from the Union by some members.

Trends in Employment status in Uganda

Since the early 1970s up to late 80s, the formal Employment status in Uganda was mainly State controlled as most of the Firms were owned by the Government. In the agricultural sector, Cooperative Society stores also existed for the purpose of collecting and storing harvests from farmers upon which it was still the Government to determine when the produce collected was to be sold and at what price.

However, with the Structural Adjustment Programmes (SAPs) which were introduced by the International Monetary Fund (IMF) and World Bank to developing Countries, many Government prastatals were Privatised and some Industries closed down by the late 80s. This implied retrenchment of workers hence unemployment as well as Union loss of membership.

As a result of the above, the workers who lost their Jobs resorted into the informal economy/self employment in small scale businesses as a way of survival; which is also characterized by heavy taxation that causes uncertainty in the continuation of the business, irregular displacements in their workplaces, lack of proper representation among other problems. Currently, the informal economy in Uganda is growing at a faster and currently it employs about 3.5 million people (Employment Policy, 2011)

This however, did not only affect the Industrial sector but also the Education sector where private Schools right from Primary level to Tertiary Institutions including Universities, dominate Public/Government Institutions.

Besides Privatisation, SAPs also called for Globalisation and Liberalisation of the economy. All this aimed at improved service delivery, Job creation and increased income to the Government through Taxation.

However, it gave a lot of relaxation to the Government to monitor the quality of both employments created by the private investors in terms of decent work and the goods produced irrespective of the existing good Labour Laws and the National Bureau of Standards (NBS). Above all, the Private Investors became “Darlings” of the Government in that some of them are offered free land, free premises and waved Taxes for five years as a way of encouraging them to invest in the Country. Under such circumstances, the employees are always left in the hands of the employers to determine terms and conditions of employment with disregard of the existing Labour Laws.

The market is dominated by counterfeit products mostly from China which have dominated the local market and this in turn has also affected the development of the existing industries in the Country as

most of the indigenous people can only afford the cheaply imported second hand clothes as opposed to the 1st class products produced within Uganda.

Types of precarious Employment

- Casualisation /Contractual employment
- Piece rate work
- Out sourcing

Key Problems facing Precarious Workers

- Prohibition to join the Union for representation
- Termination/dismissal at employer's will
- Lack of equal pay for the work of equal value
- Lack of medical insurance
- No defined period of probation
- Some times no identification as employees of a particular Company

Trade Union Policies and programmes for Youth and Gender dimensions of unemployment and Underemployment

Trade Unions agitate for equal pay for the work of equal value. Where an opportunity arises for promotion or filling a vacant post/recruitment in a new post, first priority should be in-house advertisement for the workers before out side applicants. This is always covered in most Union CBAs. Other policies and departments for both youth and women have been created however; a lot is desired to be done.

In terms of unemployment, some Unions have initiated Savings and Credit cooperative Societies (SACCOs) for members within their jurisdiction; with a view of helping them to start up small scale entrepreneurship besides their employment. However, this initiative has also not taken up properly.

Social Protection and the Fight against HIV/AIDS at workplace

Although a certain level of stigmatisation and discrimination still exist in some Companies, others with or without the Union have put policies/regulations in relation to HIV/AIDS infected employees at their workplace. For instance, giving them light work, free periodical treatment with their partners and guard against discrimination. Some Unions have also put clauses in their CBAs concerning social protection and sensitisation/awareness raising on HIV/AIDS pandemic which is being implemented.

Key provisions of Labour Laws concerning Workers' Rights

1. Employment Act NO. 6 (2006);which provides Rights to;
 - Annual Leave with full pay
 - Maternity Leave with full pay (60 working days)
 - Paternity Leave with full pay (4 working days)

- Weekly Rest (24 hours)
- Notification and hearing before Termination
- Compensation for unfair Termination

2. Labour Union Act NO. 7 (2006) which provides Rights to;

- Freedom of belonging to a Labour Union
- Freedom to negotiate through a Labour Union
- Freedom to withdraw Labour in accordance with the Law

3. Labour Dispute Act NO. 8 (2006) which provides Rights;

- An individual /collective dispute to be handled by an Industrial Court.
- Labour Dispute to be referred to a Labour Officer
- Labour Officer to settle dispute within 4 weeks
- If the Labour Officer fails to settle the Dispute within four weeks, he/she has to refer it to the Industrial Court.
- Industrial Court is a Labour Court with same status like High Court.

4. Occupational Safety and Health Act 2006 which provides Rights to;

- Protection from injuries, diseases, death, damage to property and a Right to move away from a workplace where there is imminent danger.

5. National Social Security Fund (NSSF) ACT, CAP 222

- Provides for an employer to pay 10% calculated on the total wage/salary paid during that month to that employee.
- An employee to pay 5% calculated on the total wage/salary paid to her/him during that month
- The conditions under which an employee is supposed to claim his/her money for instance, at the age above 55, emigrating from Country of employment/resident, medical ground among other conditions.

6. Workers' Compensation Act, cap 225

- Provides for the employer to compensate for an employee who has got an injury/accident on duty, while leaving or coming for duty. The Occupational Diseases and procedure for claim depends on the category of injury (Fatal injuries, Temporary incapacity, permanent partial incapacity or permanent total incapacity of an employee).

7. The pensions Act, Cap 286

Provides for the grant, regulations, gratuities and other allowances in respect of the public officers under the Government of Uganda.

In terms of domestic workers protection, Uganda as not yet ratified the Convention. However, the Union which takes care of the domestic workers (Uganda Hotels, Food, Tourism and Allied Workers' Union); is in consultation with the MGLSD to see how best they can approach Embassies, High Commissions and other Institutions.

Trade Union Response to precarious employment and the plight of informal economy workers

- Organising / recruitment and CBA negotiations which prohibits precarious work.
- Training/Education programmes for their members on Labour matters.
- Formation of more Unions (40) to cater for every sector
- Agitation and lobbying for amendment in the Labour Laws
- Advocating for Employment policy and Regulations which are now in place.
- Lobbying and advocating for workers' representation in Parliament and on National Boards like National Social Security Fund (NSSF), Industrial Training Council, immigration Board among others.

The list of ratified ILO Conventions and situation on implementation

- Workers' Compensation (Agriculture) Convention, 1921 (No. 12) 4.06.1963
- Workers' Compensation (Accidents) Convention, 1925 (No. 17) 4.06.1963
- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) 4.06.1963
- Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) 4.06.1963
- Forced Labour Convention, 1930 (No. 29) 4.06.1963
- Underground Work (Women) Convention, 1935 (No. 45) 4.06.1963
- Recruiting of Indigenous Workers Convention, 1936 (No. 50) 4.06.1963
- Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64) 4.06.1963
- Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65) 4.06.1963
- Labour Inspection Convention, 1947 (No. 81) Excluding p artII 4.06.1963
- Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86) 4.06.1963
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) 2.06.2005
- Labour Clauses (Public Contracts) Convention, 1949 (No. 94) 4.06.1963
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98) 4.06.1963
- Equal Remuneration Convention, 1951 (No. 100) 2.06.2005
- Abolition of Forced Labour Convention, 1957 (No. 105) 4.06.1963
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) 2.06.2005
- Employment Policy Convention, 1964 (No. 122) 23.06.1967
- Minimum Age (Underground Work) Convention, 1965 (No. 123)
- Minimum age specified: 16 years 23.06.1967
- Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124) 23.06.1967
- Minimum Age Convention, 1973 (No. 138)
- Minimum age specified: 14 years 25.03.2003

- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) 1.03.1978
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) 3.01.1994
- Collective Bargaining Convention, 1981 (No. 154) 27.03.1990
- Termination of Employment Convention, 1982 (No. 158) 18.07.1990
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) 7.03.1990
- Asbestos Convention, 1986 (No. 162) 27.03.1990
- Worst Forms of Child Labour Convention, 1999 (No. 182) 21.06.2001
- Minimum Age (Industry) Convention, 1919 (No. 5)

Decent Work Country Programme (DWCPs) - Opportunities and Challenges for the Trade Union Movement

Favourable Labour Laws backed up by the recent Employment Policy, Regulations and support by ILO are the major opportunities for the Trade Union movement in Uganda. However, the challenge is that Government through its Labour Ministry is not enforcing such Laws which has led to many workers not to enjoy their Rights at work. Low capacity among the tripartite partners has also incapacitated the implementation of the existing Labour Laws.

The existing Social Dialogue Structure

Some times Government through its Ministry of Gender, Labour and Social Development consults workers through their Labour Union Centers especially in the establishment/amendment of the existing Rules and Regulations (Laws). The Labour advisory Board has been formed however, it's not yet functional and therefore, effective consultation with workers is still a problem. We have five Workers' members of Parliament who have also been compromised by the ruling Party (NRM)

The Public Service Negotiation Machinery

Currently, this is one of the functional Social Dialogue Structures as provided for under the Public Service (Negotiating Machinery) Act 1964 (Chap. 289) .The Act gives provisions for the establishment of a Joint Staff Council for the public service, for the settlement of disputes between the Government and public officers, and handling of other matters concerning the relationship between the two parties thereof.

Composition of the Council

The Joint Staff Council for Social Dialogue in the public sector consists of a chairperson, a vice Chairperson and such number of other members, being not less than ten and not more than twenty, as the Minister may prescribe.

The members of the Council are appointed by the Minister from persons who have been nominated by the Permanent Secretary and or the Trade Union, as the case may be, and who are either public officers or officers of the Trade Union. The Chairperson of the Council is always one of the persons

nominated by the Permanent Secretary, and the vice Chairperson is always one of the persons nominated by the Trade Union.

There may be regulations to provide for the term of office of members of the Council, the filling of vacancies on the Council, the procedure to be adopted by the Council at its meetings (including, the number of members required to make up a quorum), the procedure for the reporting of disputes and for such other matters as seem to be necessary, expedient or desirable in relation to the Council or to the carrying out of its functions.

Functions of the Council

- To negotiate on matters relating to the terms and conditions of service of public officers
- To discuss and submit advice to the Government on any matter which the Government seeks the advice of the Council.
- To discuss and make recommendations to the Government on any matter concerning the interests, well-being and efficiency of public officers.
- Generally to assist in the furtherance of good relations between the Government and public officers.

Frequency of its meetings and Respectability of the decisions

The Council sits twice every year. However, the Act mandates it (Council) to regulate its own procedure if deemed necessary. Where agreement is reached within the Council ,it's is recorded in writing, signed by the Chairperson and the vice Chairperson, approved by the Minister and becomes a binding document upon the Government and those public officers to whom it relates. Its duration is twelve months from the date of signing.

The four top priority in the protection of Workers' fundamental Rights

- Awareness raising on workers' Rights and the existing Labour laws (Training/education activities)
- Organising and recruitment of workers' into the Labour Unions
- Advocating for Minimum Wage
- Advocating for a fully fledged Ministry of Labour
- Coming up with one Labour Union Center

The promotional activities aimed at ratifying ILO core Labour standards and over coming the challenges for their application shall include; collaboration and partnering with other NGOs dealing with Labour Related matters and Human Rights, Unions Joint organizing programmes, campaigns against employers who resist Unionization and continuous complaint to the MGLSD.

I THANK YOU FOR LISTENING

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