



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - THIRD MEETING

WEDNESDAY, 24 MAY 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 41ST SITTING - THIRD MEETING

Wednesday, 24 May 2023

Parliament met at 10.21 a.m. in Parliament House, Kampala

PRAYERS

(The Deputy Speaker, Mr Thomas Tayebwa, in the Chair)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Honourable colleagues, let us, right away, go on to Business. I will start with matters of national importance. I can see the order, but I am not seeing some of the honourable colleagues here. I want, first, to go - really? Procedure? We have not deliberated anything; I do not know how – okay. *(Laughter)*

MR KOMAKECH: Thank you, Mr Speaker.

THE DEPUTY SPEAKER: I hope you are not accusing me of not communicating. *(Laughter)*

10.23

MR CHRISTOPHER KOMAKECH (Independent, Aruu County, Pader): No. I rise under rule 52. Mr Speaker, the definition of power is so simple. Power is the ability to affect one's direction or one's cause. I believe you have that power because we vested it in you.

In March, you directed the Minister of Internal Affairs to bring a statement to this House on a

matter that I raised, pertaining to the policy of changing the drafting of the National Identity Card. This has been of a huge concern. Up to now, Mr Speaker, the minister has not presented that statement to this House.

Mr Speaker, you also directed the Attorney-General last year when I presented an issue about Puranga Subcounty, where a one Mr Ali claims 1,000 acres of land. The peasants in the area are facing court cases and nothing has been presented on the Floor of this House.

Isn't it procedurally right, Mr Speaker, that you use that power to save my people? Thank you.

THE DEPUTY SPEAKER: Thank you. I did not know I was that powerful. *(Laughter)* However, I am usually cautious with my statements. I do not usually use the word "direct". Where I am really pushing hard, I use the word "required" – the minister is required. I hope the ministers do not abuse that goodwill because it is very critical that we work in a harmonious manner, not directing or commanding each other. We need comradeship because, at the end of the day, we are all Members of Parliament.

Let us hear from the Minister of Internal Affairs. Honourable minister?

10.26

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, it has been a matter of scheduling, but we are ready to present that paper.

THE DEPUTY SPEAKER: Clerk, put it on the Order Paper for tomorrow. Attorney-General?

10.26

THE ATTORNEY-GENERAL (Mr Kiwanuka Kiryowa): Thank you, Mr Speaker. I did refer this matter to the minister for lands. We actually got the details of this case and I thought we had reported back. It is a private dispute between a person claiming the land and some people who are occupying it.

We did advise our office in Gulu to follow up on the case. If any decision is to be made to remove the 1,000 people, the Government should be interested in the matter - and we did communicate to the court that the Government is interested in the matter. However, we could not take it over.

Mr Speaker, I undertake to check on my record and ensure that that report is brought here.

THE DEPUTY SPEAKER: Thank you. You can just give us an update tomorrow. Thank you. Yes, Hon. Atkins?

10.28

MR GEOFFREY KATUSABE (FDC, Bukonzo County West, Kasese): Thank you, Mr Speaker. About three months ago, Parliament, through you, asked or made a requirement that the Government compensates the Government nurse that was burnt to ashes on 12 May 2022 in Kicucu Village, Kicucu Parish in Kisomoro Subcounty. There was a commitment from the Rt. Hon. Prime Minister that the compensation would be made.

Mr Speaker, I have just returned from the community. Children will be reporting back to school on Monday. Sadly, however, I have to report to this House that five children of the deceased are not able to go back to school.

Mr Speaker, the reason why I am raising this matter is because the widow is going through a very tough situation and the only rescue available is this House.

Lastly, Mr Speaker, in the entire Kasese – I do not know what is really going on – literally, for everybody that walks into a hospital to go and give birth, two things have to occur: the mother who goes to give birth either goes back home in a coffin or the child does not make it.

Mr Speaker, my request is that the Ministry of Health, at the level of a permanent secretary or minister, should dispatch a team to undertake a maternal mortality audit. Why should mothers continue to die in hospitals while giving birth?

Mr Speaker, I went to the community and on Thursday, I was burying a mother that died while giving birth – Friday, Saturday and Sunday – this is a crisis!

Mr Speaker, the people of Kasese are waiting for your leadership. The Government should undertake a maternal mortality audit to find out why mothers are dying while giving birth.

Is it a matter of not having enough medical workers, tools or medicines? Really, an investigation has to be undertaken. I appreciate the opportunity, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. We have one item – Item No.5 – on the Business to follow and I think it is an item we need to give serious attention to. The item is the presentation of a petition of the Uganda Women Parliamentarians Association on the escalating cases of maternal mortality. I will give it space tomorrow so that these issues can be handled.

However, Clerk, please, draft for me a letter for the minister to visit the area and link up with the Members so that we give attention to the people of Kasese. I have also heard some harrowing tales from there.

On the compensation, the only limit is that we could only advise because we are limited by Article 93 of the Constitution. Otherwise, this compensation can only come from the Consolidated Fund and we cannot do much about it in terms of saying, “No.” It must be done. Therefore, we urge the Government that since they committed to do that, they

should do it. I will also try to follow up with the honourable member to see how best this can be sorted.

MS OPENDI: Mr Speaker, I think something needs to be done on how we conduct Business in this House. Petitions referred to committees have a timeline. I presented this petition regarding the escalating maternal mortality in this country before the Women's Day in March 2022. It has been over a year and this petition has never been disposed of. Is this a people-centered Parliament? We have always said so and I believe it is a people-centered Parliament. Therefore, matters that affect communities must be given priority. At the time I presented that petition, there was an alarm from almost all parts of the country; why should mothers die while giving birth, and yet in other countries, there is zero mortality? Why is it rampant here?

The procedural issue that I am raising is that we have petitions before committees, not only that one presented on maternal mortality, but also on the land grabbing issues that I presented on the Floor of this House. The people are calling me every other time. We have adjourned and gone on recess – there is another one regarding the Sylvia Owori issue.

Petitions are issues that need to be handled urgently. Is it not procedurally right that we dispose of all these petitions before we break off for this recess? Thank you.

THE DEPUTY SPEAKER: Honourable colleagues, in this House, we have even worked overtime. Every business we handle here is the people's Business. I have not brought any Business here; for instance to say we discuss "the welfare of Tayebwa's family." If you have a petition, you are a Member and you should know that others also have petitions. You can have a petition while others have questions. We have the government business to handle and Business from the Leader of the Opposition. I cannot create time - that is why we should normally sit from 2.00 p.m., but sometimes I have been here from 10.00 a.m. to 8.00 p.m. or 9.00 p.m.

The other week, the presiding officer, the Rt Hon. Speaker, started Parliament at 8.00 a.m. so because your Business is not handled, we should not discount other Business that is done in the House. We shall continue following the procedure, as presiding officers, to determine the Business that comes on the Floor.

10.36

MR JACKSON ATIMA (NRM, Arua Central Division, Arua City): Thank you, Mr Speaker. I rise on a matter of national importance which is the persistent insecurity hitting Arua City.

On the night of 28 April 2023 at Nsambya Cell in Awindiri Ward, Arua Central Division, unidentified armed robbers attacked Champion Betting Centre and shot a person called Adule Collins on the left side of the waist and robbed cash of unspecified amounts. Mr Adule is nursing wounds and receiving treatment at Arua Regional Referral Hospital.

On 1 May 2023, another aggravated robbery happened at Premier Betting Centre along Rhino Camp Road in Arua Central Business Area, where three masked men and one masked woman - all wearing jungle boots - made their way to this betting centre and went with unspecified amounts of money.

On 13 May 2023, at 2.00 a.m., Novafinia Clinic in Arua Central was attacked and the private guard called Amaku Alex was shot dead with one bullet. The people in Arua Central Business Area in Arua Central Division are now living in panic and fear; they do not know what will happen to their lives.

The police visited these scenes. We held security meetings with them and they have some challenges; and I want this House to help the people of Arua Central and Arua City -

THE DEPUTY SPEAKER: Just go to prayers, honourable.

MR ATIMA: Mr Speaker, my prayers are -

THE DEPUTY SPEAKER: Hon. Atima, we use two minutes on matters of national importance. Go to the prayers.

MR ATIMA: Thank you, Mr Speaker. My prayers are:

1. Can the Ministry of Internal Affairs support the security team of Arua City, especially the police to have more manpower and patrol pickups on ground, so that the security can cartel this insecurity?

As I talk now, the entire Arua City has one patrol pick up, which tours the three police posts in the city; Ayivu East, Ayivu West and Central Division, which sometimes breaks down.

2. Can the Ministry of Security and Government intensify security surveillance through intelligence in the West Nile Region as there seems to be suspected illegal guns in the country because of the porous borders from South Sudan and Congo, aware that there is a serious challenge in our neighbourhood?

Thank you, Mr Speaker. I beg to submit

THE DEPUTY SPEAKER: Honourable minister, I was in Arua recently on the invitation of Hon. Atima. It is a bustling city with business. The vibrancy of Arua City needs serious attention, especially now with the borders on the side of South Sudan and Congo. The business feeds the whole of that region and it plays a very critical role so they need some bit of special attention. I do not know what you can say about that, in terms of his prayers.

10.40

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, and Hon. Atima in particular, we have had a spate of incidents. It is true Arua lies astride Congo and Sudan. The borders are porous and sometimes we get inlets of illegal guns.

Regarding this recent spike, I am aware that the gun that was used was recovered by the

police, but in particular, to the prayers made by the Hon. Atima, I request that we have an engagement and see what we can do with the police leadership to respond to those concerns.

THE DEPUTY SPEAKER: Honourable minister, I also make a personal request that you visit Arua with the Members.

GEN. DAVID MUHOOZI: Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Honourable colleagues, I have very many questions here. I am scanning the room but some of the ministers are not here. I do not want to just keep referring the matters - I know why you are standing up to ask questions. Some ministers are coming so Hon. Najjuma you are safe.

10.41

MR PAULSON LUTTAMAGUZI (DP, Nakaseke South County, Nakaseke): Thank you, Mr Speaker. My constituents of Nakaseke South are putting me under pressure demanding that the Minimum Wage Bill should be introduced by Parliament. It would be my pleasure, Mr Speaker, to hear that the Minimum Wage Bill is among the Bills to be discussed urgently. I submit. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, when you approach me and I say you can ask your question tomorrow, ensure it is registered in my Office. I cannot remember everything; I do not have a computer in my head. This is the only time you should look at me with a lot of kindness. *(Laughter)* I did not know your eyes can lobby seriously; you use all kinds of signs. I wish you could continue behaving like this; I would also enjoy being here. Hon. Chemonges.

Honourable colleagues, I usually use Thursdays to address most of your issues. If I do not pick you today, be sure that tomorrow I will try my level best to pick you. But let us comb through quickly; I will pick most of you. Let us use one minute each so that I can pick more Members.

10.42

MR WILLIAM CHEMONGES (NRM, Kween County, Kween): Thank you very much, Mr Speaker. Last week I raised an issue of national importance pertaining to the illegal destruction of houses by the Uganda Wildlife Authority in my constituency. Since then, nothing has been done on the ground.

However, since the Attorney-General is here, I would like to bring it out clearly that the people who are still staying along the boundaries of Mt Elgon National Park in Kween District are left to stay there on orders of the Government.

I am sure the Attorney-General is aware of the consent judgement of 2005, where the Government consented to the case that was reported by the community against it; complaining of their displacement from their ancestral land.

Mr Speaker, this is a very serious matter in my constituency -

THE DEPUTY SPEAKER: Prayers.

MR CHEMONGES: Mr Speaker, my prayer is that the Attorney-General stops the fining of people who stay around the boundary because now my people are fined; when they are grazing animals, they say they are trespassers. These are not trespassers but people who are still staying where the Government told them to remain in waiting, as it plans to resettle them. These are the same people being fined daily for –(*Member timed out.*)

THE DEPUTY SPEAKER: Thank you. Attorney-General, issues of areas neighbouring Mt Elgon National Park are issues which we must sit down and give a final verdict on as Government.

Hon. John Magolo hosted me and took me up to Mt Wanale and we had a long evening. His people even threatened to do an *imbalu* on me. (*Laughter*) But they did not know that I am clever; I went when I was also well protected. So, I saw these people coming dancing *kadodi* slowly and they could easily kidnap me and do

– I said, “Hon. Magolo, you are my brother; you mean you planned this with Hon. Nambeshe.” Anyway, we had a very good evening there.

The issue of that border - if you want to follow the survey of 1964, it would mean that even Mbale City is in the park and you would take over the whole of that area. The leaders are saying follow the survey that the Government conducted in 1993.

The danger it is causing is that the moment you do not decide, people will continue encroaching. But the leaders in the area had committed that if you follow the survey of 1993, they would ensure that the park is well protected and not allow any more encroachment. However, if you continue with the arguments of the 1960s, people will continue to enter the park and you will have skirmishes and fights. You cannot control it.

Attorney-General, help us; I know on such issues you are usually decisive. Just make a decision on the matter so that people know; if you do not want them to rely on the survey of 1993, they will find a way out and the whole of Mbale City is declared a national park.

10.47

THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka): Thank you very much, Mr Speaker. As you said, this issue of national parks is not only in Mt Elgon National Park; it is everywhere including Mt Rwenzori – everyone is facing this issue and we are going to address it.

I think a communication has been made on Mt Elgon National Park, but more importantly, honourable member, while we talk about the national park, there is also the risk of landslides in that area which also needs to be addressed.

Mr Speaker, we are going to go back and communicate the position. If demarcation exists, we should be able to share it and all of us need to respect that. Then we can deal with the resettlement of the people if indeed there is such a challenge. But we can communicate, I share with you and we find a solution to this problem.

THE DEPUTY SPEAKER: Attorney-General, I request you to meet with the Members of Parliament from the affected area for more details. I do not want it to be an exchange between the Attorney-General and the Members. Let the Attorney-General meet with the Members from the areas surrounding Mt Elgon National Park so that you can agree on a way forward on this issue.

[*Ms Naluyima: "Procedure."*] What is your procedural matter, honourable member?

MS NALUYIMA: Thank you, Mr Speaker. Being the Shadow Minister for Local Government and given that I am on the Committee on Public Service as well as Committee on Local Government, we really took time over the matter of the Markets Bill. As I speak now, apart from yesterday's issue of Kajjansi Market, even my "Wakiso Market" was really affected. Yesterday at 2.00 p.m., the market fell down and over 500 vendors were affected.

My procedural matter is that if we have legislated over an item which is going to aid the country, can we know what is failing a response to this House if the assent is failing? As we speak now, two months have elapsed. Can we take it as law now?

That aside, even the action taken report - Wakiso District is unable to get any money to help with the construction of the market that has fallen down. The action-taken-report I am talking about was from the Ministry of Finance, Planning and Economic Development over the locally-raised revenue motion we processed here. Won't it be procedurally right, Mr Speaker, first, to get a response from the Attorney-General on the matter of the Market Bill because management is supposed to be helped by that legislation?

Secondly, isn't it procedurally right, to know from the Ministry of Finance, Planning and Economic Development what really happened to the motion of locally-raised revenue such that district local governments and municipalities are able to have some finances with them on

such occurrences where the Prime Minister's Office may not come in? I beg to request.

THE DEPUTY SPEAKER: Thank you. On the Markets Bill, Attorney General?

10.51

THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka): Thank you, Mr Speaker. Allow me to step out and check on the status of that Bill with my office and come back.

THE DEPUTY SPEAKER: Let us know tomorrow.

MR KIRYOWA KIWANUKA: Thank you.

THE DEPUTY SPEAKER: (*Member rose*) Just hold fire; if it is on the same issue, we shall have it tomorrow. If it is not on the same issue, I have still not allowed it. (*Laughter*) I am still on this. First, allow me to finish it. You said it is not the same issue, but allow me to conclude the issues to do with what has been raised. So it is the same. If it is, please –

Honourable colleagues, I can update you. The Speaker and I, had a meeting with His Excellency the President on the pending Bills. He promised that he was going to work on them very soon. So, I am going to again cross check with him.

10.52

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Mr Speaker, thank you. It is good you are reporting that you raised the issue of the Bills with the President. This House has had fundamental concerns regarding the delay of bills with the President. In fact, one of our colleagues has gone to court over this matter. So, I request that the issue of expediting assent to Bills is taken as a priority.

Mr Speaker, it was not only this Parliament. I recall even in the 10th Parliament, we raised the same issue. I do not know where the problem comes from but through your engagement, bring to the attention of the President that there is nothing as frustrating as Parliament – (*Member timed out.*)

THE DEPUTY SPEAKER: Thank you. I totally agree with you, Hon. Basalirwa but also, we said we will first go back and handle it ourselves administratively. Colleagues, might consider a Bill from the day it is passed here yet it is from the day it is delivered to the President.

We also take time here crosschecking the records to ensure we send a Bill that is compliant and cleaned up since the President just assents; he does not edit anything. We would like to ensure that on our side, we have a clean job. [*Hon. Bakkabulindi rose*] From who? Hon. Bakkabulindi, will I be in position to answer your difficult questions? You can help me clarify what you want. (*Laughter*)

MR BAKKABULINDI: Thank you very much, Mr Speaker. In fact, this is a very sensitive issue. We have been blaming the President for the delay in assent to Bills but the problem is not him. At times, it is the Front Bench –(*Interjections*)– no, hold on; I am coming to that. At times, it comes from –

THE DEPUTY SPEAKER: Allow the honourable colleague to give his view.

MR BAKKABULINDI: At times, it comes from the Front Bench. For example, when a Bill is passed here, we expect the ministers to have participated. However, after the Bill has been sent to the President, you find a minister writing to the President saying, “I do not agree with this provision”. Now, whom should we blame?

THE DEPUTY SPEAKER: Honourable colleagues, the man has run for his dear life; he took off. (*Laughter*) Hon. Ssemujju, you have no one to address. (*Laughter*) Do not do it that way.

Honourable colleagues, we shall update you on this issue. We have taken it seriously. However, we also have to check our own side on how quickly - I know we have been doing it fast, but let us go back. We shall look at our side and see how best it can be streamlined.

Hon. Luttamaguzi, did you have an issue?

MR LUTTAMAGUZI: Mr Speaker, your response to my prayer on the minimum wage went silent. I want it to be on record. What do you say about it?

THE DEPUTY SPEAKER: Honourable member, you cannot force a minister to bring a Bill. If the minister has not brought a Bill under the law, you are allowed, as a private Member to bring a Bill.

MR LUTTAMAGUZI: Much obliged, Mr Speaker.

THE DEPUTY SPEAKER: Honourable colleagues, I do not want us to pass resolutions here that say, “Minister, go and bring this Bill”. That would be wrong.

10.56

MS SARAH NAJJUMA (NRM, Woman Representative, Nakaseke): Thank you, Mr Speaker. The Government has a policy of setting up seed secondary schools in each subcounty. These schools are well equipped with computers but some of them are not connected to the electricity grid.

I have a school called Blessed High Senior Secondary School that was commissioned on 17 April 2022, by Hon. John Chrysostom Muyingo. He is around; he can bear witness. One of the challenges pointed out on that day was the lack of power. This has hindered students from accessing computers.

Last month, thieves took advantage of the situation and broke into the school and took away 13 computers.

Mr Speaker, we need around 10 – (*Member timed out.*)

THE DEPUTY SPEAKER: Prayers?

MS NAJJUMA: My prayers, Mr Speaker, are that the Minister of Energy and Mineral Development should intervene so that the school can get power and students can access the computers and for security reasons.

I am very worried, Mr Speaker, because this is the second time I am raising this issue. I see this as a small issue for the Government to fix. So, I request the Minister of Energy and Mineral Development to fix the situation since students are reporting on Monday. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable minister?

10.58

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Dr Chrysostom Muyingo):

Thank you very much, Mr Speaker. It is true we have a seed secondary school in that area. It is also true that it is not connected to the main grid.

We are working hand in hand with the Ministry of Energy and Mineral Development to ensure all schools we have constructed are connected to the national grid. Of course, as you all know, it all depends on how much money we have but the process has started.

We are also continuing with the process of giving computers to all secondary schools in the country. So far, over 1,200 have been provided with computers. It is unfortunate that these computers were stolen but my ministry has not received that information. I will follow it up with my sister so that the possibility of replacing those stolen computers can be looked at. *(Applause)*

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, there are many questions to do with roads. Yesterday, we handled some; we shall handle the rest tomorrow.

10.59

MR MOSES ALEPER (NRM, Chekwii County (Kadam), Nakapiripirit): Thank you, Mr Speaker. I rise on a matter of international importance. *(Laughter)* I really beg you, Mr Speaker, that since the issues are critical and dire, I might need an additional minute because I really want to –

THE DEPUTY SPEAKER: Honourable member, we do not deal with matters of international importance here. *(Laughter)*

MR MOSES ALEPER: It is of international nature.

THE DEPUTY SPEAKER: Please be quick.

MR MOSES ALEPER: Thank you, Mr Speaker. There is a very dire and acute security situation in my district, Nakapiripirit and some other districts in northern Karamoja. This is occasioned by external aggression by armed groups from Kenya. The ones that are attacking my district come from West Pokot County in Kenya.

These groups carry out daily attacks and this has been happening since January 2023. There are daily attacks that seem to have overwhelmed the security apparatus on the ground because there is nothing the security apparatus are carrying out.

As of today, we have lost over 24 lives, including a security personnel and UPDF officers. We have lost over 4,000 heads of cattle and about 2,000 sheep and goats. Every other day, people are dying and it is really critical. The community is in panic; there is total anxiety.

Mr Speaker, my phone does not go off at 7:00 p.m.; it stays on until morning, tracking animals on the phone and coordinating with the security personnel.

This matter has happened twice this year. I request the Leader of Government Business to take action because people are dying. The question I asked in the House was: how many more people do you want to die? Tell us so that we can offer ourselves to die for peace to come to Karamoja.

My prayer, which is still sustained up to now, is: can the Leader of Government Business organise a high-profile delegation comprised on the Ministry of Defence and Veteran Affairs, Ministry of Internal Affairs, Ministry

of Security and the UPDF to go and carryout on-ground assessment of what is going on, and they hear from the people?

The situation is really bad. When one person is shot in the streets of Kampala, the whole country is abuzz. How many Karamojong must die? The assurance that we got from the Government during the disarmament in 2006 was –*(Member timed out.)*

THE DEPUTY SPEAKER: Honourable member, I want us to conclude.

MR MOSES ALEPER: The assurance was that the Government would secure the lives and property of people and that is why we give up our guns voluntarily. We gave out 30,000 guns, which were actually defending Karamoja from external aggression.

My prayer is that a team from the listed institutions should go with me and we assess the situation on the ground. Thank you.

THE DEPUTY SPEAKER: Minister for Internal Affairs?

11.03

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, I have heard the concerns of Hon. Aleper – the external dimension. However, there is also an internal dimension because the external people, the Pokot and Turkana, usually connive with some of our people in Karamoja – the clan alliances.

That said, this matter has been on the Floor a number of times. I think we need to give a cross-Government response to the matter. We are going to prepare a response and present it to Parliament.

THE DEPUTY SPEAKER: I know this is an issue – even the President has just come out of the area. Usually, the Speaker and Deputy Speaker have regular interactions with the President regarding Members' concerns. This is one of the issues over which we had a discussion and that is when he went and held several meetings in northern Uganda.

I cannot remember well whether he went to Karamoja, but I know he is also supposed to go there. It is an issue which I know he, himself, is giving extreme attention. The best we can do at our level, again, is to raise these concerns to His Excellency the President so that he can get space and also meet the Karamoja team and get more updates on the same.

Honourable member, please, you do not tell the Speaker: "No." That is not the language in our rules. Honourable colleagues, we run Parliament based on rules. We are usually humble in the way we do our Business; let us maintain it.

Hon. Gilbert Olanya?

11.06

MR GILBERT OLANYA (FDC, Kilak South County, Amuru): Thank you, Mr Speaker. I rise on a matter of national importance concerning massive tree cutting in Acholi Subregion, purposely for charcoal. As I speak now, we have people coming from all parts of Uganda based in Acholi Subregion and are cutting down trees massively, including Sheanut trees, especially in Kitgum, Pader and Lamwo.

Surprisingly, the police officers are the ones protecting and encouraging those who are destroying the environment in Acholi Subregion. I remember when we raised the matter to the President, he directed that the police officers and the military personnel in Northern Uganda should stop massive tree cutting for charcoal in Acholi Subregion.

Last Monday, the President issued an executive order, banning tree cutting for charcoal in Acholi, but, surprisingly, the police officers are still continuing to escort charcoal dealers right from the source up to Kampala.

Mr Speaker, I would like the Minister of Internal Affairs to explain the role of the police officers and the military personnel in the charcoal deals in Acholi Subregion.

Secondly, the ministers should stop the police officers from encouraging environmental destruction in Acholi Subregion.

I beg to move.

THE DEPUTY SPEAKER: Thank you. Honourable minister for internal affairs?

11.08

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker. Indeed, it is true, as the honourable member said, that there is massive cutting of trees in the areas mentioned. Apart from the rogue security people, the local leaders in that area are also accomplices.

Now that we have the presidential directive and an Executive order, we need to work together and ensure that no one, including the police and the army, does what they are doing and whoever does it is brought to book. We shall handle the police, but I think we need a cross-community and Government approach to handle this matter.

11.09

MR WILSON KAJWENGYE (NRM, Nyabushozi County, Kiruhura): Thank you, Mr Speaker, for giving me an opportunity to raise a matter of national importance. This matter concerns the plummeting milk farm gate prices as a result of trade hurdles between the Republic of Kenya and the Republic of Uganda.

From this morning, the farm gate price for milk per litre was Shs 400 in Nyabushozi and in most of the south-western, central and the cattle corridor up to Karamoja.

This unfortunate situation is brought about by the fact that the Republic of Kenya has, unfortunately, stopped giving export permits for powdered milk to the Republic of Uganda.

The people of Nyabushozi and the rest of the cattle corridor people buy manufactured acaricides, injectables and vaccines from the

Republic of Kenya and, now, they cannot service the loans they took when milk prices were at Shs 1,000 and above. They cannot take their children to school. It is going to be a loss of revenue to the Government and loss of jobs because the dairy industry has been a big employer.

I pray that the Government of Uganda, through the Ministry of East African Community Affairs, the Ministry of Trade, Industry and Cooperatives and the Ministry of Agriculture, Animal Industry and Fisheries urgently engage the Republic of Kenya and address this matter.

Secondly, the governments of East Africa should, at all material times, remain committed to the implementation of the East African trade protocols.

I also pray that the Government of Uganda considers support or compensation to the farmers of this country whose livelihood is at stake and likely to collapse.

The milk for schools project should be fast-tracked and implemented by this Government because it will increase domestic consumption, stabilise prices and increase the nutritional levels of our children.

I beg to submit, Mr Speaker.

11.12

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Mr Speaker, we are aware of this situation; it is not only milk but also some other products. The Head of State has been informed of this situation and he is going to engage the President of Kenya to see how we can resolve this matter.

At the operational level, we have arranged a Council of Ministers to discuss milk issue and other products and then bring this matter to the Heads of State Summit and find a lasting solution on how we can protect the community. As a country, we have been committed to all the protocols we have signed and we expect our sister countries to do the same.

However, in terms of support to the farmers, we cannot promise that we are going to give them a subsidy. The Government can promise to do all it can to find alternative markets for the milk. We are now in the advanced stages of engaging other countries like Algeria; we are about to sign an agreement where Algeria is going to take quite a sizeable amount of milk from Uganda. By finding alternative markets and taking advantage of the African Continental Free Trade Area, then in a way, we resolve this. The matter is known and action is being taken, Mr Speaker.

11.14

MR FREDRICK ANGURA (NRM, Tororo South County, Tororo): Thank you, Mr Speaker. Last Thursday, we passed the Appropriation Bill. One of the key issues that were discussed exclusively in that Bill and agreed upon by both the Opposition and the NRM side was the Shs 100 billion that was shifted from the Ministry of Energy and Mineral Development, specifically for power. It was resolved that this arose because of the slow implementation of the monies available to the Rural Electrification Agency while shifting it to the ministry.

It was agreed that the energy ministry comes with an exclusive report on Tuesday, yesterday, so that we can harmonise it and see how we can re-align and create an opportunity to look for avenues for that Shs 100 billion.

The issue Hon. Sarah has raised is affecting the whole country. We urgently needed that Shs 100 billion to be reinstated to the ministry. I thought that today - as expected yesterday - we would have had this on the Order Paper because the ministry committed; this was a highly contentious issue that we needed to resolve.

I request that since it is not on the Order Paper today, if it pleases you, it should be considered tomorrow and we harmonise it to see how we can look for that Shs 100 billion to be reinstated to the energy ministry in order to connect the areas that are now suffocated with poles standing and wires – *(Member timed out.)*

THE DEPUTY SPEAKER: Thank you. Hon. Angura, it is not the duty of Parliament to look for money; you cannot do the work of the Executive.

Secondly, the process of appropriation has ended. Government has a window - under 3 per cent - where it can - if it finds the matter very urgent, it can get that Shs 100 billion and give it to the ministry to implement projects and they seek retrospective approval. They have another window of bringing a supplementary. Whatever we discuss here, we cannot amend the Appropriation Bill - maybe if you want us to go to reconsideration under Rule 222 of our Rules of Procedure.

Beyond the Government of Uganda component, we have projects in our constituencies which are externally funded. The money is there; we are paying interest on those loans as Government but they are not absorbing them. I have them in my constituency and I am being accused that we are just waiting for elections to come in 2026 and then I resume projects. It is as if I am the one who directs how the ministry does its projects.

Therefore, let the ministry perform. We have loans which we passed; we passed the Last Mile Connectivity loan. Hon. Angura, I heard you when it came to matters of the Committee on Natural Resources as well as the Committee on National Economy. Tell me what they have done with over US\$ 200 million.

Let the Committee on Natural Resources engage the ministry; committee chairman, you are here and I now direct you because you are within my ambit. Meet the Ministry of Water and Environment and look at how they are implementing the projects we passed over time. This Shs 100 billion was on GOU financing; before you talk about GOU financing, you have hundreds of billions under external financing on which we are paying interest as a Government. Why are you not absorbing that money?

I do not want this House to be hoodwinked and blame themselves for the decisions they make.

The House made a decision which it can stand by. If there is any gap anywhere, the Executive will propose how best we can fill it. However, we want them to implement and absorb the money we gave them under various funding.

We used to call Hon. Bahati “a vendor of loans.” Most of these loans were for the Ministry of Energy and Mineral Development. Why don’t we have electricity? Why should you put up a transformer and it reaches an extent of being damaged before you can commission it? For instance, they brought poles in my constituency for five years - they dumped poles and went under a loan and you expect me to have kind words for you.

What is your matter of national importance Hon. Sarah? If you submit on this one, then you will not have another opportunity. I have already directed the committee to handle this one.

11.19

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you, Mr Speaker. In March 2021, the Ministry of Local Government did officially launch the issuance of LC 1 stamps. As we talk about security issues; corruption and forgery, these LC 1 stamps, which were nationally procured, would go a long way in helping us to deal with some of the challenges of forgeries and even the theft of cattle that we are seeing in some of the communities. In my district of Tororo, we have LC 1 chairpersons who have never received these stamps to date.

My prayer is that the Minister of Local Government issues these stamps to the LC 1 chairpersons so that we can be able to know where the problem is and why they have not been given these stamps since 2021. Then after that, let these stamps be issued to the LC1 chairpersons.

Otherwise, our motion on the Rural Electrification Agency has also been pending. It would help us deal with the gaps in the Ministry of Energy and Mineral Development. Thank you, Mr Speaker.

11.20

THE MINISTER OF STATE FOR LOCAL GOVERNMENT (Ms Victoria Rusoke):

Thank you, Mr Speaker. First of all, I apologise for that omission, but I stood here on this very Floor of Parliament when Hon. Martin Muzaale raised the point of stamps and I appealed to all Members to submit their lists, in case they had a similar gap. We procured and delivered stamps for all those who submitted their plight. I pledge to do the same for Tororo. Thank you.

THE DEPUTY SPEAKER: Honourable minister, you better write to Chief Administrative Officers because it will not be Members of Parliament to start dealing with the LC I chairpersons. Write to the Chief Administrative Officers so that they tell you the gaps and you fill them.

MS RUSOKE: Most obliged, Mr Speaker.

11.21

MR MOSES OKOT (FDC, Kioga County, Amolatar): Thank you, Mr Speaker. It is now a year since they put a ban on cattle trade in Northern Uganda. This initiative was taken by two ministries; the Ministry of Internal Affairs and the Ministry of Agriculture, Animal Industry and Fisheries. The intention of the ban was to curtail the rampant and control movement of the nomads locally called the *Balaalo*.

However, the ban was blanket to the extent that persons who used to trade in animals in my constituency Kioga County, through the Kioga ferry are not able to trade in cattle to date.

Mr Speaker, Kioga is a peninsula district on the windward side of the lake, and our only livelihood is cattle trade and fishing. Fishing is no more at the time for a common man. We are only left with cattle trade. If the blanket ban continues, I am going to continue representing paupers or IPOLIS to date. It is very hard to represent such people because you become a donor.

It is my humble plea that the blanket ban be lifted specifically to persons who own licences in Kioga to continue trading in cattle.

Secondly, the trade that was restricted is only that from Amolatar; it should be to and fro so that persons from Amolatar can equally bring their cattle; not only to receive cattle from Kampala. Those are my two humble prayers. I so submit.

THE DEPUTY SPEAKER: Thank you. Honourable Minister of Internal Affairs?

11.23

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Thank you, Mr Speaker. Hon. Moses Okot has made a blanket statement that there was a ban, I am not aware of it. There was an operation directed by the President which was time bound and it ended. Cattle trade in general was not banned. We only enforced the quarantine restrictions, enforced by the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF).

I understand that even today, post that exercise, some people have taken it upon themselves to restrict their movement and work under the guise of that operation. So, we shall get guidance from MAAIF that going forward, cattle should move subject of course to the usual restrictions, where there are outbreak of diseases, those ones can be enforced by MAAIF.

However, regarding the *Balaalo* issue, an executive order has been made by the President again banning the movement of *Balaalo* to that area. So, we shall see how to refine the position and communicate to the people of Northern Uganda through their leaders.

THE DEPUTY SPEAKER: Honourable minister, I request that you meet with Hon. Moses Okot; you can coordinate with MAAIF because it is a pressing issue.

GEN. MUHOOZI: I will.

THE DEPUTY SPEAKER: Honourable colleagues, in the public gallery this morning, we have partners of Uganda Parliamentary Alliance on Food and Nutrition Security. They are represented by Hon. Milton Muwuma, the

Chairperson of Uganda Parliamentary Alliance on Food and Nutrition Security. They have come to observe the proceedings of the House. Please join me in welcoming them. *(Applause)*

As part of my communication, today, I was supposed to brief you on some activities. I will use this opportunity to call Hon. Muwuma to update the House on this activity.

11.26

MR MILTON MUWUMA (NRM, Kigulu County South, Iganga): Thank you very much, Mr Speaker. On Sunday 28 May 2023, the country will commemorate World Nutrition Day under the theme: “Fuel for the Future.” Food and nutrition security is a major fuel that drives economic development and growth.

Mr Speaker, I thank you for journeying with us and accepting to launch the Uganda Parliamentary Nutrition Week, which you opened on Monday this week. *(Applause)*

At the same time, we thank you for remaining solid and united with us when we requested you to revive the programme of providing maize seeds to Members of Parliament to promote food security in this country.

We pray that we maintain this programme and ask the Government to provide seeds at the right time for us to catch up with the rains.

We appreciate this Parliament for leading by example, especially when we established a breastfeeding centre for lactating mothers. We would like to urge different organisations to emulate this and ensure that they set aside breastfeeding centres such that children grow while enjoying the right of breastfeeding for at least six months.

Finally, we urge the Government to promote food security in this country. We need to roll out the tractor scheme to all areas in this country, to boost food production and productivity. *(Applause)*

Mr Speaker, we thank you very much for giving us space in your communication. We needed to make a statement but the rules do not allow.

I thank you again, for moving with us as the Parliamentary Alliance on Food and Nutrition Security. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, yesterday I requested the Minister of Education and Sports to bring a statement on the information which was circulating in the public that some courses being offered by universities are expired, and our students or children are not being admitted in some of the universities because of that. So, the minister should be ready. Leader of the Opposition?

MR NAMBESHE: Thank you very much, Mr Speaker. I would like to thank Hon. Muwuma who chairs that forum on Parliamentary Alliance on Food and Nutrition Security.

In the National Objectives and Directive Principles of State Policy, XXII on food security and nutrition, it says “shall establish national food reserves.”

This Government is going to make 40 years in power, but we have waited to see at least a single silo full of grains, all in vain. Moreover, it is a requirement and dictate of the Constitution. In the national objectives under Directive Principles of State policy –

Mr Speaker, it also requires the Government to take appropriate steps to encourage people to grow and store adequate food. But all these four decades down the road, we do not have anything.

THE DEPUTY SPEAKER: What is your procedural matter?

MR NAMBESHE: My procedural matter is that is this Government procedurally compliant with what the Constitution mandates it to do? *(Laughter)*

THE DEPUTY SPEAKER: Thank you. Leader of the Opposition, this is a very critical issue and so, I would like to propose that you take advantage of rule 53 and bring an alternative statement on the Floor, we debate

it, and make Government commit rather than it coming as a matter of procedure. Thank you.

STATEMENT BY THE MINISTER OF EDUCATION AND SPORTS ON THE ACCREDITED COURSES AT PUBLIC UNIVERSITIES

11.32

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Dr John Chrysostom Muyingo): Thank you, Mr Speaker. This statement is about Parliament’s concern over the media reports on the validity of the academic programmes offered by higher education institutions in Uganda.

The Ministry of Education and Sports appreciates the concern the media reports have created on the validity of academic and professional programmes offered by higher education institutions.

We clarify as follows:

1. Section 5(d)(ii) of the Universities and Other Tertiary Institutions (Amendment) Act 2001, mandates the National Council for Higher Education to accredit academic and professional programmes of these institutions in consultation with professional associations and regulatory bodies.
2. The process of accreditation is guided by a prescribed set of quality assurance capacity indicators specified in the National Council for Higher Education Quality Assurance Regulatory Framework. These indicators include those on infrastructure and human resources available for implementing a programme, among others. The National Council for Higher Education, in addition, assesses the quality and relevance of the programme and its learning outcomes as well as the teaching and learning methods. Institutions are required to resubmit programmes for reassessment every five years for those who are doing master’s, bachelor’s, diplomas and higher education

- certificates and every after 10-years for those who that are offering PhD programmes.
3. In accrediting professional programmes, National Council for Higher Education consults professional bodies which among others include:
 - (a) Uganda Medical and Dental Practitioners Council;
 - (b) Engineering Registration Board;
 - (c) Pharmaceutical Society of Uganda;
 - (d) Allied Health Professional Council;
 - (e) Uganda Nurses and Midwifery Council;
 - (f) Uganda Veterinary Board;
 - (g) Surveyors Registration Board;
 - (h) Architects Registration Board; and
 - (i) Law Council.
 4. On accreditation, institutions receive letters specifying the period after which the programme should be reviewed and is submitted for reassessment.
 5. Reassessment of the programmes

Reassessment of the programmes is best practice to ensure the quality and the relevance of graduates. Upon completion of the internal institutional programme review processes, institutions apply for reassessment of a programme by the National Council for Higher Education. Once an institution has applied for the reassessment, the National Council for Higher Education reassesses the programme to establish among other things:

 - a. The implementation of National Council of Higher Education regulations regarding minimum standards;
 - b. The adherence to the programme design, the content, the duration, contact hours, and assessment of what is taught;
 - c. The relevance of what is taught for the job market and the nation;
 - d. The quality of graduates to be passed out.
 6. Information on accredited programmes

Section 5(b) of the Universities and Other Tertiary Institutions (Amendment) Act 2001, gives the National Council for Higher Education the mandate to promote and develop the processing and dissemination of information on higher education for the benefit of the people of Uganda. Information on appreciate programmes is readily available.
 7. Expiry of Accreditation

“Expiry” of accreditation as reflected on the National Council of Higher Education website means that the programme needs reassessment to establish whether the key aspects upon which accreditation was granted are still in place. No programme will receive this label once institutions conform to the requirements for reassessment. Institutions with programmes requiring reassessment have been urged to submit them for reassessment as soon as possible, in any case, by 30 November 2023.
 8. Programmes that have received prior accreditation:

The Ministry of Education and Sports wishes to assure the public and all stakeholders around the world that the qualification of graduates on programmes that have received prior accreditation in accordance with the National Council for Higher Education minimum standards and regulations by the National Council for Higher Education are valid. So, we should not have worries at all.
 9. In the process of programme review, some higher education institutions have found it necessary to delete from the offer, merge and/or improve the existing accredited programmes. The changes ought to be

communicated to National Council for Higher Education for appropriate updates of the programme data based at the National Council for Higher Education.

10. The ministry wishes to reassure the general public that qualifications awarded by higher education institutions in Uganda are highly regarded both at home and abroad. Graduates from these institutions continue to receive international admissions, recognition and acclaim.
11. The ministry disassociates itself from all media reports from any institution other than National Council for Higher Education, on the expiry of programmes. This is so as to avoid the circulation of fake information that could alarm the public. We, therefore, call upon the public to seek the right information from the National Council for Higher Education to allay any anxiety on the validity of the programmes.
12. In executing its mandate, the National Council for Higher Education encounters quite some challenges. These are:
 - a. Inadequate staffing;
 - b. Inadequate transport facilities;
 - c. Inadequate funding for operational and development purposes;
 - d. Office space limitations.

We call upon Members of Parliament to support the identification of resources for the National Council for Higher Education to enable the agency to execute its mandate more efficiently and effectively.

Mr Speaker, once again, we appreciate the opportunity that you have given us to present to the House an explanation on this very important matter. For God and my Country.

THE DEPUTY SPEAKER: Thank you, honourable minister. The most important aspect I have picked from your statement is the reassurance point, which is No.8. Honourable colleagues, when the Speaker is speaking, do not interrupt. Point No.8 reads:

“...all stakeholders around the world that qualification of graduates on programmes that have received prior accreditation in accordance with the National Council for Higher Education minimum standards and regulations by National Council for Higher Education are valid”. I think that is reassuring. However, honourable minister, we like using strong words without knowing the impact they can have. Why use the word “expiry”? If someone presented to you a product which has been declared expired – it has expired, do away with it and start afresh – yet you are just going to review. *(Laughter)*

I think you need to write to the National Council for Higher Education that these programmes should be marked as “programmes under review” because you are not saying that they should do away with the curriculum completely. When I submit, you review and say: “Well, improve or this is sufficient.” However, if it is expired, you throw it in the dustbin. So, do not throw our courses into the dustbin. *(Applause)*

Number two, honourable minister, when you read through your statement – and, really, I have been in the higher education sector with you for some time. When you look at your statement, when you say that for a bachelor’s degree, the curriculum is reviewed after every five years. Now, you have a course like medicine, which takes five years. It means that once I am admitted, by the time I am graduating, my curriculum is expiring.

It also means that once I am admitted in a curriculum that had taken two years, I will only study a valid curriculum for three years – the two are expired – yet I made a decision to apply for this course at this university based on a curriculum offered by that university.

How do you look at a course that takes five years and say its curriculum can expire after every five years? It is not tenable. Why are you giving yourself a much bigger burden of coming in to review?

Finally, why cause a national crisis? The damage this has done to the institutions of

higher institutions in our country, I can tell you, even if you clarify, will be very difficult to reverse. Maybe, you will have to buy space in the media and inform the whole country.

Finally, honourable minister, if you are using websites, let those websites be updated daily. I saw one Government website which was still showing a minister, who had died long ago. They were still showing him as a full minister, yet the man had died two years back.

I just wanted to give my observations. I want to open up to Members and I will start with the former Guild President and the only political party president in Parliament – (*Laughter*) – and also a former lecturer.

11.44

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Mr Speaker, I want to thank you. I also want to thank the minister for the statement.

Mr Speaker, there are three things that we need to critically analyse – and, really, this is for the minister and National Council for Higher Education.

Number one is the rationale behind reassessment. At primary level, there is no reassessment of subjects, but you are doing it at the highest level. Once a programme has been accredited and the university has a charter, the idea of periodical assessment, in my view, becomes superfluous. Why is there a need?

If there are complaints or concerns, then, as part of your regulatory framework, you can carry out what we call on-spot checks and assessments on any programme in any university.

Part of the problem, Mr Speaker, is subjecting these courses to periodical assessment – the five years and 10 years you are talking about. National Council for Higher Education needs to review this.

Secondly, Mr Speaker, the law allows National Council for Higher Education, for example, to

grant provisional licences to universities. If you have been granted a provisional licence and along the way you do not qualify for a charter, all the courses and degrees and programmes you have offered remain valid. They are not invalidated. They remain valid as long as you have a provisional charter.

In fact, if you have a provisional charter, you can only not undertake graduate courses. However, when you are operating a provisional charter, you can have diplomas and degrees – and it has happened. However, the qualifications awarded under a provisional licence, before you get a charter, are valid. Seeking to invalidate courses because of failure to resubmit a course for reassessment, again, will cause a fundamental problem.

Finally, Mr Speaker, I think this is a matter that, as a legislative body, we should take an interest in. Part of what we are discussing here is in the law. The law empowers National Council for Higher Education to accredit courses, but the law is silent on two issues:

1. What happens to an institution that does not submit their courses for accreditation and what happens to their courses? The law is silent on that. This is a matter that, through you, Mr Speaker, our Committee on Education and Sports should take interest in.
2. These universities are offering these courses and National Council for Higher Education is watching. So, what happens to programmes where students have graduated, yet their courses were not assessed or resubmitted for assessment? Again, the law is silent on that aspect.

Therefore, I think that as we look at National Council for Higher Education, it is also important, as a legislative body, to consider legislative reforms for purposes of clarity.

I thank you, Mr Speaker.

THE DEPUTY SPEAKER: The law has been pending; it has been coming every financial

year. Honourable minister, you will also need to update us on the amendment of the law. Chairperson, Committee on Education and Sports?

11.48

THE CHAIRPERSON, COMMITTEE ON EDUCATION AND SPORTS (Mr John Twesigye): Thank you very much, Mr Speaker. I would like to, first of all, thank the honourable minister for making a statement.

Mr Speaker, as the Committee on Education and Sports, we have been receiving several communications regarding these courses which they regard to have expired – and we have been interacting in our group.

We have also realised that if you look at the communication from Makerere University and Kyambogo University and what the minister has presented, they seem to be conflicting.

What we have decided, as a committee, is to invite the Ministry of Education and Sports and the relevant agencies and interact with them tomorrow and, possibly, Friday so that we go into the critical analysis of the matter.

Not only are there challenges with courses, Mr Speaker, but there are also problems with the implementation of the lower secondary curriculum.

So, I would like to inform the House and the minister that, as a committee, we are going ahead to interact with them.

THE DEPUTY SPEAKER: Thank you. Hon. Mawanda?

11.49

MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi): Thank you, Mr Speaker. I would like to thank the minister for the statement.

I raised a matter yesterday with respect to the DIT curriculum that was introduced alongside the lower secondary school curriculum, where the Senior Three students were supposed to sit

for exams this current year. Mr Speaker, after the Government received registration fees from the students, it halted the programme.

I requested the minister to come up with a statement on the fate of the DIT exams and whether they are planning to give the students two sets of exams next year with respect to both the new curriculum and the Directorate of Industrial Training Curriculum. Thank you, Mr Speaker.

11.50

MR DICKSON KATESHUMBWA (NRM, Sheema Municipality, Sheema): Thank you, Mr Speaker, I have listened to the minister carefully and I just want to pick out one of the statements he made. One of the justifications for what is happening is underfunding to the National Council for Higher Education; the minister appealed to Parliament to help.

However, I want to ask the minister; the budget originates from the Government and comes here. You set the ceilings, identify priorities and bring the budget to Parliament. If there are priorities under the National Council for Higher Education, why don't you provide funds as Cabinet? Why do you want the public to think that Parliament has not done its work of giving money to agencies that need support? This is the problem we are facing; you are pitting Parliament against the public.

Government must be able to identify priorities and provide a budget. The percentage of the budget that this Parliament is adjusting is even less than 10 per cent. So, the minister should take back that statement.

Finally, the committee chairperson has indicated that he intends to interact with the minister. Following that submission, I request you, Mr Speaker that you guide the committee on the parameters of the interaction and then we continue with the debate when they have finished the interaction and presented the report to the House.

THE DEPUTY SPEAKER: I will guide on how to handle this statement from the minister.

What Hon. Kateshumbwa has raised is very critical, honourable minister. Out of a budget of Shs 52 trillion, Parliament adjusted around Shs 500 billion, which is around one per cent.

However, with even that, we are being accused by ministers - You do not need to ask me because I do not sit in Cabinet; we do not know what happened there. We received reports on what happened on Monday of you blackmailing Parliament on how we removed money from projects to other projects.

The ministers are here. Members of Parliament do not own any projects. The projects they adjusted are owned by ministers and they came out of the priorities which you call “unfunded”. For example, the quality assurance department in the National Council for Higher Education, which is supposed to be doing this work, has 12 people. They are supposed to be assessing 4,500 courses and curricula. Can you imagine?

So, what happens is that you will find some universities claiming they submitted their courses for accreditation but they have not gotten feedback because the National Council for Higher Education does not have funds that can enable it to go and do that work in time. However, that same Council will go and declare that courses expired when the time elapses. That is not our problem; we cannot do the work of the Executive.

Honourable minister, put money aside for the National Council for Higher Education in the budget and you will see whether we shall remove it; we shall ensure it is protected. Otherwise, you can tell us which budget to cut and give to the National Council for Higher Education.

If you are a lecturer, please give me a sign, apart from Hon. Kayemba. *(Laughter)*

11.55

MS GORRETH NAMUGGA (NUP, Mawogoola County South, Ssembabule): Thank you, Mr Speaker, for this opportunity. I also informed the House that yesterday, while we were receiving the report on security, I

equally informed the minister that inadequate education is more of an insecurity than the one we discussed yesterday.

When we were considering the budget, we looked at the general outcry of public universities of failure by the very Ministry of Education and Sports to release non-tax revenues. The ministries suffer when – For everyone who read the comments of Prof. Nawangwe, one of them was basically lack of money. These universities collect money from students but the ministry fails to remit this money back to them. The ministry should also look into that. The non-tax revenue that is collected from the universities is not remitted to them to offer the services in time. So, that is a weakness on the side of education.

Mr Speaker, please allow me to also submit this. We have a challenge in primary education, regarding the candidate classes. I represent a village constituency and it has now become mandatory for all the pupils in candidate classes to be in boarding school; it is seriously affecting the vulnerable people.

The Ministry of Education and Sports should come out and explain this. Is it now mandatory and a policy for every pupil in public schools to be in boarding school, as long as they are in candidate classes? Mr Speaker, I seek clarification on this. Thank you.

11.56

MR JOHN MAGOLO (NRM, Bungokho County North, Mbale): Thank you very much, Mr Speaker. I thank the honourable minister for the statement. The statement comes at a time when we are just recovering from the COVID-19 pandemic and most of the students had just left university. When they came out of there, there is a lot of unemployment. This statement comes to consolidate some of those feelings they are already nursing about whether they made the right choice to go to school.

When this information comes out, it first of all, makes us ask a question – and the exact words you said is the question I had - why did we have to use that very simple statement, “expiry

of all these courses?" It is a lineup of not only one but very many courses.

I agree that this statement needs to be taken back and corrected, so that the word "expiry" is actually removed from the entire circulation. If it is an assessment – those things are normal. We should assess, other things are cut off and then realignment is done.

The second question, honourable minister, is; what was the source of that information? What was its intention to become public at a time like this to already frustrated learners? That is very important.

More so, the National Council for Higher Education has a direct channel of communication with all of these higher institutions of learning. This information was practically meant to go to those particular institutions which have the responsibility to resubmit their courses for reassessment. Why was the information just sent to the public, so that it is taken up by social media and people are misinformed, just like the minister said? It cannot be misinformation because it was information given to the public. When you give it to the public, they can use it any way they want; you have no control.

So, I beg to submit that this needs to be corrected and redirected. Thank you very much.

THE DEPUTY SPEAKER: Thank you. Hon. Florence Akiiki, then Hon. Okot. Hon. Florence Akiiki was a lecturer for some time. Let her tell us whether she was teaching expired courses. *(Laughter)*

11.59

DR FLORENCE ASIIMWE (NRM, Woman Representative, Masindi): Thank you, Mr Speaker. The value of education cannot be underestimated. The future of the nation is based on the education system and the type of programmes that are offered by that nation.

That notwithstanding, I wish to thank the Minister of Education and Sports for the statement. Programmes are supposed to be reviewed. Of course, according to the Act, the timeframe is five and 10 years.

Like the chairperson of the Committee on Education and Sports has rightly said, most of these Acts also need to be reviewed. The starting point here is to review the National Council for Higher Education Act and it is indeed long overdue. A number of aspects in that Act need to be seriously looked at by stakeholders in the education sector.

We are ready, as this Parliament – those who are interested in education should be part of this process. Let us involve all the stakeholders; not only higher education but also lower education. There is a lot that is going on in education that some of us are not happy with.

Therefore, let us embrace education because the children that we send out there are going to serve the nation. If we have poor education systems, then we are going to have poor engineers, poor doctors and poor lawyers. Education is the background and foundation of any nation.

For a start-up, let us review the Education Act by looking at clause by clause so that we improve the education system in Uganda. I beg to submit. Thank you.

THE DEPUTY SPEAKER: The Education Act was part of the legislative agenda which the Government submitted. So, we expect them to bring it anytime. Those who have spoken on other matters, I request you remain seated because I will not pick you.

12.01

MR AMOS OKOT (NRM, Agago North County, Agago): Thank you, Mr Speaker and the minister for the statement. The statement you made is also in the public domain, where the National Council for Higher Education has made a press statement on the same.

The problem is that the statement you made went out in a viral way and everybody perceived that degrees and academic papers have expired. However, you were trying to review the programmes of all courses that you mentioned, according to the laws.

Mr Speaker, the minister stated that this was meant to review and develop the infrastructure as well as human resources that could help in the implementation of those programmes. Again, he mentioned issues to do with financing.

I remember very well that every student in every institution pays some money. Those monies are paid every semester in the name of the National Council for Higher Education. At the same time, we wonder, can't that money help in facilitating and doing all these reviews?

Besides, in every school and ministry, there are always staff that do continuous assessments and inspections. Why do you wait until that time?

As a country, we have also allowed private schools to operate. For example, when you go to the secondary level; there are both private and Government aided schools. You find some Ugandans who have opted to invest in education and they are given five years of registration so that they can carry out the task of developing this nation.

For somebody who has opted to invest, for example, in the hotel industry, there is no limitation on time. For you to do an investment, you need to borrow money which is going to be long term and it may take you 20 or 25 years to repay the loan.

However, if you have a registration of only five years, nobody is willing to offer you that kind of loan. Why do you give that period of five years? Why don't you open it up yet you also have school inspectors who on daily basis move to ascertain that so and so have such investments -

THE DEPUTY SPEAKER: Honourable, conclude.

MR AMOS OKOT: Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Honourable minister, when universities are submitting courses for review, do they pay? We also need to capture that.

12.05

MS MARGRET RWABUSHAIJA (Independent, Workers' Representative):

Thank you, Mr Speaker. We need more research when it comes to issues of curriculum. About 10 years ago, they started a course for graduate nurses from Mbarara University and it spread. However, those learners graduated after five years but they have failed to get a salary scale.

Many of them are earning Shs 600,000, you can find them in Nakasero Hospital but the Government has failed to come up with a salary scale and send them to the field. So, many of them are frustrated; others have decided to start afresh on different courses. This means that we do not carry out enough research when coming up with these courses.

Maybe that is why we say that it also expired but they are still enrolling students for the same courses.

The lower curriculum started at a time when we had COVID-19. Many educators insisted that the teachers who are going to undertake that exercise - less than a quarter were trained and they could not remember because they could not even go back to *-(Member timed out.)*

THE DEPUTY SPEAKER: Honourable, switch on the microphone and conclude.

MS RWABUSHAIJA: Thank you, Mr Speaker. That is another challenge. Now, when it came to Senior Three, they told them, "No, you cannot go to Senior Three. Go back to the old curriculum." People are confused and something must be done in order to move forward. Otherwise, we are killing the education system.

THE DEPUTY SPEAKER: Thank you. I had picked Hon. Paska Menya, Hon. Geoffrey Kayemba -Ssolo, Hon. Denis Oguzu and Hon. Rwemulikya.

Honourable colleagues, we still have items which you will speak to; I will not pick everyone on this.

12.08

MS PASKA MENYA (Independent, Woman Representative, Pader): Thank you, Mr Speaker. Thank you, minister, for the report. Anything concerning education, as a nation, we all feel attached.

The impact this circulating information has caused on our children in schools and even parents is too high. To the extent that a certain student called and asked me as their representative what we are going to do about this circulating information.

I would like to inform this House that students are already getting frustrated because of this communication. It is at the higher education level which most parents toil a lot to ensure that they bring the future of their children.

This information circulating has caused a big impact because many students in public universities are complaining that they have also heaped on them charges of late payment and they are effected immediately after returning back to school. I would like the minister to clarify that.

When we go through this struggle to attain education and then we get such information circulating, it causes a bigger impact.

12.10

MR GEOFFREY KAYEMBA-SOLO (NUP, Bukomansimbi South County, Bukomansimbi): Thank you, Mr Speaker. I used to teach at Makerere University Primary School. After that, I did public relations as a student and so, as a student of public relations, I would like to inform the minister that the way they communicated brought both psychological and mental torture to parents, students and graduates.

I know some parents are right now admitted. They sold their pigs as school fees for their children to go to university. Yet, after, they said the courses are expired.

The message that should go to all Government Agencies, Ministries and Departments is that a simple communication can bring disaster in the

country. We must be aware and scrutinise all information we give out to people. Thank you.

12.11

MR DENIS LEE OGUZU (FDC, Maracha County, Maracha): Mr Speaker, I would like to associate myself with people who think this matter has already caused a lot of mental distress in the country. Due to that unnecessary anxiety, we must be able to have clear answers from the ministry as to what led to this and the people responsible must be held accountable.

I would like to understand from the minister under what law they are doing re-accreditation. I am aware that Section 119A of the Universities and Other Tertiary Institutions (Amendment) Act, 2006 provides for accreditation. So, where is this re-accreditation coming from? Under what law is it being done?

Due to the demand from the education stakeholders, the ministry was supposed to implement a centralised admission system, and benchmarking was done by the technical people in Tanzania. How this system works is that whether you are operating a private institution or a Government one, there will be a streamlined way of admission and that would ensure we weed out people who do not qualify and end up getting admitted. Also, it will weed out getting admitted into programmes that have either expired or not accredited.

To date, there is no clear feedback to the country as to how far we have gone with the implementation of this centralised admission system. Because of that, we now have all these problems. Universities that are not licensed and accredited are mushrooming and nobody is taking responsibility.

I sit on the Committee on Education and Sports. I can tell you this sector is being run using decrees. You can see how they increased the salary of science teachers' and abandoned arts teachers. There is no policy for many of the things. They do not have even a policy for early child development. I do not know what the people we put in the education are doing.

12.14

MR RWEMULIKYA IBANDA (Independent, Ntoroko County, Ntoroko):

Thank you very much, Mr Speaker for the opportunity. I would like to add my views to that of Members on this issue.

I read in the newspapers that the National Council for Higher Education said it lacks 60 million to do accreditation. That brings me to raise a question, which is: when planning, don't they plan for this?

I totally agree with you, Mr Speaker, that there is blackmail in this House in some areas. We are at the receiving end because it is the ministry that plans and brings to us what we must pass as Parliament and Parliament does its work. So, my question to the minister is: do you know your priorities? If you needed money to do a review, why didn't you budget for it? Otherwise, our role, as Parliament, is to pass the budget.

This issue of the expiry of courses does not only affect those in the universities. It also affects those who have degrees. If one's degree is among those that were cited as expired – In fact, we are scared because the same degrees were used to upgrade to the Masters. This means, what one used to upgrade to a higher level is fake or is an expired degree.

Mr Speaker, it is not only about those who are learning; it is all of us. Some of us did the courses that - *(Member timed out.)*

THE DEPUTY SPEAKER: Let me give an opportunity to the former Chairperson of the Committee on Education and Sports, Hon. Connie Galiwango and then the Member for Kiboga.

12.16

MS CONNIE NAKAYENZE (Independent, Woman Representative, Mbale City): Thank you, Mr Speaker. I would like to take this opportunity to thank the minister for the statement. However, it leaves a lot to be desired, given the fact that you rightly put it, the word "expiry" is quite scary.

We already have students who have broken down, moreover during exams and they are not able to continue with their exams because of that statement. I do not know how we are going to help them.

We have a lot that needs to be corrected in the education sector. Many times, we have tried to give suggestions but it seems they are thrown into the dustbin. Currently, our children are doing a curriculum where teachers were not trained; it is a big worry. We have students on loan and those who have arrears but the Government has not provided for it. This means education is not looked at as a priority in this country.

I do not want to prophesy doom but we need a lot. Can you imagine the National Council of Higher Education may not even know some universities that give certain subjects that are not required?

12.18

MS CHRISTINE KAAYA (NUP, Woman Representative, Kiboga): Thank you Mr Speaker. I also thank the minister for the report. When you look at the notice, we do not get a list of the accredited courses to enable us follow the upcoming enrolments. They have only shared with us doom of over fifty pages. I request that you share with us what is correct so we can follow.

The other issue relates to the universities in question. You advertise for enrolment, get tuition from the students, teach, get money, and even publish the graduation list when you know that the course is already expired. I put much blame on the responsible staff in the different universities.

Mr Speaker, they have just advertised the students who are on Government scholarships on expired courses, yet we are putting the blame on the ministry? Members, I request that the staff in the respective universities should rectify this; we need to know. There is no expiry date for some degrees. I do not know whether mine expired in 2010 or last year.

When we are battling with unemployment among our youth, this is very important. The youth have identified some European universities to take them on and thereafter be able to compete for jobs there. So, if we cannot even assist our –(Member timed out.)

THE DEPUTY SPEAKER: Thank you. Now, if they have also given you expired citizenship on your national ID –(Laughter)- it means we need to check everything. Leader of the Opposition?

12.21

THE CHIEF OPPOSITION WHIP (Mr John Baptist Nambeshe): Thank you, Mr Speaker. I thank the honourable minister for the assurances his statement carries. However, it is rather unfortunate that one of the victims of Victoria University has just posted this message to me. It reads: “Even up to now, 2,260 programmes are still listed as expired on the website of the National Council for Higher Education.”

Moreover, as per your statement, honourable minister, it would have been wise for National Council for Higher Education to have reviewed rather than declared those programmes expired.

Honourable minister, even if I am persuaded 100 per cent to throw my full weight behind the allocation of my resources to the National Council for Higher Education, if indeed they have gaps, for instance, staffing gaps, there is Statutory Instrument No. 17, 2010 which requires every student in tertiary or university to pay Shs 20,000 per year.

Besides that, institutions also pay to have their programmes processed for accreditation. Can this money help to review and update? Why would there be delays in updating their website, for instance, if they get such money? The one million-dollar question would be: why would universities continue to admit students to programmes which are under review by the National Council for Higher Education?

Mr Speaker, I concur with you – these are thorny issues that would require our committee to

interrogate further. We have many stakeholders. As we talk now, we have tens of thousands of current and former university students hanging in the balance. Our committee will do a better dissection to interrogate the thorny issues because it seems that if National Council for Higher Education is not sleeping on the job, it is overwhelmed.

Mr Speaker, I thank you.

THE DEPUTY SPEAKER: Thank you. I picked Hon. Ephraim Biraaro.

12.23

MR EPHRAIM BIRAARO (NRM, Buhweju West County, Buhweju): Thank you, Mr Speaker. I also join others in thanking the minister for the statement. It has provided some relief – only some relief – but a lot remains to be desired.

Mr Speaker, I am concerned about the time that the minister will take between now and when he makes a clarification that the word “expired” means “under review”.

Mr Speaker, there is a lot of fight and alarm outside. We are getting calls from students; they are asking: “Should we remain in this university? The course that I had registered for has expired. How sure are we that the other courses are not expired also?”

Secondly, Mr Speaker, it is even worse for universities that we think are better off – those which are not mentioned anywhere – because they are asking: “Are these universities existent at all?”

Therefore, Mr Speaker, my request to the minister is that they make immediate approaches to all the media and make official statements to stabilise the situation. The statement should be made by none other than the minister. Thank you.

THE DEPUTY SPEAKER: Thank you. I had already gone to the side of the minister, but I have received a notice here.

Honourable colleagues, in the public gallery this afternoon, we have catechists from Bihanga Catholic Parish, Bihanga Subcounty, Buhweju District, headed by Fr Barekye Mukasa. They are represented by Hon. Oliver Katwesigye Koyekyenga, Hon. Ephraim Biraaro and Hon. Francis Mwijukye. They are here to observe proceedings of this House. Please, join me in welcoming them. *(Applause)* That is why I made an exception for the area Member of Parliament to submit.

Let me ask the Attorney-General to clarify for us.

12.26

THE ATTORNEY-GENERAL (Mr Kiwanuka Kiryowa): Thank you, Mr Speaker. We did see the notice that was issued by the National Council for Higher Education. We have studied it and it is an administrative function that the National Council for Higher Education is carrying out to review the courses.

The use of the word “expiry” may have been a bit overboard, but that was their choice - and they think they are going to correct it.

However, under our laws, there is no provision for the expiry of courses. Courses are continuous. *(Applause)* Therefore, the country needs to remain calm; there is no law that provides for the expiry of courses. The courses are still valid. It was just a bad choice of words. However, I think the review is going on and the National Council for Education is continuing to review the courses to make them applicable to the circumstance and that obtain with the changing circumstances in the world.

However, Mr Speaker, the country needs to be assured that all the degrees that have been issued are well within the provisions of the law. I beg to submit.

THE DEPUTY SPEAKER: Thank you very much, Attorney-General. That was the issue, for sure. I hope, honourable minister, you go and take action, especially on these regulations which institutions keep referring to – “within our powers”, “you gave me this power to

do...” - you can cause a national crisis. For example, the way Hon. Tinkasiimire is looking at me – I am not sure your degree is even valid. *(Laughter)*

Hon. Muyingo?

DR MUYINGO: Thank you, Mr Speaker. From the very beginning, I must say that the Attorney-General has done it for us all. The interpretation is the correct one. I would like to thank the Attorney-General for that.

I thank Members for the support for this ministry, as evident from the many contributions they have made. I have captured all of them and I would like to tell you that if you gave us all that support, we shall have the best education system in this country.

Mr Speaker, you asked many questions: Do universities pay to have their programmes accredited? Do students pay -

THE DEPUTY SPEAKER: All those ones can be answered at committee stage.

DR MUYINGO: Yes, all these are going to be answered at the committee stage. However, one thing I would like to add is that I have given you a lot of information. As you said, this message brought a lot of anxiety to the public. I am calling upon all of us to join hands to make sure that the right information gets to the right people.

Even the message that has come from the Attorney-General – interpreting the law - let us all pick and share it with the public.

Secondly, the students pay Shs 20,000 to National Council for Higher Education every academic year. That money is what the National Council for Higher Education uses, but that enables us to collect about Shs 5 billion. Their budget is over Shs 10 billion for just reviewing and evaluating the different programs. Do they pay? The answer is they pay. Do the schools pay to have the programs reviewed? The answer is “yes.”

The way I see it, Mr Speaker, is that there is quite a lot that we are picking from you, which indicates that there are gaps in the law. The amendment would have come to the Floor long ago but because of the importance of the matter, we have taken a lot of time consulting and I can happily inform you that we are almost through with the consultation. The top management has rarely considered and blessed the whole exercise. What we are left with is to make a submission to Cabinet so that we prepare to come to the Floor of Parliament for consideration.

THE DEPUTY SPEAKER: Thank you. Honourable minister, yesterday, we had an issue which had been raised by Hon. Bwanika, regarding veterinary courses at Makerere University. Hon. Bwanika, you can remind us of that.

DR BWANIKA: Thank you. Mr Speaker, October 20 -

THE DEPUTY SPEAKER: Hon. Tinkasiimire, can we have your attention?

DR BWANIKA: Last year, the Registrar of Uganda Veterinary Board wrote a letter to the Principal of the Veterinary College and indicated that they have altered the registration of the veterinary doctors, who qualify from the veterinary school; you cannot practice unless you are registered. This has affected service delivery and it has also affected the graduates. The Uganda Veterinary Board said that they have reservations on the training standards at the veterinary school. We want to know what the ministry is doing.

THE DEPUTY SPEAKER: Veterinary of which University?

DR BWANIKA: Of Makerere University; the only university that offers a Bachelor's Degree in Veterinary Medicine.

THE DEPUTY SPEAKER: Hon. Bwanika is fighting for his course. Let the minister first respond.

DR MUYINGO: Mr Speaker, we have tried to involve almost everybody in the new curriculum as much as possible in determining what we do in the lecture rooms and what happens to our students throughout the entire exercise. This is where this item comes in.

As you may also be aware, when it came to the Faculty of Law, some time back, we would use the joint selection exercise, until the lawyers said, "No, hold on. Let us add some other value."

Therefore, even these professional bodies have looked at what we are doing and they have advised - it is not yet a policy or a law. We are trying to consult over what should happen because that is one body that has been consulted. We are consulting other bodies and very soon, after we have completed our assessment or study, we shall be coming to Parliament with a detailed statement on what is going to happen. I submit, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. The statement is referred to the Committee on Education and Sports. Committee chairman, look at the details plus the issues which the Clerk should pick out from the *Hansard* and communicate to you so that they are handled.

MR OGUZU: Mr Speaker, the Attorney-General clarified to the country that all the degrees issued cannot expire and are therefore valid. I am aware that there are degrees issued by universities or institutions that are not licensed and there are unaccredited courses being pursued by some students. Can the Attorney-General tell the country whether those degrees are equally valid because the country may need to know the right information?

THE DEPUTY SPEAKER: Thank you. That is not a procedural matter. Let the committee handle it. When we are debating it, it will be handled. I do not want us to abuse a point of procedure. The issue of DIT and all that should be captured at the committee level. We are going to comb, pick out the issues and we give them to the committee.

LAYING OF PAPERS

THE PROPOSAL TO BORROW UP TO SPECIAL DRAWING RIGHTS 374.8 MILLION EQUIVALENT TO \$518 MILLION AND RECEIVE A GRANT OF SPECIAL DRAWING RIGHTS 34.8 MILLION EQUIVALENT TO USD 48 MILLION WITH THE INTERNATIONAL DEVELOPMENT ASSOCIATION OF THE WORLD BANK GROUP AND ALSO BORROW UP TO EUROS 40 MILLION UP EQUIVALENT TO \$42.66 MILLION FROM THE AGENCE FRANÇAISE DE DÉVELOPPEMENT, TO FINANCE THE GREATER KAMPALA METROPOLITAN AREA URBAN DEVELOPMENT PROGRAM.

12.36

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Mr Speaker, I beg to lay, on behalf of the Ministry of Finance, Planning and Economic Development a proposal of Government to borrow up to Special Drawing Rights 374.8 million equivalent to US\$ 518 million and receive a grant of Special Drawing Rights 34.8 million equivalent to US\$ 48 million from the International Development Association of the World Bank and also borrow up to Euros 40 million equivalent to US\$ 42.66 million from the Agence Française De Development to finance the Greater Kampala Metropolitan Area Urban Development Program.

THE DEPUTY SPEAKER: Thank you. The loan proposal stands referred to the Committee on National Economy and the Committee on Presidential Affairs for processing and report back to the House. The Committee on Education will be required to report back within one month.

Honourable minister, please issue that statement regarding our courses to the public. Thank you.

BILLS
SECOND READINGTHE EMPLOYMENT (AMENDMENT)
(NO.2) BILL, 2022

THE DEPUTY SPEAKER: Honourable colleagues, this Bill is co-sponsored. It was first sponsored by Hon. Agnes Kunihira, who is not around. She is on official duty but she assigned Hon. Margret Rwabushaija, also a Member of Parliament representing workers to stand in for her.

When it came, the Government also had their Bill ready. Due to the limitation provided for under article 93 - and we wanted a Bill that is well beefed up, especially on the aspect of financial implication and funding, we had to get the one for the minister and also refer it to the committee.

The lead sponsor here will be the minister because of article 93. Otherwise, it would have been the Member, but if the Member leads, then it will be very difficult; if someone challenges the Bill in the courts of law, it would be violating the provisions of Article 93 of the Constitution. Therefore, I will allow both of them to make a brief statement, but the motion will be moved by the minister.

12.39

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Thank you, Mr Speaker. I beg to move that the Bill entitled, "The Employment (Amendment) No.2 Bill, 2022" be read for the second time.

THE DEPUTY SPEAKER: Is the motion seconded? (*Members rose*) It is seconded by Hon. Oboth, Hon. Gidudu, Hon. Kimosho, Hon. Bakkabulindi, Hon. Nancy Acora, Hon. Allan Mayanja, Members from Kiboga, Mukono, Wakiso, Luwero and Ssembabule, Hon. Santa and the Attorney-General; that should be underlined. (*Laughter*) Rwampara, Hon. Tom, Hon. Bright, Hon. Pamela, UWOPA, Masindi, and many other Members.

Honourable minister, can you speak to the motion briefly?

MS AMONGI: Thank you, Mr Speaker. This Bill seeks to amend the Employment Act, 2006 which identified critical gaps, and the issues that would be addressed today in this Bill is to align it with the common laws but more specifically, on the issue related to grounds for dismissal from employment and termination.

There are employers who have been dismissing and terminating people from employment without adequate reasons and we needed to clarify two issues: the grounds for dismissal to be separate from grounds for termination.

Two, we know there are many Ugandans seeking employment abroad and there are many issues raised about migrant workers. So, this Bill seeks to regulate the companies that employ Ugandans and integrate it into the new law. While we had the regulations, it was not anchored in the law. So, we are now importing the spirit of the regulation to be in the Employment Act so that those who externalise workers abroad are regulated by the law.

Three, the current law does not require employers who have less than 25 employees to put in place measures that prevent sexual harassment at the workplace. So, the law says so long as you have below 25 employees, there is no need to put in place sexual harassment policy. We are now saying that let it be open; whether you have three or five employees, you must put in place preventive measures for sexual harassment.

Regarding the issue of breastfeeding, we know there are many employers who have not yet integrated breastfeeding and child care into their workplace and we are introducing that provision.

There are issues of casual labourers where many employers are getting casual labourers. Sometimes they work and are not given contracts and they are dismissed summarily. We are saying we need to protect the rights of the workers. In the Bill, we are saying, when somebody works as a casual for six months without a contract, it will be deemed, once you

work continuously for over six months that you have a contract, to protect those who do not want to enter into contractual obligations with their employees.

We are also providing for issues of severance allowance to allow workers to receive an allowance at the end of the employment relationship with the employer.

We are also providing measures to put in place issues related to declaration of jobs that should be preserved for Ugandans so that if you come to work, you do not need to enter into all sorts of jobs in the country. There will be certain jobs that will be declared only for Ugandans and foreigners will not be employed in those jobs.

Those are the highlights that this particular Bill seeks to address and many other key ones. I, therefore, request the honourable Members to support the ends. I thank you.

THE DEPUTY SPEAKER: Thank you. Sergeant-at-Arms, you are directed; all committee meetings going on, let them be suspended for 10 minutes. Let the Members first come here, including those in the corridors so that we ascertain the quorum and when going to committee stage, we are very sure on the issue of quorum. All committee meetings should be suspended. Hon. Margret Rwabushaija?

12.45

MS MARGRET RWABUSHAIJA (Independent, Workers Representative): Thank you very much, Mr Speaker. I thank the minister. Much as the Bill was started as a Private Member's Bill, at a later stage when the ministry brought theirs, we had to work together with the Committee on Gender, Labour and Social Development and we harmonised most of the areas that she has been mentioning. I submit.

THE DEPUTY SPEAKER: Thank you. Committee chairperson, present your report. How many minutes do you need, 20 minutes for the report. It is a small Bill, honourable colleagues, we are going to handle it before we break off for lunch.

12.46

THE CHAIRPERSON, COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Flavia Kabahenda):

Thank you very much, Mr Speaker. This is the report of the Committee on Gender, Labour and Social Development on the Employment (Amendment) No. 2 Bill, 2022.

I beg to lay on the Table the documents that we processed; minutes, and all the other documents that we considered when we were processing the report on this Bill.

THE DEPUTY SPEAKER: Thank you.

MS KABAHENDA: The report of the committee has an introduction.

1.0 Introduction

The Employment (Amendment) No.2 Bill, 2022, a Private Member's Bill by Hon. Agnes Kunihira, Member of Parliament representing Workers, was read for the first time on 21 September 2022 and referred to the Committee on Gender, Labour and Social Development in accordance with Rule 128 (1) of the Rules of Procedure of Parliament.

The committee considered the Bill and prior to presentation of the committee report, on 6 December 2022, the Minister responsible for Gender, Labour and Social Development tabled the Employment (Amendment) No.2 Bill, 2022 for first reading.

The Employment (Amendment) No.2 Bill, 2022 was subsequently referred to the Committee on Gender, Labour and Social Development to harmonise with the Private Member's Bill and thereafter report back to the House. The committee has considered the harmonisation of the two Bills as attested by Hon. Rwabushaija and now presents its report on one Bill, Bill No.2

1. Background to the Bill

Several years since the enactment of the Employment Act, 2006, a number of changes

have occurred and situations not hitherto envisaged have arisen necessitating the need for the law to reflect them. These changes include labour externalisation, which was just taking root at the time of passing the act; the need to provide for breastfeeding working mothers; and the need to address domestic and migrant workers.

Further, the act does not sufficiently provide for casual labourers and yet the bulk of the economy in Uganda is concentrated in the informal sector where these are prominent and we need to transit them to the formal sector.

2. Object of the Bill

Mr Speaker, I beg that the Members indulge that wherever you see "Bills", we are talking about a Bill. The object of Bill is based on similar issues as discussed below:

Regulating issues of labour externalisation and activities of recruitment agencies.

Labour externalisation has in recent years hugely expanded, accounting for the existence of over 400 recruitment companies and exportation of a large population of migrant workers to mainly countries in the Middle East. As a result, the industry has faced various challenges ranging from illicit or concealed movement of persons, continuous struggles and hardships for the migrant workers and difficulties in repatriation causing an outcry in the public for help.

Currently, there is no policy on labour migration and the sector is being regulated by the Migrant Workers Regulations, 2022 and a Bilateral Labour Agreement with the Kingdom of Saudi Arabia. The Bill, therefore, seeks to regulate the industry under Part IVA of the Employment (Amendment) (No.2) Bill, 2022.

3. Harmonising the usage of the terms "dismissal" and "termination" in employment contracts

There is interchangeable use of the terms of "dismissal" and "termination" in the current

law, specifically in sections 65 and 66. This has, in effect, created a gap in handling matters of concluding employment relationships between employers and employees. The gap has largely been covered by case law and so the Bill intends to clear the confusion by providing grounds for dismissal, under section 65A, and to harmonise with the established court rulings on the matter.

3. Regulating the powers of labour officers
There is confusion with the limit to the powers of the labour officers owing to the fact that the power to adjudicate is a preserve of judicial officers according to established case law. Therefore, the Bill intends to clearly stipulate the extent of powers and qualifications of the labour officers when handling labour disputes.

Mr Speaker, the case laws we considered on the subject matter is the case law in the Court of Appeal at Old Kampala, arising from the Industrial Court of Uganda Labour Dispute. The quorum had Justice Kenneth Kakuru, Justice Stephen Musota and Justice Christopher Izama Madrama, Eng. John Eric Mugenyi, the appellant versus Uganda Electricity Generation Company Limited, who is the respondent. We referred to the judgement of that court and I beg to lay the judgement on the Table.

4. Rights of breastfeeding employees

The Bill is cognisant of the new trends in the working conditions of employees and the need for them to support their babies that are breastfeeding. It is in this regard that the Bill introduces a proposal in section 57 to protect rights of the breastfeeding employees.

5. Protection from sexual harassment at the workplace

The Bill seeks to strengthen the safety of employees at the workplace by strengthening the provisions on sexual harassment, under section 7 in the current law. It suffices that in certain instances, the Bill proposes amendments to similar issues, for instance, rights of

breastfeeding female employees, protection from sexual harassment at the workplace, powers of labour officers and migrant workers. In addition, the Employment (Amendment) (No.2) Bill, 2022 introduces other details like the distinction between dismissal and termination from employment.

6. Provide for severance allowances

The Bill provides severance allowances and allows workers to receive an allowance at the end of the employment relationship with the employer.

Methodology

Meetings and written submissions; the committee met with a number of individuals and agencies.

I beg that Members peruse through the list up to number 25. We may not have exhausted them because we continued to hear and read notices from different people and agencies.

We did a documentary review of:

- i. The Constitution of the Republic of Uganda;
- ii. The Employment Act, 2006;
- iii. The International Labour Convention (C190). I thank Cabinet for ratifying C190;
- iv. The Labour Disputes Act, 2006;
- v. The Workers' Compensation Act, Cap. 225;
- vi. Persons with Disabilities Act, 2020;
- vii. The Children's Act, Cap. 59;
- viii. The Employment and Labour Relations Act, Cap. 366 of Tanzania;
- ix. The Contracts Act, 2010;
- x. The Employment Act 2007, of Kenya;

- xi. The Public Service Standing Orders, 2021;
- xii. The Employment (Recruitment of Ugandan Migrant Workers) Regulations, 2021;
- xiii. The National Development Plan III; and
- xiv. The case laws.

4. General observations

4.1 Compliance with the Constitution of the Republic of Uganda, 1995

The committee observes that the Bill, through its principles, seeks to operationalise Chapter Four of the Constitution by providing for rights of employees susceptible to marginalisation at the workplace such as breastfeeding working mothers, domestic workers, casual workers, migrant workers and persons with disabilities.

4.2 Compliance with the 2030 Agenda for Sustainable Development

The UN 2030 Agenda containing SDGs is a plan of action for people, planet and prosperity which seeks to strengthen universal peace and freedom. Under SDG Eight, the 2030 Agenda seeks to promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all. Sustainable Development Goal Five aims to achieve gender equality and empower all women and girls.

The Bill obliges the minister to, by statutory instrument, prescribe a simplified and accessible complaint handling mechanism for workers with disabilities, domestic workers, casual employees, migrant workers and other categories of employees that he or she determines may require special protection. This is in line with SDG 8.5, which aims to achieve full and productive employment and decent work for all women and men, including young people, people with disabilities, and equal pay for work and equal value.

It is the observation of the committee that the Bill makes a significant attempt to ensuring the attainment of a just and fair society, in line with the Sustainable Development Goals.

4.3 Compliance with the National Development Plan III and Employment Policy 2011

The committee observes that the Bill contributes to both the goal and vision of NDP III, which are increased household incomes and improved quality of life for Ugandans, and sustainable industrialisation for inclusive growth, employment and wealth creation, respectively. This is through the provisions that cater for protection for domestic workers, transition of casual labourers into term employees and increased protection for breastfeeding working mothers.

Through the provisions relating to migrant workers, the Bill addresses areas of migrant labour, which is provided for under employment policy but not catered for under the Employment Act, 2006.

5. Specific observations and recommendations

5.1 Provision for migrant workers

The committee observes that the migrant workers, both in and out of Uganda, play an important role in the economy. While the statistics about migrant workers in Uganda are scanty, there is no doubt that there is a need for a legal regime governing them.

On the other hand, Uganda receives significant remittances from migrant workers and numerous Ugandans work outside Uganda; not only in the Middle East, Mr Speaker. A 2018 report by the Bank of Uganda, notes that remittances from Ugandans abroad were Shs 4.9 trillion, representing four per cent of Uganda's GDP at that time, which was an 18 per cent increase from the previous year.

According to the statistics from the Ministry of Gender, Labour and Social Development, between January and June 2022, Shs 12 billion was collected by the Government from monies

paid by employers in foreign countries for Ugandans and migrant workers who go abroad. According to the same ministry, between 2016 and June 2022, a total of 201,637 Ugandans had moved out of the country to work abroad through the ministry.

The scale of remittances as well as the sheer numbers involved in labour export, necessitate the need to put in place legislation for this crucial area. At present, whereas the employment policy makes reference to externalisation of labour, there is no principal legislation in place for the subsector aside from the employment regulations; the Statutory Instrument 2021.

The committee recommends that the Employment Act is amended to:

- a. provide for the regulation of recruitment agencies which recruit for employment, both within and outside of Uganda;
- b. provide for the obligation of the recruitment agencies
- c. Provide for the regulation of pre-departure institutions.

6.2 Protection for breastfeeding female employees

The committee observes that whereas Article 40(4) of the Constitution provides that the employer of every female worker shall accord her protection during pregnancy and after birth in accordance with the law, the Employment Act, 2006 falls short of providing the requisite protection.

Thus, while the Act, under section 56, provides for maternity leave of 60 working days for all women as a consequence of pregnancy, at least four weeks of which must follow childbirth, it is the observation of the committee that the provision does not adequately cater for breastfeeding while at work, especially in light of the need to exclusively breastfeed babies up to the age of six months at a minimum.

There is, therefore, need to put in place mechanisms to enable breastfeeding working mothers a chance to breastfeed while at the same time working.

The committee, therefore, recommends that the Employment Act, 2006 be amended to provide for;

- a. The obligation of an employer to provide time and space for an employee for the purposes of breastfeeding their child.
- b. Establishment of a breastfeeding facility at the workplace.

6.3 Additional leave for female employees who give birth to more than one child at the same time

Mr Speaker, we know that the children are not born at the same time – they are born at different times – but this is about multiple births, where a woman, in one day, delivers two, three or four children. Yesterday, I saw someone giving birth to six. These multiple births, on a day, is the one we are addressing.

The committee appreciates the strides made by Uganda in terms of providing for maternity leave for working mothers. As noted above, these are granted a maternity leave of 60 working days.

However, it is important to appreciate that female employees who give birth to more than one child on a day face a harder task looking after the children than their counterparts who give birth to one child.

Other jurisdictions in East African Community have already taken this step. In Tanzania, under Section 33(6)(b) of the Employment and Labour Relations Act, 2004, breastfeeding working mothers are granted a total leave of 100 working days.

The committee observes that it is important to provide additional time for maternity leave to this category of female working employees.

Recommendation

The committee recommends that Section 56 of the Employment Act, 2006 be amended to provide for maternity leave of 90 working days to female working employees that give birth to more than one child on the same day.

6.5 Additional time for paternity leave

The committee observes that while significant progress has been made regarding gender parity in terms of the law, which is crucial for societal development, oftentimes this has aimed at provisions that cater for o women only.

The committee further observes that presently, the period for paternity leave for working fathers is only four working days, under Section 57 of the Employment Act. It ought to be appreciated that if we wish to have a society where men play an increased supportive role to their spouses, it is important that more time is accorded to male employees to help their spouses. *(Applause)*

Jurisdictions in the East African Community, such as Kenya, have enhanced the time for paternity leave. Kenya's Employment Act, 2007, under section 29(8), accords male working employees two weeks' paternity leave.

The committee recommends that Section 57 of the Employment Act, 2006 be amended to provide for seven working days for paternity leave.

6.6 Provision for domestic workers

The committee observes that despite the uniqueness of domestic work and the critical role it plays in the lives and development of Ugandans, there is limited protection afforded to domestic workers.

There is, thus, a lack of appreciation of the role that domestic workers play, the unique nature of the work they do and the vulnerabilities they face. Providing additional protection for domestic workers would, therefore, contribute to reducing the informal sector from 51 per

cent in 2018/2019, to 45 per cent in 2024/2025, as predicted in the National Development Plan III.

6.7 Provision for casual workers

The committee observes that, save for section 2 under which "casual employee" is defined, there is no provision for casual workers in the Employment Act, 2006.

At the same time, given the large informal economy and the need to reduce it, it is important to provide for protection of casual labourers to avoid exploitation as well as aid the reduction of the informal sector of the economy. Without protection, casual workers continue to suffer from denial of benefits such as social protection and social security.

The committee recommends that the Employment Act, 2006 be amended to provide for the protection of casual workers and provide for their transition into term employees.

6.8 Provision on the powers of a labour officer

The committee reconciled section 13 and section 93 of the Employment Act, which give contradicting positions on the power of a labour officer in handling labour disputes with the settled principle in the case that I quoted – of Eng. John Erick Mugenyi v. Uganda Electricity Generation Company Limited (CACA No.167 of 2018).

In the stated case, court ruled that a labour officer can only entertain the matter if it concerns an infringement of the rights granted or obligations under the Employment Act and any other made in respect of compliance to terms of service is corollary to the primary jurisdiction to deal with infringement of the Act and further that any claim in tort arising out of an employment relationship shall be brought before a court and the labour officer has no jurisdiction to deal with infringement of the Act.

Court further stated in the Eng. Mugenyi case that an employee appearing before a

labour officer can only apply the methods of settlement by conciliation or mediation.

The committee also noted that notwithstanding the settled position of the Court of Appeal on the powers of labour dispute, there is need to revise the current status.

Mr Speaker, the report from the committee on the Bill is as I have read. I beg to move. *(Applause)*

THE DEPUTY SPEAKER: Thank you, Madam Chairperson. Honourable colleagues, I am going to open it up for debate. It will be a short debate because we will handle more details at committee stage, where we will be handling the Bill clause by clause.

At this stage, we debate the principles and objectives. You do not go into what the committee said we should amend. At this stage, the debate is limited to the general principles and objectives of the Bill.

1.08

MR ISAAC OTIMGIW (NRM, Padyere County, Nebbi): Thank you, Mr Speaker. I thank the committee chairperson for the report and I also thank the minister for bringing this very important Bill.

I would like to thank the committee for recognising, especially in the nutrition week which was stated earlier, that it is important to give mothers the time to breastfeed their children at workplace.

However, I am a bit constrained on the working areas that we have, especially in our country. Some of the areas are small, especially for people working in arcades or shops. I do not know how that will be brought into effect. Maybe we can have a designated area in some of the arcades, where all mothers can go and breastfeed. Nonetheless, I think this is a very important aspect, especially in maintaining that our children actually grow up into healthy babies.

I also thank the casual workers because they play a very big role in our society. At the moment, the Bill says that if they continuously work for more than six months, they will be deemed as “contractual workers”, which is very good for them. This avoids exploitation of these contracted workers because they give in a lot of time to our economy.

The Bill comes short, as I have noticed; it says that after six months of continuous working, they will be deemed to be contracted, but it does not put a lot of emphasis on the employer; on whether he has to offer them written contracts at that time and the terms of the contract. Therefore, I think we may have to actually look at that at the committee stage to see if we can make a good amendment. Apart from that, I thank the minister and the committee chairperson for this Bill.

1.10

MS JOSYLINE KAMATENETI (NRM, Woman Representative, Ntungamo): Thank you, Mr Speaker. I thank the committee chairperson for the report. It focuses a lot on termination grounds but we should also concentrate on recruitment grounds and terms of the contract. Most employers do not give workers appointment letters. Even if someone is a casual worker, you can still give them an appointment letter and specify its terms. This should start with us, leaders, because as you interact with drivers, and personal assistants, you will notice that most of them do not have appointment letters; you should think about it. As we advocate for this, we should also try to do that.

The second issue is on the payment of cash to employees. I think in this economy and country where you find that we all depend on loans, even when you give the casual workers appointment letters and you are paying them through the bank, even if it is little money, someone can use it to get a short-term loan. We should also put that in the recruitment terms and in this Bill, as we try to amend so many things. Thank you so much.

THE DEPUTY SPEAKER: Hon. Nandala-Mafabi, there is a group I picked and I will first deal with them. In doing what we are doing, however much you are trying to make good laws, you have to be cautious about your country. For example, if I find that the implementation of the law on casual labourers is going to make me incur an extra Shs 1 billion, when I can use Shs 200 million to do automation and cut off casual labourers, what do I do?

You need to look at the development of your country. You need to balance - move slowly. I do not think it is all about - sometimes, you can make a law that will aid people to make decisions that are going to knock out many people in terms of employment, especially automation. For example, if I am running a factory and I have been using casual labourers to fill the liquids and I find that after six months, casual labourers must become permanent - you are saying I should give them contracts - I would rather run to a bank and buy an automated filling line so that I cut off casual labourers. That is just a feeling that cuts across.

Let us also have a business mind. We need to be cautious, but that does not mean that we do not protect our people. We should protect our workers but also be extremely cautious of the decisions that the employers may end up taking because of the Bill we make.

1.14

MR RONALD AFIDRA (NRM, Lower Madi County, Madi-Okollo): Thank you, Mr Speaker. In the same spirit, I would like to thank the committee chairperson together with the ministry for ably bringing to the Floor the Employment Amendment No. 2 Bill. I want to make my submissions based on three aspects of the principle;

First, the fact that the Bill is looking forward to safeguarding some of the jobs for the Ugandans. We are well aware that we are looking forward to the industrialisation of this country. The fact that most of the industries in this country a foreign-owned, I will cite two examples; in the building industry, the materials like roofing,

being a principle example, manufacturing industry, there is a tendency in this country that once an industry is owned by a foreigner, the distribution chain along the way from the industry to the distributors and to the retailers is being held by the owners. If such a Bill is looking into preservation and securing some of these areas, I think we need to support it once it gets to the committee stage.

Secondly, I want to address the externalisation of labour. I have ever spoken on a committee level that in this country it is not called "externalisation of labour", it is "exploitation and slavery", by the fact that we are exporting unprofessional people outside this country. What is it that the country is exporting? For instance in Saudi Arabia and the Middle East, what is the profession of the people that we are saying we are exporting? Are they professionals? No, they are going for casual labour; they are going for work which we, as a country, have had intact on this Floor. The outcomes of the people that we have exploited or sent to these different countries are that some of them have died. We have had issues related to this.

I am well aware that this Bill will be able to guide us; that this needs to be regularised and hence we get good resources from it.

The last one that I want to end with is on the right to breastfeeding, more so extending maternity leave to those who have more than one births; twins or multiple births. If the mother of multiple births is given ninety days, how about the principal beneficiary who is the father - I am a *Ssalongo* -

THE DEPUTY SPEAKER: Do you want to breastfeed? Some of you men breastfeed -

MR AFIDRA: Mr Speaker, there is a related benefit of a father who is given an extended paternity leave, other than the seven days. I agree with the chairperson's submission that when we reach the committee stage, fathers need much more than seven days for the - *(Member timed out.)*

1.18

MS HANIFA NABUKEERA (NUP, Woman Representative, Mukono): Thank you, Mr Speaker. Mine is about health insurance for workers. Our employees should be given insurance because when you look at the risks they go through, for example, the people working in factories - in Mukono, we have many factories. While people are executing their duties, sometimes, they are hurt; probably accidental cuts on their bodies, and end up paying for the treatment from their salaries. My prayer in this Bill is that employers should include medical insurance for the workers so that they can be helped in that way.

I would also like to talk about the casual workers. Did the committee look into the six months before they are confirmed whether they are not going to be paid some allowances. I also pray that before they are confirmed, they should be given some allowances if there are any appointments or contracts. Thank you.

1.19

MS SUSAN AMERO (Independent, Woman Representative, Amuria): Thank you, Mr Speaker. I would like to thank the committee for the report and the minister for the explanation she has given. It is one thing to make good laws in this House and another thing to implement them.

Our people who are qualified, have failed to get the positions they ought to have in their workplaces. We prefer people from outside who know nothing. By putting this law in place, I believe that our people will achieve or work in the places where they are meant to work.

For example, there is a hotel in Uganda where you find jobs meant for Ugandans; security guards, waiters and chefs, you find Indians, Chinese and other foreigners. What are our people going to do? When you go right now to downtown, you will find shops full of Chinese and these are jobs meant for our people. If this law is in place, it means we will protect some of these jobs for our people and the rate of unemployment in this country will reduce.

Therefore, I plead with this august House to pass this law. I also request the authorities that when this law is put into place, let us not consider foreigners vis-a-vis our people. I thought we would first give priority to our people before we consider those you call “expatriates” who know nothing. *(Applause)*

I support this Bill and agree that all that the committee has proposed, we pass them. I thank you, Mr Speaker.

THE DEPUTY SPEAKER: Hon. Santa Alum and Hon. Aol.

1.21

MS SANTA ALUM (UPC, Woman Representative, Oyam): Thank you, Mr Speaker. Allow me to add my voice in thanking the committee and the Ministry of Gender, Labour and Social Development for coming up with this piece of legislation.

We have been trying to make sure that the law comes to place because the majority of our people are in the informal sector; they are unskilled and semi-skilled. Therefore, they face a lot of problems and without a law that can regulate many sectors.

First of all, I would like to support the committee for coming up with a law in regards to the externalisation of workers. There are many of our people going out and we have been grappling with this problem. Now, as a country, we are showing good example by coming up with a very good law, which can enable us to help the ministry negotiate when we are out of the country because we would have started from home.

Secondly, I would like to speak about paternity leave. Parenting is a shared responsibility right from the word go up to the end. So, when a mother is given maternity leave, so should the father. In Singapore, the fathers are given four weeks. The committee is suggesting one week. How I wish at the appropriate time, we could look at something like two weeks for the fathers. *(Applause)*

Mr Speaker, when we talk about maternity leave, we are addressing the issue of the children and mothers. The first days of a child are very important. I would like to inform the Minister of Gender, Labour and Social Development that most of our workplaces do not have enough space for breastfeeding mothers.

As you have said, some employers will look at this as an inconvenience. So, there is need for sensitisation so that they don't look at it as a burden, but a service to our children, mothers and gender parity.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, I am sure we all know, there are some companies and organisations, when they are recruiting, they look at a woman and say, "No, this one is going to get maternity leave for 30 days and she will not be here."

Honourable minister, maybe we also need to look at the issue of gender parity in private companies and we go deeper so that we do not have laws that encourage employment of only men.

If I am going to lose 60 days and I am paying you - businesses make business decisions. When I have loans and my property is being auctioned, I will have to make business decisions. Hon. AOL and then Hon. Nandala-Mafabi.

1.25

MS BETTY AOL (FDC, Woman Representative, Gulu City): Thank you, Mr Speaker. I am going to talk about three areas. One of the areas is to add on to what Hon. Santa Alum said. Parents are the first teachers of children, that is for the few months that we have to look after babies comprehensively. It should start right from the womb; the father has to get deeply involved so that the child to be born is happy and healthy. How can you give the father only seven working days when he is one of the teachers of the children? The father should get a little more days.

When sensitising our people, the fathers should be at the forefront. When we give

them paternity leave, it is not for them to go and relax, but to be together with their wives smiling at the babies. *(Laughter)* They should smile at the babies to make them peaceful and happy.

Thirdly, for the mothers with multiple births, how can you give only seven days to the father? The mother is going to be stressed. In order to give birth to stress free children, we need more days for those fathers. *(Applause)*

For casual workers, we struggled with Uchumi employers and to date, Uchumi workers were never paid their benefits. Why? Because sometimes we relax. It should be the Attorney-General to come out clearly on the position of Uchumi workers who, up to date, have not been given their benefits.

Therefore, I am very grateful for this Employment (Amendment) Act. Probably, it will address the challenges of our casual workers, we need to care for our people a little better.

When the honourable Member from Mukono talked about people who get hurt in their workplaces, when I work in a factory and probably one of my arms gets cut because of mishandling the machine, it should be the company to treat and compensate me. So, this work hazard has to be addressed by the company or the person involved.

We have a lot of problems with our people and even externalisation of labour. This is something which we need to address. Thank you very much, Mr Speaker.

THE DEPUTY SPEAKER: I would like to congratulate all men of Uganda for the job well done, to the extent that women are negotiating for more time to be with them. *(Laughter)*

It means we are doing a good job. If we were bad, they would say, "no paternity leave, you go", but they are saying, we need more time for our men to be with us after we have given birth. It seems you are giving good massage and care. *(Laughter)*

1.29

MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko): Mr Speaker, you have made a point. If a man has 10 wives, seven days, multiplied by 10 is 70 days in a year. *(Laughter)*

I would like to address myself to a few areas and I seek indulgence of Members. The moment we put a domestic employee to be totally treated under this law, it means under the Income Tax Act, the employee will be charged taxes on accommodation and food. At the end of the day, if you are paying Shs 300,000 and the tax is Shs 120,000, all the money will disappear. If you pay about Shs 100,000, that person will be demanded by URA.

Mr Speaker, we have to be very careful when making a law for domestic workers. Unless this law wishes to do exemptions - and - I think we must ask the Attorney-General to craft the exemptions in the Income Tax Act. Failure to do that, we are inviting a huge problem to our domestic workers. Otherwise, I hope the minister will prescribe work meant for Ugandans.

I would like to mention that Indians and Chinese are very bad. They mistreat our people. They do not give them contracts and when our people ask for contracts, they chase them at will.

THE DEPUTY SPEAKER: Hon. Nandala-Mafabi, that is a blanket statement which can lead to homophobia and people attacking these groups. You are very good senior legislator -

MR NANDALA-MAFABI: Mr Speaker, let me change the language. There are investors of certain colors - *(Laughter)* - who are found of not giving contracts to our people. They chase them anytime at will.

I would like to ask the minister that as she prescribes the law, a contract is either written or implied, or oral. Can the minister make in our regulations - Even if I work for you and you chase me, I will say, "what was my last pay?" That specifies my contract amount.

Therefore, I would like to ask the minister when is she making the regulations. One, in the regulation, she should clearly state that the contract is written. Failure to be written, implied or oral agreement will be taken into consideration. Why? On implied, if you pay me Shs 60,000 today, next month, pay Shs 60,000, that means my salary is Shs 60,000. There should be a record of payment.

Why am I raising this? These are the people who contribute a lot to the incomes of those - Of course, we have removed forex exchange. They externalise all this money yet our labourers are not remunerated well.

Mr Speaker, we should also make a law for women who are producing. I am not bothered about men, as much as they do work but there are women who produce - Today, in the newspaper - *[Mr Silas Aogon rose]*

THE DEPUTY SPEAKER: No. The Member is debating. Hon. Nandala-Mafabi, continue.

MR NANDALA-MAFABI: Hon. Silas is found of disturbing me. Today in the newspaper, it was reported that a woman from Kasese produced five children. Any woman who produces more than one child, should have different days of maternity leave. Let me give the justification.

The demand will be higher than for a woman who has produced one child. Of course, Mr Speaker, you have raised a very good point, which I was going to raise because here, we are almost creating a minimum wage and so, many people may fear to employ women.

The minister should prescribe in the law that a third of the employees must be women. Why am I raising this? Instead of 90 days, we should continue with the 60 days, but allow women to work less hours so they can - we are saving on the following -

Mr Speaker, my colleague talked about some workplace - let me give an example - Assuming I have a shop which has boxes of

items, if you bring your child to the shop and a box falls down, it may kill the child. Why don't we allow the employee to work say, from 8.00 a.m. to 1.00 p.m., and then, she goes home and breastfeeds her child? The employee will work for less hours but it will save more than saying bring the children to the place of work.

I will give another example. In Kampala here, same as Mbale, all children's parks have shopping malls. If the Government has allowed shopping malls as place for people to relax, who tells you that a shop attendant will create a space where children can play?

Mr Speaker, I think we should talk about - *(Member timed out.)*

MR NANDALA-MAFABI: Let me conclude on this, Mr Speaker. It is just a small one. For workers who go outside the country - I think we should put in our law that the immigration, whichever point of exit, should not allow anybody to go out of this country without a copy of an agreement.

When someone is entering a country, they ask: where are your documents? *(Applause)* This will save us a lot and that agreement should be clear. In case there is a problem, there should be a payment in lieu, which includes either a three months' notice and transport back from the country one has gone to. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, debate will continue at Committee Stage. House suspended for five minutes to mobilise colleagues to come in so we can ascertain quorum.

Recently, we had a judgment - are you saying we do 30 minutes so that we have lunch? [Honourable members: "Yes"]

Honourable colleagues, "No". Otherwise, the ones who are here by that time would have gone. Let us do five minutes to ascertain quorum and continue with the business.

(The House was suspended at 1.37 p.m.)

(On resumption at 1.44 p.m., the Deputy Speaker presiding_)

THE DEPUTY SPEAKER: Honourable colleagues, let us resume. You might be asking yourself why I am insisting on this - I must give you an update. In the recent case, when they nullified the Anti-Narcotics Bill, court ruled that before we go for second reading - Committee Stage - we must always ascertain quorum, which is going to make it difficult for us to do our work. It would also mean we have to amend our rules.

We are going to work with the Attorney-General to appeal this because we always have our clear procedure. It is clearly defined that if there is any Member who has issues with quorum, he raises the issue. Once the Member raises the issue of quorum, then, the Presiding Officer must ascertain quorum at that stage. You can see that, with the Bills, it is becoming difficult for us to conduct business.

On the side of the Opposition, the ones who were in, have gone. Let me allow debate for a few minutes as you call honourable colleagues who are in the canteen. If these managers of the canteen continue serving Members at such a stage, I will close that canteen. It cannot continue that way. I do not enjoy coming here from 10.00 a.m. up to 7.00 p.m. We have business. I am not doing personal business here, honourable colleagues. So, when someone tells me "it is lunch time" - I am doing a national business, which we are paid to do.

Let me assign whips on the side of the Opposition and on the side of the Government to go to the canteen and call all MPs who are in the canteen. Let them come and we ascertain quorum. I already have a very good number of MPs on Zoom - the last time I checked, they were around 82. I need to add on the number so that we can have the right quorum to proceed with business.

Hon. Kibalya, do you have a procedural matter?

MR KIBALYA: Thank you, Mr Speaker. The procedural matter I am raising is that we have

been to the canteen and our colleagues are there, but the statements are being taken lightly. Our chief whip is not here. I seek your directive and authority to empower me as the chief whip for just one minute. I will go to the canteen, ask the people serving to stop and have everybody come here because they are not understanding the whole position.

THE DEPUTY SPEAKER: Hon. Kibalya is the whip for Busoga. However, the Prime Minister is here. Let me request the Prime Minister to move because she is the whip now – the Leader of Government Business. Bring your Members. Otherwise, I do not have powers to appoint a chief whip (*Laughter*).

MR NANDALA-MAFABI: Mr Speaker, we have the Rules of Procedure here, which I am sure my brother Hon. Kibalya knows. The rules know how our offices are constituted in the House and outside the House. This is not his first term in Parliament – and he went through an induction course twice. (*Laughter*)

Is it procedurally right, Mr Speaker, for Hon. Kibalya to be – (*Laughter*)

THE DEPUTY SPEAKER: I will send Hon. Kibalya to Hon. Nandala-Mafabi for further induction.

1.49

MR DAN KIMOSHO (NRM, Kazo County, Kazo): Thank you, Mr Speaker. I thank the committee chairperson and the team that worked on the report. When you go through the object of the Bill, there is where they talk about strengthening the law on sexual harassment.

The issue of sexual harassment has been one sided and it has majorly targeted men. I would like to see how the committee clearly comes out on the issue of sexual harassment because when we interact with men, they tell us that they are severely sexually harassed; theirs is a response to an already bad situation.

Therefore, I am very keen to see how the law brings out the issues of sexual harassment and

how it protects men against sexual harassment that is induced by women in some of their actions. Thank you.

THE DEPUTY SPEAKER: Honourable members, we passed a law here where we said we should fight homosexuality, but do not fight homosexuality by harassing men or women. Is it that bad? It is also the other way – I think it is mainly women who are affected by sexual harassment compared to men.

1.51

MR EDSON RUGUMAYO (NRM, Youth Representative, Western): Thank you, Mr Speaker, for the opportunity. First of all, I appreciate the Committee on Gender, Labour and Social Development for such an elaborate report. I also thank the Government for taking this initiative, for the first time, to streamline the labour externalisation sector. This is of paramount importance to the country because what faces us is a dilemma of unemployment. I hope that, if this sector is streamlined, we shall go a long way in solving this problem.

However, a number of times, this House has raised concerns; if you have noted, when it comes to issues of labour externalisation, even Members here debate with a lot of emotion, yet the committee report does not address some of these issues that the House has consistently recommended.

For example, we have consistently recommended to the Government that there should be labour attaches in every country that we are exporting labour to. You cannot say this is an issue that can be handled administratively because the office of a labour officer in our districts is a creation of this same Act. Why can't this Act create an office of a labour attaché and define their powers in that foreign country?

For example, we can say a labour attaché keeps a record of those people that have got employment in that particular country of residence – (*Member timed out*)

1.53

MR PAUL AKAMBA (NRM, Busiki County, Namutumba): Thank you, Mr Speaker. I thank the committee for the elaborate report. My emphasis will be on the breastfeeding mothers. This is a very good initiative to have in our law but my only challenge regards employers operating from very limited space; shops and one-roomed areas. If we make it mandatory for them to establish breastfeeding facilities, then we stand the risk of these employers rejecting applications from female applicants.

Instead of that a proposal in the law, I suggest that we give them time. For instance, we can say that such an employee should be given two hours; instead of working from eight to five, we can say they can work up to midday or from midday up to five.

The aspect of casual workers is very critical because many – *(Member timed out)*

THE DEPUTY SPEAKER: Conclude, Hon. Akamba.

MR AKAMBA: Many employers circumvent the employment law and mistreat workers, in the name of being casual labourers. Mr Speaker, I support this proposal of putting timelines so that someone can transition into a permanent or recognisable employee of an entity. Thank you.

1.55

MS AGNES AMEEDE (Independent, Woman Representative, Butebo): Thank you, Mr Speaker. I thank the committee for the report. However, I have three issues to raise;

First, the report will not be meaningful to employees, if the aspect of minimum wage is not tackled in this country. Our employees are weighted below the international labour standards of minimum wage. I urge the honourable minister in charge of labour and all of us here to take the issue of minimum wage seriously.

Secondly, the freedom of collective bargaining; most of our investors do not allow their employees to collectively bargain for salary, and yet their working conditions are very bad.

The third issue is on the committee's emphasis on recruitment companies. Where is the Government, as the supreme entity, in this? There are nations that are negotiating to export labour. In 2011, I was visiting Israel and a colleague told me that Israel had negotiated to import workers from Ethiopia.

In 2021, I visited Canada and the TV channel was awash with news on shortage of labour, especially industrial labourers. What is our country doing to train people who are exported, when they have basic skills – *(Member timed out.)*

1.58

MR ROBERT MIGADDE (NRM, Buvuma Islands County, Buvuma): Thank you, Mr Speaker. I appreciate the need to provide adequate leave and breastfeeding centres. However, I have read here about the additional leave for female employees who give birth to more than one child at the same time and the provision is 90 days, which is an additional 30 days from the 60 days.

We have seen ladies who give birth to six or ten children, what is the committee basing on to assume that – Actually, within Parliament, we have “*Nalongos*” and they may tell you that those with one child may not be any better as far as looking after that one child in relation to one who has produced twins.

When it comes to maternity leave, the lady who has produced more than one child is given an additional 30 days. What about the father who needs to care for more than one child?

We have seen situations where you have a shamba boy, who impregnates a maid – *(Member timed out.)*

THE DEPUTY SPEAKER: Even the microphone got scared of being impregnated.

2.00

MR MOSES WALYOMU (Independent, Kagoma County, Jinja): Thank you, Mr Speaker. I take this opportunity to thank the committee for the good report. However, I think one thing was skipped and that is the

Minimum Wage Bill. We are talking of leave but if people are paid well, then they can easily get money to pay these other workers.

Recently, I do not know whether you listened to an audio from one of the drivers of the Judiciary, comparing what they earn as drivers and how much the bosses earn. The situation was not good if you listened to that audio.

This driver was saying, “We earn Shs 300,000 but we do not have any leave. But the bosses who are getting leave earn more than this.” The appeal was that we should do something to help them. This Bill is an opportunity for other workers or for us to talk about the Minimum Wage Bill.

Secondly, the recommendation of giving leave to only those people without increasing their pay or looking at how much they earn, although they get leave, without considering the Minimum Wage Bill *-(Member timed out.)*

THE DEPUTY SPEAKER: Thank you. I have been told I have 98 Members following us on Zoom. Clerk, ascertain for me the number of the Members present in the House now as Hon. Katabazi makes his submission.

2.02

MR FRANCIS KATABAAZI (NUP, Kalungu East County, Kalungu): Thank you, Mr Speaker. I would also like to thank the chairperson of the committee. However, I have an issue mainly with the domestic workers because how will you ascertain?

First of all, the payment must be uniform or we should have a minimum wage because once they become employees, they are supposed to pay income tax, among other things like NSSF.

Secondly, there should be an amendment in the Bill in case this domestic worker also does something wrong at home. Like Hon. Migadde said, if the shamba boy impregnates the maid, will you give leave to people to run a family in your home?

It is even worse if the baby belongs to the man in the house. The wife is likely to terminate or chase the maid away, which is against the law because she will say; “I must get leave”. That act is very silent on what will happen in case the father of that child is the man in the house. It may lead to many people not allowing ladies to work in their homes *-(Member timed out.)*

2.04

MS LUCY AKELLO (FDC, Woman Representative, Amuru): Thank you, Mr Speaker. Allow me to thank the Committee on Gender, Labour and Social Development for this good report. This Bill has come a long way and it is my prayer that as Parliament, we do the needful and support Ugandans who have been crying out, especially in regards to the Minimum Wage Bill.

I am also happy that the committee captured one of my presentations that I made about the extension of paternity leave. Although I would have loved more days, my suggestion then was 15 working days. All the same, we can start with whatever is given and we see how it goes.

Thirdly, even as we do this, the biggest challenge we have had is the insufficient labour officers countrywide. When I was a member of the Committee on Gender, Labour and Social Development in the Tenth Parliament, one of the issues that kept coming up was the unavailable labour officers. They were few.

My request to the ministry is if indeed, these people are going to play a key role in monitoring the work conditions of our people at the district level, then we need to have more of them. We need to empower them and make sure that they are trained to do their work and are well facilitated. This is something I need to emphasise because it has *-(Member timed out.)*

2.06

MS CECILIA OGWAL (FDC, Woman Representative, Dokolo): Thank you, Mr Speaker. I appreciate the movers of this Bill because it is one of the rare hybrids that we have tabled on the Floor of Parliament, where both the Government and the private movers have converged to form a common ground.

Looking at the Bill, there are very few areas of contradictions. However, as women, I think we need to look deeper into it. Generations have changed; during my days, I found it very difficult to forgive Uganda Development Corporation who interviewed me when I was five months pregnant with my third child. Being the best in the interview, I was denied the job because they thought I could not manage to drive around and be a good boss.

As women, we have to make sure that we tie the qualification of a woman to the job she is going to hold and there should not be any kind of discrimination when it comes to a woman's excellent performance on her job. I have not seen that in this particular Bill.

The issue of casual labourers is relevant but until we put minimum wage on it, how are we going to protect their rights? Some will be paid Shs 30,000 per month, others Shs 80,000 per month. Some of you may not have known but I have interacted with the people who manage the fuel pumps. They are paid Shs 75,000 per month. Transport to the work station is not catered for.

The movers of this motion should improve on that. The salary we give to casual labourers must be predictable. Otherwise, there are bosses who say, "We have not yet been paid, where do you expect me to get money to pay you? I am sure some of us do that. We need to genuinely protect the rights of casual labourers.

Finally, we should not only take care of sexual harassment. Sexual exploitation, sometimes is done with the willingness of the person being exploited. If you want to protect a job, sometimes you go extra mile to allow yourself to be exploited not because you want to, but because you want to retain your job and maybe get a promotion. That is one area where the movers can improve on this Bill.

Let us not ignore the point which has been raised; we love and honour the investors and we want more of them to come but it is true that they abuse our people. So, there must be something in the law where hate treatment

should not be tolerated. If someone is going to hate me because I am black since he or she is white or red, it is wrong, when it comes to the employment agreement. I beg to submit.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, the debate is going to continue at Committee Stage when we are handling clauses. Rarely, have we had such an extensive debate on the principals of a Bill.

I have ascertained quorum and I would like to thank you for coming. Honourable colleagues, one of our biggest duties is to handle Bills. When we have Bills, until the Attorney-General appeals - and I hope he is going to do it very soon - we might not appeal in full, but at least in part. Otherwise, we are going to be crippled in the way we do business. We have 193 Members present against the requirement of 175 so we have a quorum.

I put the question that the Employment (Amendment) (No.2) Bill, 2022 be read the second time.

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE EMPLOYMENT (AMENDMENT) (NO.2) BILL, 2023

Clause 1

2.12

THE CHAIRPERSON, COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Flavia Kabahenda):

Mr Chairperson, Clause 1: Amendment of the Employment Act, 2006.

Clause 1 is amended -

- a. by substituting in paragraph (b) -
(Interruption)

MR NANDALA-MAFABI: Thank you, Mr Chairperson, I would like to seek the indulgence of the mover of the motion. Mr Chairperson, this clause deals with definitions - and - maybe, there are more definitions we

are going to bring. Wouldn't it be procedurally right that we stand over clause 1 and handle other clauses so that if more definitions come up, we handle at once.

THE DEPUTY CHAIRPERSON: I think along the way; we might need to redefine more items. Let us stand over this. We shall come back to it at the end.

Clause 2

THE DEPUTY CHAIRPERSON: I put the question that clause 2 stands part of the Bill.

(Question put and agreed to.)

Clause 2, agreed to.

Clause 3

MS KABAHEMBA: Mr Chairperson, we propose to insert a new clause immediately after clause 2 as follows:

"Insertion of section 7A in the Principal Act
The Principal Act is amended by inserting a new section immediately after section 7 to read as follows:

7A. Prohibition of intimidation, harassment and violence against an employee

1. An employer or the employers' agent shall not intimidate, harass or violate an employee at the workplace.

2. For purposes of subsection (1) –

(a) harassment and violence means written, verbal or physical abuse or behaviour that interferes with work or creates an intimidating, hostile or an offensive work environment.

(b) intimidation means physical or verbal abuse or behaviour directed at isolating or humiliating an individual or a group of individuals or at preventing an individual or a group of individuals from engaging in work activities and includes –

- i. degrading public tirades by a supervisor or colleague;
- ii. insults related to a person's personal or professional competence;
- iii. threatening or insulting comments, whether oral or written including by e-mail;
- iv. desecration of religious or national symbols or both;
- v. withholding food or other basic necessities which an employee is entitled under the contract of employment; and
- vi. insulting the modesty of an employee.

Justification

- Uganda recently ratified the ILO Convention on Violence and Harassment (C190) concerning the elimination of violence and harassment in the world of work. The amendment is to therefore align the employment Act with Convention 190 in accordance with Uganda's obligation as a partner State under the ILO Treaty.
- To protect the right of everyone to work in an environment free of violence and harassment.
- The amendment is an incorporation of the agreed upon principle that was contained in the Employment Bill, 2022 into the Employment (Amendment) (No.2) Bill as a result of the incorporation process of both Bills.

THE DEPUTY CHAIRPERSON: Thank you. Let me get the opinion of the Government.

MS AMONGI: We agree with it; it is operationalisation of the ILO Convention (C190).

THE DEPUTY CHAIRPERSON: Hon. Nandala, do not mind. I will allow you but let me first get the opinions of the movers.

MS RWABUSHAIJA: I concur with the definition.

MR NANDALA-MAFABI: Mr Chairperson, I think the private Members' Bill made some clarifications. I would like to know which Bill we are using; is it the private Members' Bill or the Government Bill?

THE DEPUTY CHAIRPERSON: The chairperson mentioned at the beginning that they consolidated and went for the Government Bill because it incorporated issues that were in the private Members' Bill.

MR NANDALA-MAFABI: Mr Chairperson, I have the private Members' Bill but what the chairperson has read; the proposal to insert a new section; 7A was a private Member's Bill.

The reason I seek this clarification is because I thought if we are going to do that - therefore, I request the private Member to agree so we make an amendment on her Bill. If she does, it will help us make this better for the employees.

THE DEPUTY CHAIRPERSON: I asked the Member and she agreed.

MR NANDALA-MAFABI: Now, since she has agreed, Mr Chairman, I want us to add - you see, we have talked about employees without agreements. I wanted us to add that mistreatment includes lack of a written agreement. I want us to add subclause (g) to read: "(g) non-provision of a written agreement."

The justification is that it will help an employee to fight for her or his rights. If you do not give me an agreement, I have no evidence against you.

THE DEPUTY CHAIRPERSON: Don't we have a clause on casual labourers - those who do not have agreements and all that?

MS KABAHENDA: Mr Chairperson, already, we have defined the work contract in the definitions. We know that even in the Contracts Act, a contract can be oral or written - all those are contracts and they are considered in this Bill.

In any case, Mr Chairperson, we are now dealing with harassment and violence, not casual workers and their contracts.

MR NANDALA-MAFABI: She is right to talk about harassment. However, she has even talked about dismissal. That is why I am bringing up -

THE DEPUTY CHAIRPERSON: Honourable member, I suggest that you get the Bill and, also, the report so that we go deal with the issue of prohibition of intimidation, harassment and violence against an employee. The moment we consider all those issues you are bringing, under this clause, we would be widening it beyond the scope that is meant to be covered here.

Hon. Niwagaba?

MR NIWAGABA: Thank you, Mr Chairperson. The only clarification I want to get from the mover is on the penalty for offending this particular provision. They are prohibiting intimidation and harassment, but what happens to the employer who commits an offence under this provision? Have you provided a penalty for it?

THE DEPUTY CHAIRPERSON: Committee chairperson?

MS KABAHENDA: Yes, Mr Chairperson, we have provided for the penalty. As we go on, we shall be giving the penalty. We specified the penalties to this effect.

THE DEPUTY CHAIRPERSON: You see, that would be in anticipation. What Hon. Niwagaba is saying is that he needs to know, before he supports this clause, that there is a penalty. So, where is it?

MS KABAHENDA: We provided for the penalties in -

THE DEPUTY CHAIRPERSON: So, should we go to clause 25 on penalties and offences? Is it where you covered all of them?

MS KABAHENDA: Yes, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Hon. Niwagaba, you can look at clause 95.

MR NIWAGABA: Good legislation would require a subclause to specifically say “it is an offence” so that when you are looking at the particular details, you go to the offences generally. If you leave it hanging, as it is now, and then you wait to read clause 25, it is not good legislation.

THE DEPUTY CHAIRPERSON: I think, in drafting, it should have been made.

MS KABAHENDA: Mr Chairperson, maybe we can import the one in the Private Member’s Bill because the Private Member’s Bill had provided it right away.

THE DEPUTY CHAIRPERSON: The practice is very clear. Now, it will mean that we shall handle a clause and then go to another clause, which we have not yet approved and depend on it to pass this clause. That is anticipation. Usually, when you prescribe an offence here, we want to know the penalties right away.

Attorney-General?

MR KIRYOWA KIWANUKA: Mr Chairperson, the challenge you have here is that you have many that already exist - because this is a law which is talking about labour relations. So, it is telling you that you will do A, B, C and D. We have a provision in section 96 of the principal Act which says that a person who contravenes the provisions of this Act, for which no penalty is provided, is liable...

Therefore, we can redraft, but my problem is that we may have to carry that in every provision. It may be a bit bulky because these are noncompliance with the provisions of the employment law. So, the provision that you have here was wide enough to create that for contravention, other than simply the commission of an offence.

This is because if I harass you, we have other laws, which you have to deal with – the Penal Code Act and others. However, for this particular Act, the penalty is prescribed. So, it may be easier, Mr Chairperson, if we look at clause 25 and see if it takes care of all these offences.

THE DEPUTY CHAIRPERSON: Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairperson, harassment, violence and mistreatment is not the same as not filing an employment return. This is a serious offence which must be penalised so that people stop it.

Honourable Attorney-General, I would propose, as Hon. Niwagaba raised it, that we prescribe a real penalty for this one – and it should be punitive. The Private Member’s Bill that she talked about had 42 currency points – that is Shs 840,000, which is very little money.

THE DEPUTY CHAIRPERSON: Hon. Nandala, what I am picking from the Attorney-General is that nearly every clause provides an offence and you would prescribe a penalty on each. So, the argument is that we can look at clause 25 and we see if it is sufficient. In practice, is it acceptable?

Let us hear from Hon. Niwagaba and, then, Hon. Tayebwa.

MR NIWAGABA: My major concern is that if you look at the Private Member’s Bill, for example, clause 25(3) says: “*Where an employer acts in contravention of any provision of this Act, not specifically designated as an offence...*” like this particular one – “*... a labour officer may caution him or her in writing.*”

So, if you commit this particular offence, because it is not specifically prescribed as an offence, you are taken to the labour office and he or she just cautions you.

Therefore, I would rather feel comfortable if we say “a person commits an offence under

this section if he does any of those” – even if we do not prescribe the penalty. We can have the penalty in the general section on offences and penalties. However, let us prescribe it as an offence.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Thank you very much, Hon. Niwagaba. Mr Chairperson, I think he makes a valid point. I propose that we add a subsection under the proposed section 7A to read: “A person who contravenes this section commits an offence.” I beg to move.

THE DEPUTY CHAIRPERSON: I think that would sort us out because, then, clause 25 would apply. Hon. Teira, do you like to add something?

MR TEIRA: Yes, my argument is that the magnitude of the provision of this particular clause cannot be taken omnibus with the other lighter provisions, because this one addresses very serious issues. Prescribing its punishment independently would give it more enforceability than leaving it blanket.

THE DEPUTY CHAIRPERSON: You see, this is the first clause we are handling. Okay?

MR TEIRA: Mr Chairperson, I have looked at all the other clauses – I have read the Bill and the report.

THE DEPUTY CHAIRPERSON: That is anticipation; we haven’t reached there. *(Laughter)* Rule 80 limits us when it comes to that.

MR TEIRA: Much obliged.

THE DEPUTY CHAIRPERSON: I think we have got a very good middle ground. Let us prescribe it as an offence. Honourable Attorney-General, can you help us capture it? Your colleague, Hon. Niwagaba, can also help – whoever is ready.

MR KIRYOWA KIWANUKA: Mr Chairperson, I propose that after the proposed section 7A(2), subsection (3) be inserted, to read: “(3) A person who contravenes this section commits an offence.”

I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I put the question that a new clause be inserted in the Bill as proposed.

(Question put and agreed to.)

New clause, agreed to.

THE DEPUTY CHAIRPERSON: This proposal covers the new amendment, as clearly brought by the Attorney-General. Thank you.

Clause 3

THE DEPUTY CHAIRPERSON: I put the question that clause 3 stands part of the Bill.

(Question put and agreed to.)

Clause 3, agreed to.

Clause 4

MS RWABUSHAIJA: Mr Chairperson, after clause 3, we insert a new clause immediately after clause 3 as follows -

“Amendment of section 34 of the principal Act
The principal Act is amended in section 34 by inserting immediately after the word “disabilities” with the following words, “domestic workers”, “casual employees”.

The justifications are:

1. To include domestic workers and casual employees as a special category of employees.
2. To ensure that domestic workers and casual employees are among the workers for whom the minister may make regulations

providing for their working conditions and special protection.

3. The amendment is an incorporation of agreed upon principle that was contained in the Employment (Amendment) Bill, 2022, in the Employment (Amendment) Bill (No.2), as a result of the incorporation.

MS AMONGI: Mr Chairperson, we agree with it because it will support subsequent amendments to provide for rights of casual workers and domestic workers.

THE DEPUTY CHAIRPERSON: Thank you. Since the chairperson has justified it, the moment you agree with her - just make it easy and say “we agree.” I still have the private Member.

MS RWABUSHAIJA: Mr Chairperson, I concur.

MR NANDAL-MAFABI: Mr Chairperson, “special category” is where you cannot define but now we are defining “casual labourers.” Under the definition of an employee in section one, I was trying to find out if “we do not include” means a person who has entered into a contract of service or apprenticeship contract. Why don’t we define an employee to include casual labourers and domestic workers? This is so that he is not treated in a special group. We are trying to say that a casual labourer and a domestic worker is a worker. We will have a relationship between employee and employer, if the committee agreed with me.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. I think to put it clearly, a casual worker and a domestic worker is not an employee per say, by virtue of the provisions of the Act. An employee, under the Act, is that person who is employed for a period longer than six months and has a contract which can be terminated by notice and that kind of thing. A casual labourer has not yet gotten to that stage of being an employee only after six months.

So, if you define employee under the Act to include casual labourer, you will miss the principles that we are trying to - the insertion here will be a good one because the domestic worker is growing. People are now using both home and work. The advisory board could sit down and give us a clearer working in that space, but they are not employees by virtue of this Act. An employee is slightly different from this.

THE DEPUTY CHAIRPERSON: I think that is very clear.

MR NIWAGABA: I thought the Attorney-General would make it clearer, but I believe it now brings more confusion. By including a casual worker and a domestic worker in the category of what is envisaged under section 34 of the principal Act, you are vulgarising it; I am sorry to say that.

In my view, you would rather have limited the issues of domestic workers and casual workers to regulation and not this particular Act. If you amend and provide for them here, then it means you recognise them under the Employment Act, 2006. That is my thinking.

MR KIRYOWA KIWANUKA: I think what the object of the law is trying to do is to create a certain degree of protection for the casual worker and the domestic worker, while at the same time, not giving them the full protection of an employee. That is why I think they are talking about this special category.

Technically speaking in English speech, there are employees, like Hon. Nandala-Mafabi said, that have a relationship of employee and employer; it exist. However, the law is trying to create that very fine balance of saying that we require you, the minister, to go and make special regulation for these categories of people; persons with disabilities, casual workers, employees and others of that category. Therefore, it may be difficult for the minister to make this regulation if you do not provide for them because we are seeing it as a growing area. The employment of a person in the office on a daily basis of a four-year contract is easy.

So, I am proposing, that we leave that there. I don't think it will create any harm because the regulations will have to now deal with that special category and define it a little bit better. If it changes, it is easier to keep looking at it.

THE DEPUTY CHAIRPERSON: Thank you. What I am getting from this is that the moment we capture them here, then the minister will be mandated to make regulations that protect them, but if we do not provide for them here, we shall be leaving it at the discretion of the minister. Even when she makes the regulations, someone come can come and say, "under what law?" As long as it does not affect the definition of the employee under section 6 of the principal Act, then it is safe; we mandate the minister, when she minister comes here. Honourable colleagues, I want us to move.

MR AOGON: I am ready, Mr Chairperson. My concern is whether the committee benchmarked on this particular proposal because the way see it, casual labourers are very many. For us to manage this, there might be total confusion and total headache.

I am just trying to be skeptical about this; which country has done it before? Has it been successful? I worry that people are going to fear to employ people because they are going to say that the laws are trying to regulate - can I get clarification maybe from the committee chairperson, the minister or anybody who has recorded success that we can follow?

THE DEPUTY CHAIRPERSON: Hon. Silas, to protect against that - if you think someone might bypass Parliament - those regulations can come here; the minister would bring the regulations here. If you find that she is creating conditions that are making it difficult for anyone to have casual labourers, then you would be able to see and make recommendations.

MR AOGON: That will be good, Mr Chairperson. That will now mean that we have got to specify in this very law that the minister is directed to make specific regulations to deal with this particular issue.

THE DEPUTY CHAIRPERSON: That is the essence of the new clauses.

MR AOGON: Yes, but it would do no harm for the minister to explain or the committee; did you benchmark; whom are we learning from?

THE DEPUTY CHAIRPERSON: Can I allow Hon. Nandala-Mafabi so that honourable minister, you come at once?

MR NANDALA-MAFABI: Mr Chairman, I plead with Members to always refer to the original law. Section 34 talks about making regulations. So, you do not need to ask the minister to make regulations. The moment we insert it here, it will deal with this.

I do not want us to refer to what other countries have done; we should do what is good for us. Section 34 talks about persons with disabilities and apprenticeship. Attorney-General, I am sure you are there. If you go to the definition of employee, again the word "apprenticeship" is there.

If you go to definitions of an employee on page 7, it makes a contract and it also brings in that person. That is where my worry is. It says, "Means any person who has entered into a contract of service or apprenticeship". That means already under section 34, it is being recognised but here, it is being treated as an employee.

Attorney-General, that is where I need your help. Why do you want to recognise only this group under employment and this an Employment Act we are working on, if you are putting it there, will you accept those casual labourers and domestic workers to be brought under this?

THE DEPUTY CHAIRPERSON: Attorney-General.

MR KIYORWA KIWANUKA: Mr Chairman, my brother, Hon. Nandala-Mafabi, is the one who asked us to leave this particular clause on definitions so that we go on and come back.

If you look at the proposals that have been brought here which we shall discuss, there is a definition of a casual worker and definition of a domestic worker. The question is where do we put them and how do we treat them. I can do it now if we want to change that position. We will come back to the definition.

THE DEPUTY CHAIRPERSON: Honourable minister.

MS AMONGI: Mr Chairman, I would like to notify the House that under the International Labour Organisation, persons with disability, those that are going into apprenticeship and those that are casual employees, are termed and protected under the Employment Act.

In all Commonwealth countries which include East African countries including Uganda, they all have a provision which defines employer-employee work relations, where a person works once in a while, or comes for a short time. It might not even be the ones you are thinking about of casual labourers at a construction site. For example, Parliament can decide that they want a professional worker for three or six months and they go away.

So, they are not keeping them for the entire employment contract, say three or five years. It is a very short period of time employment and that is why you need to protect their rights. Many countries have already done it and we are only inserting to include those two, on top of the current persons with disability and those in apprenticeship.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

Clause 4

MS KABAHEHENDA: Mr Chairman, there is a new clause –

THE DEPUTY CHAIRPERSON: Committee chairperson, you wait until I call you. *(Laughter)*

MS KABAHEHENDA: I am sorry, Mr Chairman.

THE DEPUTY CHAIRPERSON: So, committee chairperson, come and submit. *(Laughter)* The *Hansard* has to be clear.

MS KABAHEHENDA: Thank you, Mr Chairman. We are inserting a new clause immediately before clause 4 as follows–

The Principal Act is amended by inserting immediately after section 34, the following new section–

“34A. Casual Employment

(1) A person shall not employ another person as a casual employee for a continuous period exceeding six months.

(2) Where a person employs another person as a casual employee for a period exceeding six months, the person shall at the expiry of the six months, be deemed to have entered into a contract of service with the casual employee.

(3) Where an employer lays off a casual employee and the employer rehires the same casual employee, the casual employment shall be regarded as continuous.”

34B. Piecework

(1) An employee may enter into a piecework contract with an employer.

(2) Piecework under this section means, the amount of work that an employer pays the employee for, upon the completion of the work by the employee.

Justification

- To ensure that a person employed as a casual employee has security of the job tenure in the event of continuous employment exceeding six months.
- To provide for the protection of persons employed as casual employees who often times work on casual basis terms indefinitely.

- To provide for a piecework contract where an employer and employee determine the terms of employment based on the amount of work done contrary to the duration of the work.
- The amendment is an incorporation of agreed upon principle that was contained in Employment (Amendment) Bill, 2022 into Employment (Amendment) No.2 Bill, 2022 as a result of the incorporation of both Bills.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister, have you thought very well that you are not going to cause serious unemployment? That is the only question I can put on this clause. I want to give you a very honest view. Construction sites, factories – Maybe if you had said that if this person is reemployed within a period of two months. Let me pick views of Members and you will respond at once. Hon. Niwagaba.

MR NIWAGABA: You have rightly stated it, Mr Chairperson. One, if you bring in this particular clause, the earlier clause we have just passed, dies because we have already provided that the minister should make regulations to cater for this category of persons who are not covered under the Employment Act. But if you bring in this particular clause 34(a), then you are incorporating them under the act; you no longer need the regulations by the minister to cover it.

Secondly, you may have, for example, an engineering company. It gets a contract to construct Parliament and uses casual workers. The following day, state house the same casual workers. They go to Bundibugyo and you adopt them as employees under the act.

I can tell you, with the kind of unemployment we have, no employer will take them on. So, you will have a turnaround of casual workers that will actually render casual work unprofitable.

Thirdly, clause 34(b); piecework, this is an independent contract. Why do you want an

independent contract to also form part of unemployment under the act?

Mr Chairperson, I strongly object to these amendments. They do not augur well with employment.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Sarah Opendi.

MS OPENDI: Thank you very much, Mr Chairman. In addition to what Hon. Niwagaba has said, how I wish this had been qualified. During the consultations, this was one of the things I raised because of the complications. He talked about those construction sites.

My concern is the industries we have. Forget about construction sites. You find a well-established industry that has been in existence but has people as casual labourers without any written contract, and they have been there forever. The moment you raise your voice, you are dismissed.

I think those are the ones we should deal with. Let us qualify this. It is okay to have casual labourers provided for, but it must be qualified so we look at those established industries.

Secondly, what is going on in this country is that people are now smarter, not even employing casual labourers. What they do is to get Niwagaba and Company Advocates and the labourers sign a contract with Niwagaba. It is Niwagaba who employs all the Opendi's and others at whatever fee he or she wants. I have raised this on the Floor of this House and this is what we must deal with. This is how they are actually trying to avoid paying taxes and NSSF; those benefits that employees would be having.

I am not happy that that issue was dropped. We must open that and stop these companies from employing companies and hiding workers under them. So, Attorney-General, I do not know how you can help us. Do you get my point?

You find well established industries like Tororo Cement Industry— (*Member timed out.*)

THE DEPUTY CHAIRPERSON: Thank you. Honourable members, you need to go deeper and know categories of these workers. Most of these are people who do not qualify for any job and do not have any qualifications. I have used the word “most”; I am very cautious. Two, these are mothers. When you go to a factory like Darling, where they sort hair, even a 90-year old woman can sit and sort her hair slowly gets that chance.

From what I know, it will be cheaper for companies to automate, than carry the burden of death row. You will make the law but if you are not steady, you will knockout many people who do not have an opportunity of education like some of us to go and get other white collar jobs. These are *leja leja*; casual jobs.

MR AOGON: Thank you, Mr Chairperson. We should avoid entering into a situation of legislative excitement, where we just make a law because we want to make it. (*Laughter*) I am worried.

I do not agree with having those provisions in our law. This can even lead to violence in our communities. Anyone who knows the employer has been good to them will return and say, “Give me more work”. The person accepts because they know that the person they employed is on good terms with them.

If we try to legislate on everything, I can bet and tell you we are going to have a quagmire. We shall all be ashamed because people will be asking, “Who made this law?”. I should not be part of that. Let me put it on record; I reject it. Thank you.

THE DEPUTY CHAIRPERSON: I picked some honourable colleagues but let me do a quick round.

MS NALUYIMA: Thank you very much. As an individual, apart from this legislative work, I am in engineering elsewhere. My first job was masonry work under National Housing and

Construction Corporation in Naalya. We had several porters and up to this day, I collaborate with several friends who are engineers to see that many of my people are fixed.

When we talk about construction sites, engineering in general and even elsewhere on such jobs, there is no way we shall force an employer to enter into a serious contract, given the kind of conditions in the market.

That aside, I was also in Bweyogerere Market yesterday. We have vendors and many other people. These people are employed somewhere but if go into the details of issues of casual labourers and employment, we may not afford to entirely exhaust the market of casual labourers or casual employment.

I suggest, that since we have already prescribed and managed to give the minister a window period for provision of casual labourers, can we say that the minister will bring regulations to Parliament concerning casual employment and we delete the insertion? Thank you.

MR BAKKABULINDI: Thank you very much, Mr Chairperson. The law is about employment. There is a difference between business and employment. It is our duty to protect our citizens. (*Applause*) I want you to be mindful of that.

I represent workers. We have been fighting the word “casualisation” up to International Labour Organisation. If we go to field now, even graduates in some industries are casual labourers.

We are mindful about our investors coming here and creating jobs. We know the scarcity of jobs, but should we fold our hands and let our people be exploited because we should not talk? This is what we are trying to address. We are saying, “Look, if somebody has been used for a certain period, do you still need him or not?”

Mr Chairperson, I would like to ask a question. Whether you have a lot of money or not, when you go to the mosque, you follow the standards.

Failure to do so, leave us and we remain poor. We are trying to legislate -

Mr Chairperson, we should be mindful about the economy. We should be mindful about that investor so that he or she does not go back. We want the investor but first, how should we treat our people?

I went to South Africa. To start up a company, a certain percentage of the employees must be the indigenous people. Are we bringing this here? Before you bring casuals, either Indians or Chinese, can our people do that job? If we simply keep quiet, then we are doing a disservice to our nation. Thank you.

MR NANDALA-MAFABI: First of all, I would to associate myself with what Hon. Niwagaba said. The casual labourers you are talking about are not only those who carry bricks; even professionals can be casual labourers. The moment you say after six months, a casual labourer should become an employee, you will be making a huge mistake. Let me tell you why.

In the accounting profession, say you have got a contract to do some financial management consultancy for a period of six months, when it is about to end, you get another contract or an extension.

The moment you say this person is supposed to be permanent, it means he or she is supposed to access the payroll and *—(Interjection)—* I am just giving an example. Even for us, there is no difference. Even as professionals, sometimes we are casual labourers.

Mr Chairperson, let me give an example of the Bugisu Cooperative Union. We are a coffee entity. There is a season when we bring coffee in. When they have collected the coffee, there is milling. There are people who come to pick at different times. You may find this week, they are there and then, the next time, they are not. Eventually, you may think those are good pickers and maintain them so that whenever there is picking, you call them. The moment you say these should become employees - we

are not going to employ them. At the end of the day, those poor mothers you have talked about will have no job.

I plead with my brother, Hon. Bakkabulindi, that we should define “casual labourers” as labourers who come in when the assignment is existing. When the assignment is over, it is over. Failure to do that, we are going to make many of our people, who would be casual labourers, to miss out.

I am constructing a house and it will not take only one year, but about five years. This same mason or porter comes in and goes – for a building of five years – whenever the construction is taking place. Your proposal would mean that after six months, that man becomes an employee. It is very dangerous; you will have no person working.

THE DEPUTY CHAIRPERSON: Honourable minister, are you seeing the problem that, under the regulations, you will not have enough authority over this to the extent that you even need to cover it in the Act?

MS AMONGI: Mr Chairperson, under the current Employment Act, there is an existing regulation of 2011. Regulation 39 provides for contracts for casual employees. The principle is that we provide for a casual employee to be given a contract after four months.

When you have worked continuously for four months, you are entitled to a written contract, as a casual employee. The problem we have been having is that in the context of most complaints that are going to Industrial Court, the employers are not following the regulation.

So, it is up to this House because we have already tested this regulation at the ministry and Industrial Court. The ruling, in Industrial Court, is always that the regulation is inferior.

The principle of continuously giving someone a contract after the lapse of four months is not embedded in the Act. So, that is the problem we have had. However, if it is because of the economy, then, we will go and see what to do.

THE DEPUTY CHAIRPERSON: We have not heard the voice of the youth on this matter.

MR RUGUMAYO: Thank you, Mr Chairperson. All of us are potential employers. However, to legislate for an employee, you need to divest yourself off the mindset of an employer and think as an employee. *(Applause)*

On the aspect of a casual worker, for example, you are looking at it from the side of an employer – employing that person for that particular time and it becoming an obligation in the long run.

However, imagine this particular casual labourer that you have employed for six months or more and at a certain point, this person gets, say, an accident and cannot continue, do you still have an obligation? What happens, in reality, is that these people are dumped and they suffer.

That is why it is important that this House makes this drastic legislation such that if a person is employed on casual basis for six months, they get the benefits of an employee.

Mr Chairperson, we can compromise and say that if a person is rehired within a period of, say, three months, this person should qualify. I beg to submit.

THE DEPUTY CHAIRPERSON: The Private Member, who moved the Bill, has something to say.

MS RWABUSHAIJA: Thank you, Mr Chairperson. When we are looking at casual workers, I think many people are focusing on those in the factories. However, I will tell you that, for example, at Tembo Steel Factory, these casual workers have been assigned to someone outside the factory and they are exploited because they give the money to a third party who is not in the factory and is the one who decides what to give those people.

As workers, we feel that there is unfairness. We have SAS Hospital in Kampala, where the doctors have become casual labourers. You

are called to work twice in a week and they give you Shs 100,000 – they are saying it is the same in Victoria Hospital.

Most of the teachers in private schools are casual workers; they do not have appointment letters. Even during holidays, they are not paid because the owner of the school will say: “Where do I get the money? Children are at home.”

So, we should not encourage everybody to work on a casual basis because it has taken on the graduates. The teachers in private schools – about 60 per cent of them – are casual workers.

We are trying to look at this not from one angle only. We need to look at those people who have failed to come to Parliament as workers – we are looking at one side, which is not fair. Let us consider all these workers; they are Ugandans.

MR TEIRA: Thank you, Mr Chairperson. I appreciate the submission of the Private Member. Unless we are going to categorise the casual workers, we are going to create a very serious problem. Committee chairperson, you have alluded to Darling and other companies in Mbarara. These people come and check in the morning whether there is work to be done or not.

When there is no work, they go. However, there are those who have picked some skills to do work faster. Now, there are over 10,000, who flock to that factory every day, but not all of them are given work every day.

Some are given work on Monday while some are given work on Tuesday. Now, if they stay around for six months, what you are suggesting is that they become employees. What the employer will do is to pick out 500, whom he believes can do the work, and all the others will be out of employment.

I want us to be more realistic in approaching this law. These proposed sections 34A and 34B are not called for now. Let us allow the regulations to categorise which casual workers we are dealing with and for what privileges and

benefits. That way, the minister will have the opportunity to look at the different categories. I thank you.

THE DEPUTY CHAIRPERSON: Honourable colleagues, these people are paid. So, if my business cannot sustain them, what do you want me to do? Should I close the business or chase them away? I will have an option. I will not sell property to go and pay what the law requires me to do.

This issue seems to be very complicated. Attorney-General, can't you even have a separate law for them? They are so detailed.

For industrialists, this is going to be a tough one. The solution will be automation and those people, whom you are talking about, will lose their jobs.

MR BAHATI: Mr Chairperson, we need to balance between the challenge of unemployment that we have and the mistreatment of Ugandans. To say that you regularise somebody who is a casual worker after six months might be very challenging from the point of industry – where I am.

For example, there are those factories that operate in seasons and the season can go on for seven months – if it is a good season for some crops or processing. So, if you cross six months and you have only one month remaining, you are now supposed to regularise this person as an employee. This will also push away some investments in terms of prediction that it is going to be a cost on them.

I suggest that the treatment of these people, in terms of giving them short-term contracts, be handled at the regulation level. If we entrench it in the law, it is going to be a huge cost and, as the Chairperson is saying, many investors will now opt for automation and then we lose employment. Thank you.

THE DEPUTY CHAIRPERSON: Members, remember when we had a situation with the British American Tobacco, it decided to shift operations to Kenya; it is selling in Uganda

tax-free because the taxes are paid in Kenya under the East African Customs Management Act.

MR AKAMBA: Thank you, Mr Chairperson. I support the protection of casual labourers. We can qualify – as much as there are isolated cases of Darling and other companies are coming in - there are many factories which employ casual labourers consecutively from day one up to the last day in the year. Even when they work for such companies for five years and end their causal employment, they do not get any benefits; they are not protected at all. The majority of Ugandans are in this category.

We need to look at the side of industries but we must strike a balance and also protect Ugandans who are employed in this category. *(Applause)*

I am a legal practitioner; I get to the point when I am faced with a casual labourer who I think should be protected, but the law is silent. I try to rely on the regulations, but you have heard the industrial court say that they cannot do much.

My proposal is that we adopt the insertion with the qualification -

THE DEPUTY CHAIRPERSON: Can you propose the qualification?

MR AKAMBA: The qualification that I wish to propose is that we extend it further from six months to one year.

THE DEPUTY CHAIRPERSON: Hon. Allan, you are a member of the committee. Members, I want us to move; a proposal has come from Hon. Akamba.

MR BAKKABULINDI: Thank you, Mr Chairperson. I agree with my colleague who is proposing one year, but I want Members to know the spirit behind this; we have been crying that the country needs taxes and we have gone to different areas to get taxes. There are free taxes here. Do you know that casual workers do not pay PAYE?

THE DEPUTY CHAIRPERSON: Let us go to the proposal.

MR BAKKABULINDI: The proposal is if we extend it to one year and during that course, a casual labourer falls sick or gets an accident, he should be treated like a permanent person.

MS AMONGI: I just want to put some context; I want to notify Members that there are two other categories of work that might address the concern. There is piecework, which is where you get somebody to work for probably a month, two or three, but you pay them every month. Your contract with them is for every month; and it will not be categorised as casual work.

There is task work which is for every day. Somebody said on the way to Mbarara, there are people who come and loiter and wait – there is a daily payment. It is called task work; it is not casual work.

The issues of casual employees are those that are permanent and are doing some work for you. They stay for one year but because you have classified the work as somebody who comes to do that work - for example, if you go to a factory, you will find people working every day; they carry the steel or do the packaging. Those packaging do it every day but they do not categorise them as experts; they have worked for one, two or three years - that is where we need to protect that category. *(Applause)*

THE DEPUTY CHAIRPERSON: What is your view on the proposal of one year from the Hon. Akamba?

MS AMONGI: Let people not worry about where people are doing tasks on a daily basis and you are paying them daily. That one will not affect you and where it is piecework, it will also not affect you -

THE DEPUTY CHAIRPERSON: No, the Member is saying instead of six months, we should make it one year.

MS AMONGI: We can agree on the timeframe.

MR SSEMUJJU: Mr Chairperson, let me give you a background and a proposal. I have people in my constituency who go to these factories every day. They will be excited by this proposal, but be mindful - one time, I went to the Kiteezi Landfill because I felt that the people there were being exposed to toxic fumes. I wanted to close them and they thanked me, but also told me that they wanted to stay there.

I have also been to a cigarette factory in Kireka before and I wanted it closed, but the workers told me that they wanted to continue working. I have also interacted with many factories in Bweyogerere.

This proposal is very good and exciting but has the effect - because you are dealing with people who are also intelligent. The moment you put these stringent measures in the law, you are going to hinder people who you seek to protect and are vulnerable; they are going to chase them.

Can I, therefore, Mr Chairperson, propose that you allow two, three or four Members to step out and find the best way to protect workers, without rendering them vulnerable? This is because you are now telling their employers that as a matter of period - six months or one year - now they need to change their classification. I am very happy with it but I fear it may create a crisis.

MS OPENDI: Thank you, Mr Chairperson. I want to inform the House that the Employment Act, 2006 - honourable minister and Attorney-General if you can listen to this - defines a casual employee as a person who works on a daily or hourly basis, where payment of wages is due at the completion of each day's work. This contradicts what the honourable minister had said. She talked about task work which is different from casual work. We need to define who a casual employee is, as per this amendment, so that there is no contradiction. Then, we will cover them properly.

THE DEPUTY CHAIRPERSON: We shall be going back to the amendment clause.

MR KIRYOWA KIWANUKA: Mr Chairperson, first of all, I want to be clear that this is an amendment proposed by a private Member; it is not part of the Government Bill. Members have raised very serious concerns on both sides; on exploitation and protection of the workplace.

Hon. Niwagaba mentioned something earlier and said, “To what extent do we fail to deal with the regulations that are created under the proposed section 34 of the principal Act?” The proposed section 34 of the principal Act gives the minister the mandate to provide regulations for persons with disabilities, workers, casual workers, apprentices and other categories.

Are we suggesting, therefore, that the regulation you will make here will only be rejected for casual workers or they will be rejected for all the categories mentioned? If that is the case, then we may have to go and come back with the provisions to protect persons with disabilities, domestic workers, apprentices, which are all provided for in that category.

Mr Chairperson, I propose that we deal with this issue by abandoning this amendment and go to the regulation and ventilate this issue carefully; define all the categories carefully, and make this. Even the proposals that they are making for one year, are dependent on the kind of work you are doing. If it is a part time factory for agricultural produce, the one year will not arise.

If it -

THE DEPUTY CHAIRPERSON: I am having an issue here. Members are imputing that regulations are weak. Do you get it? No, I want the Attorney-General to clarify on that because if we give the minister secondary powers to go and make all these regulations, are they weak? Just clarify on that. Honourable colleagues, let us listen to the Attorney-General.

MR KIRYOWA KIWANUKA: Mr Chairperson, I have not confronted a situation where a court has refused to follow a regulation which is sanctioned by Parliament; it is

subsidiary legislation. If there are gaps in those regulations, we can address them.

So, I would not say that the regulations are weak. I am hearing it now, but we can go back to the Industrial Court and address this. *(Member rose_)*

THE DEPUTY CHAIRPERSON: There is no one on the Floor. He took off. *(Laughter)* Hon. Ssemujju had made a proposal, but at this stage, I am cautious on such a matter to just go, give it to a few people. What do you think honourable colleagues? No, honourable colleagues, I am going to put the question on this. Even if it requires putting up your hands, we will do it that way. *(Member rose_)* No, I have not allowed you because we need to move.

Honourable colleagues, I put the question that a new clause be inserted as proposed. I am repeating again, I put the question that - No, we are on a clause; these are not just proposals, we are on clauses. So, if you have not been following, this is not the usual – Do you get it? Let us first deal with the amendment as brought by Hon. Akamba. He is proposing one year. No, I can first put his proposed amendment and the Members either agree or reject it.

MS NALUYIMA: Mr Chairperson, his proposal for the amendment to one year, can only stand when we have either agreed to the insertion of the clause or not. So, we beg that you first start with –

THE DEPUTY CHAIRPERSON: No, I can do it by first amending his proposal before inserting it.

MR AKAMBA: Mr Chairman, I think it will not be fair because my amendment is premised on the proposal to insert.

THE DEPUTY CHAIRPERSON: So, you withdraw your proposal.

MR AKAMBA: No, Mr Chairperson, should the question as to whether the insertion be made or not, be in my favour, then the question would be put.

THE DEPUTY CHAIRPERSON: No, honourable, it would mean that you again move a motion for us to recommit because that is the procedure. For now, we are going to vote on insertion. If you want any further amendment, later on, you will propose that we recommit.

Honourable colleagues, we have a clearly defined procedure of legislating here. You go clause by clause and the moment you insert, you can only come back later for recommitment and then we reopen and put the new question. That is the procedure. I am not going to change anything. I have to stick to the rules.

I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

Clause 4, agreed to.

Clause 5, agreed to.

Clause 6

THE DEPUTY CHAIRPERSON: Committee chairperson.

MS KABAHEHENDA: Mr Chairperson, we have an amendment on Section 39 of the Principal Act to delete clause 6.

Justification

- The deletion seeks to retain the provision in the principal Act on repatriation, which stipulates that repatriation shall be to the place of engagement of the employee contrary to the position in the mother Bill, which limits repatriation to the place of recruitment of the employee.
- To ensure decent settlement and better protection of an employee in case of repatriation.
- In the case of G4S Secure Solutions Uganda Limited v. 201 former employees of G4S Security Services Limited (Labour

Dispute Appeal No.022 of 2017), the Industrial Court clarified that repatriation means transporting the employee from the workplace to his or her home, that is, to enable the employee return home after the termination of his employment.

THE DEPUTY CHAIRPERSON: Honourable minister.

MS AMONGI: I concede and agree.

THE DEPUTY CHAIRPERSON: Hon. Rwabushaija.

MS RWABUSHAIJA: I concur. Thank you.

THE DEPUTY CHAIRPERSON: I put the question that clause 6 be deleted as proposed.

(Question put and agreed to.)

Clause 7

THE DEPUTY CHAIRPERSON: Committee chairperson.

MS KABAHEHENDA: Mr Chairperson, clause 7 is an insertion of new Part IVA. Clause 7 is substituted for the following—
“Part IVA - Recruitment agencies

39A. Illicit or concealed movement of persons

(1) A person shall not facilitate the illicit or concealed movement of persons for employment abroad by organising the departure, transit or arrival of the persons in Uganda or give assistance to any organisation for that purpose.

(2) A recruitment agency shall not recruit a person whom the recruitment agency knows to be unlawfully present in Uganda.

39B. Licensing of recruitment agencies

1. A person shall not transact the business of a recruitment agency in Uganda without a licence issued by the minister.

2. A licence referred to in subsection (1) may be issued subject to conditions as the minister may determine.
 3. A licence issued under subsection (1) shall be valid for a period of two years from the date of issue.
 4. A recruitment agency may apply to the minister for renewal of a licence issued under subsection (1).
 5. The minister may, in writing, revoke a licence issued under subsection (1).
- b. a company that has any of the shareholders or its board of directors engaged in the business of a travel agency;
 - c. a company with a political, religious or cultural agenda;
 - d. a company that is declared insolvent;
 - e. a company whose license was cancelled;
 - f. a company whose directors have been convicted of an offense relating to illegal recruitment of workers or trafficking of persons;

39C. Recruitment Agency to be company

- (1) The Minister shall not grant a license to operate a recruitment agency unless the person seeking the grant of a license is a company incorporated under the Companies Act, 2012.

39E. Recruitment only on issuance of job order.

- (2) A recruitment agency granted a license under this Act shall submit a report of its operations to the commissioner at the end of every calendar year.
 - (3) The Minister, may by regulations provide for -
 - a. the procedure for obtaining a license;
 - b. the procedure for renewing the license;
 - c. the conditions for issuance of a license;
 - d. the grounds for revocation of a license;
 - e. the governance and general operations of recruitment agencies; and
 - f. the fees payable.
1. A recruitment agency shall not recruit a person without -
 - a. a job orders; and
 - b. approval of the job order by the commissioner.
 2. A recruitment agency which contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding 1,000 currency points.
 3. Where the act or omission constituting an offence under subsection (1), is committed by a person who has -
 - d. the power to represent the recruitment agency;
 - e. the authority to take decisions on behalf of the recruitment agency; or
 - f. the authority to exercise control over the affairs of the recruitment agency, the person is liable on conviction, to a fine not exceeding 500 currency points, or a term of imprisonment not exceeding three years or both.

39D. Institutions not eligible to be licensed as recruitment agencies.

A company in the category listed below is not eligible to be licensed as a recruitment agency -

- a. a company whose object allows it to conduct business with a travel agency or sales agency of an airline company;

39F. Due diligence on employer

A recruitment agency shall, in consultation with the minister carry out due diligence on the suitability of an employer whom recruitment agency intends to recruit for, prior to recruitment for the employer.

39G. Obligations of recruitment agencies

(1) A recruitment agency shall -

- a. before a person who intends to work in Uganda or abroad signs a contract of employment, orient the person on the policies, procedures and terms and conditions of employment, including the rights and duties under his or her contract of employment;
- b. ensure that the contract of employment signed by the person being recruited for work is witnessed by a next of kin;
- c. ensure that the person who intends to be employed abroad is skilled for the job as specified in the job order;
- d. ensure that the contract of employment is not prohibited under the laws of Uganda or is in accordance with the laws of the country where the person is to be employed;
- e. assume full responsibility for all claims which may arise in connection with the use of the license of the agency;
- f. keep and maintain a record of all persons recruited through the recruitment agency, including names and addresses, contracts of employment by biodata and passport photographs;
- g. keep, monitor and update a record of the next of kin of persons recruited through the recruitment agency;
- h. ensure that a person who intends to be employed abroad is trained by a pre-

departure training institution accredited by the ministry.

(2) For the purposes of this section, “pre-departure training institution” means an institution accredited by the ministry to orient and induct an employee recruited for employment abroad for purposes of preparing that employee for employment abroad.

(3) The minister may make regulations to prescribe for -

- a. accreditation procedures for pre-departure training institutions;
- b. The duration of pre-departure training;
- c. fees payable;
- d. procedures for suspension and revocation of accreditation of pre-departure training institution;
- e. general operations of pre-departure training institutions;
- f. any other information as may be required by the minister.

39H. Repatriation clause in contract of employment

A recruitment agency shall not recruit a person for employment abroad unless the contract of employment provides for the right of the employee to be repatriated at the expense of the employer under the following circumstances:

upon the expiry of the period of service stipulated in the contract of employment;

- a. upon the termination of the contract of employment by reason of the inability of the employee to perform the contract;
- b. upon the termination of the contract of employment by agreement between the parties;
- c. upon the termination of the contract of employment by a competent court; or
- d. Upon the death of the employee.

Justification

- To broaden the proposed new PART IVA by providing for the regulation of recruitment agencies for employment for both within and outside Uganda;
- To offer protection for persons recruited for employment, both outside and within Uganda by stipulating the obligations of the recruitment agency;
- To ensure that there is a repatriation clause for persons recruited for employment abroad when the employment relationship between the employer and the employee ends;
- To ensure that a person who intends to seek employment through a recruitment agency is securely recruited through a job order approved by the ministry;
- To ensure that all the necessary procedures and due diligence in securing employment for Ugandans abroad is undertaken by both the recruitment agencies and the ministry through the labour attaches based in the countries where the employment has been sought;
- To provide for the regulation of pre-departure training institutions;
- To ensure that persons seeking for employment abroad are duly oriented for employment abroad through the pre-departure training institutions;
- The amendment is as a result of the harmonisation of some principles in the Employment (Amendment) (No.2) Bill, 2022. Thank you.

MS AMONGI: I think the general principle is agreeable, but Attorney-General has a small amendment.

MR NIWAGABA: Thank you, Mr Chairperson. The principles by and large are good, but I have concerns in the following

proposed amendments. I would like to begin with the clause that is termed as 39B(2).

Unless the conditions under which the minister must issue these licenses are clear and certain, we will have a situation where the minister will remake conditions for company A completely different from conditions for Company B. So, let us have a principle that will make the conditions for the grant clear, unambiguous and certain.

THE DEPUTY CHAIRPERSON: Can we tackle them one by one?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. I think you are right; the regulations need to be clear. Actually, I wanted to clarify 39C which says "...the minister shall make regulation". Instead of saying "...may make regulation", let us say, "The minister shall make regulations under this section to prescribe for accreditation procedures, duration and etc." I think that is where we need make regulation for the licensing.

MR NIWAGABA: I will agree to that if it is included. Then, section 39B -

THE DEPUTY CHAIRPERSON: I do not want us to lose that. I wanted us to be certain about it. You see, there are many clauses under this part. So, we shall vote on a clause, not the Bill. We will then put the general question on the Bill after agreeing on the clauses so that we do not lose track – because the clauses are very many under that part.

MR NIWAGABA: The other one I am looking at is the proposed section 39B (4) – a recruitment agency applying to the minister for renewal. We have had instances in specific provisions of other laws where if you do not provide a timeframe within which a minister must respond to the application, the application will lie there until you pay a bribe. So, we would want a timeframe within which the minister must respond to the application.

The same applies to the proposed section 39B (5). The conditions for revocation of the

licence must also be specifically provided for and made clear, certain and unambiguous.

Under the proposed section 39D, we are trying to oust -

THE DEPUTY CHAIRPERSON: I think let us go clause by clause to make it easy. I do not want us to lose focus. Under the proposed section 39A, do we have any issue? Hon Niwagaba, now we can capture your issue which is under 39B. Now, the proposed section 39B – Attorney-General – is where he made a proposal to cure it under section 39G (3) – is it under the proposed section 39A?

MR OGUZU: It is under the proposed section 39A – illicit and concealed movement of persons. Mr Chairman, we have had cases where our children go out and then it emerges that their body organs were removed. So, I think it should be illicit for a person who has been recruited to go and work outside to leave when we have not verified their health status.

I would, therefore, want to insert -

THE DEPUTY CHAIRPERSON: ... especially the organs.

MR OGUZU: Yes. We need to be assured. Those issues have emerged over and again. So, it should be illicit for a person to be taken when they have not done a thorough health examination on them and there is a certificate to show that everything is okay.

I want to insert subsection (3) -

THE DEPUTY CHAIRPERSON: No, let us first get the principle. Honourable minister, would that be tenable?

MS AMONGI: Mr Chairman, at the moment, it is mandatory for every Ugandan travelling abroad to be checked through a framework that is agreed between the Government, JCC and World Health Organisation – but that is when you are travelling through the companies that are licensed.

This provision of section 39A is talking about those who are actually trafficking people. If you are trafficking, it becomes difficult for us to know unless you deal with it at the airport. We would not know – they use a tourist visa and lie at the airport. So, it will be difficult – unless you are saying all categories of people between this age and this age, transiting through the airport, must have a medical report.

That is why they are calling it “illicit” – because they are being trafficked. On that one, the medical examination application will be difficult.

THE DEPUTY CHAIRPERSON: Hon. Komakech?

MR KOMAKECH: Thank you very much, Mr Chairman. All along they have been bringing up the issue of recruitment agencies. If you look at the Bill, it is more of showing the recruiter as being the employer, which is not true.

This is what happens on the ground -

THE DEPUTY CHAIRPERSON: No, we are on the proposed section 39A, so, you cannot give a general submission. Let Hon. Oguzu finish his point.

MR OGUZU: Mr Chairman, what that section proposes to deal with is illicit movement of people. We are saying, arising from the challenges we have faced as a country, we must be able to plug that gap. Whether you are a recruitment agent or you are moving people illegally, it should amount to an illicit act when you take people without a medical recommendation.

Good enough, the minister has said they are already doing that mandatorily, even with the registered people. So, all we are trying to do is to regularise whatever they are doing through a legislation so that there is no room for anybody. Whether you are a registered recruitment agent or not, you should be able to make sure these people are in good health condition and eventually return -

THE DEPUTY CHAIRPERSON: Hon. Oguzu Lee, this is just a simple principle in legislation: you cannot regularise an illegal activity. This proposed section 39A provides for illicit or concealed movement. It is already an illegality. You cannot say that, under an illegality, we must check your body parts. It would be wrong legislation.

MR OGUZU: Mr Chairman, if we allow this to go like that, it is that one can be a registered entity, but because we have not enshrined that as a requirement, the person can just take others without –

THE DEPUTY CHAIRPERSON: This can come under licensing conditions, but not under this proposed section. Hon. Mafabi?

MR NANDALA-MAFABI: Mr Chairman, I want to give my brother, Hon. Oguzu, information. First, there are countries where when you travel, they demand for a medical insurance cover. However, there are countries which do not need medical insurance. So, under both illicit and normal movement, you can go to some countries without medical check-up.

Therefore, Mr Chairman, unless the Government of Uganda is now making a rule that anybody who crosses any border must be checked before he gets out – both normal and illicit movement. Failure to do that, you are going to increase burdens even on those who could be operating right businesses.

My brother, Hon. Oguzu Lee, first of all, “illicit” is a wrong business. Even for those who are doing it rightfully, if we start to include more costs of that nature, it will be very expensive to have employees.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, we should not waste much time on this. Whereas Hon. Oguzu Lee has a very valid concern, it cannot fall under the proposed section 39A. 39A is creating a crime. So, you be scanning through to see under what clause your proposal can be accommodated later, but not under the proposed section 39A.

You know, legislation and drafting are not about how you feel about a certain issue. There are clear processes. For a clause that creates a crime, you cannot come to regularise anything under it. For example, under a clause in the Penal Code Act that provides for the crime of theft, you cannot start showing how to steal or how a thief should not dress. You are already declared a thief. So, you cannot say a thief should not put on green under this section.

MR OGUZU: Please allow me more time. Mr Chairperson, Section 39A (2) says, “Recruitment agents shall not recruit a person whom the recruitment agency knows to be unlawfully present in Uganda.” That is already a condition which, when not fulfilled, makes movement of persons illicit.

THE DEPUTY CHAIRPERSON: Honourable member, scan through the Bill and look for where you can put your valid proposal. Attorney-General, can you help us with this?

MR KIRYOWA KIWANUKA: It is already provided for, Mr Chairperson. Look at Section 39C(3)(e), it says, “the minister shall make regulations to provide for the governance and general operation of recruitment agencies...” – *(Interjections)*- No, that is what I was talking about earlier, which I wanted to change to “shall”.

So, when you talk about the general operations of recruitment agencies, that is where, in the regulations, you tell them what you expect them to do when they are recruiting people.

MS OPENDI: Mr Chairperson, my problem is that a new clause is being inserted. We have Clauses 39A, 39B, 39C; all these are new clauses. When you look at the penalties - I have a problem with them. I think that it would be better and smarter for us if we provided for offences under these new clauses, since they are new.

For example, regarding the illicit or concealed movement of persons, which we are dealing with in Section 39A (2); “a recruitment agency shall not recruit a person whom the recruitment

agency knows to be unlawfully present in Uganda.” If somebody, for example, is from DRC or Kenya and this company is recruiting this person, that is a serious offence.

Therefore, I would be comfortable if we provided for the penalty immediately after this. The amendment I want to propose is that we provide for this offence and it would attract a penalty - because this is grave; Uganda will be used as a root for trafficking persons.

I would be happy if we provided for an offence of 5,000 currency points for this, so that we do not see children from within the East African Community countries being trafficked through this country, for purposes of organ harvesting or other reasons for trafficking of persons. This is the proposal that I want to bring; that we have it as (3); this is an offence which would attract a penalty of 5,000 currency points. *(Applause)*

THE DEPUTY CHAIRPERSON: Thank you. Hon. Sarah Opendi, we agreed that offences will be provided for under Clause 25. However, we can do it like what we did when we handled Clause 7; we clearly create an offence. Attorney-General, this is like how it was done under Clause 7, which Hon. Niwagaba brought, and then the penalty will be under Clause 25. *(Applause)* We can have a subclause here.

MR KIRYOWA KIWANUKA: Mr Chairperson, we could actually just add 39I and say, “Anyone who contravenes the provisions of this part commits an offence” and then we deal with it.

THE DEPUTY CHAIRPERSON: When we reach the penalties under Clause 25, we shall go into details of all those currency points. We said if you are to create a penalty for each and every - Most of these clauses are about penalties and their offences. The Bill will not look smart. So, let us continue that way.

You have heard the proposal by that Attorney-General. Committee chairperson, are you okay with it? Hon. Silas, is there anything different? Committee chairperson, I need you on the

microphone to confirm that you are okay with the proposal. Let the Attorney-General draft it, so that we can read it, you confirm it and we make it part of the proposed Bill.

MR AOGON: Mr Chairperson, I agree with the minister because I know the issues that were raised by Hon. Oguzu. We already have laws that govern these concerns. Members need to be mindful that whatever we are discussing here is directly in connection with employment. So, whenever we discuss these matters, pin them to employment.

Therefore, I ask that you put a question and we move because in my opinion, this is well crafted. The drafters did a good job and people already attested - I can assure you that they examined it. Under these employment contracts, you cannot get out of Uganda without being examined for medical purposes. Let anyone parade evidence here to the contrary. Thank you.

THE DEPUTY CHAIRPERSON: Thank you. The committee and drafters have done a good job. We are trying to make their job better by getting more views from Members. When you vote on such issues, that is when you will reach outside and the media will ask, “Honourable member, you have passed the Employment (Amendment) Bill. What were the principles? What are the major clauses?” You will then say, “You see...” – *(Laughter)*

Let us follow this. Let us go to Section 39B; Section 39A is covered.

There are more offences covered under this part. So, we want to put it at the end, since they introduced it as a part.

MS OPENDI: Chairperson, the Attorney-General had proposed that we include “a person who contravenes this section commits an offence”, just as a statement.

THE DEPUTY CHAIRPERSON: No, he said this part. I was listening carefully.

MS OPENDI: At the end?

THE DEPUTY CHAIRPERSON: Yes, at the end because they are many that will be covered. He said that will be Clause 39I.

MR AFIDRA: Mr Chairperson, mine is clarification on Clause 39A, in regard to what Hon. Lee Oguzu said. We know this is an illegality. In the event that a person is taken out of the country and comes back with a claim that one of their organs was removed, under which clause will it be, since this is a new insertion? We do know that in this country, there is no complete checkup of persons who are moving across the border. Let us not be deceived that all Ugandans who will seek employment out of this country will provide a complete, internal organ checkup report as a certainty. Where is this clause to cater for these kinds of claims, in the event that it happens because it has ever happened?

THE DEPUTY CHAIRPERSON: Honourable member, when we reach Clause 39C, that is where we said the minister is bound to make regulations, under the licensing conditions. You cannot legislate on each and everything; you cannot cover each and everything.

Hon. Oguzu, I told you to scan and see where we can cover your proposal; you need a home. Your proposal looks beautiful but it needs a home.

Section 39B? *(A Member rose)* Honourable member, you do not access a microphone without my permission. Is this on Clause 39B? Hon. Niwagaba had started on this; let us allow him to continue and then others will come in.

MR NIWAGABA: Thank you, Mr Chairperson. I had said that we will need to be clear about the conditions under Clause 39B(2), under which the minister will determine the application made to her to issue a licence.

I had also suggested, under Section 39B(4) that a time frame within which the minister must respond to the application be provided and under Clause 39(5), the conditions under which the minister may rely on to revoke the

licence must also be provided, and be clear and unambiguous.

THE DEPUTY CHAIRPERSON: Honourable minister?

MS AMONGI: Mr Chairperson, these conditions are already embedded in the current regulation. For this particular provision, we are putting principle to anchor the existing regulations.

For example, on the timeframe in the current regulations, the licence must be issued within 45 days on receipt of the application and the –*[Mr Niwagaba: “Clarification.”]*– Let me conclude and then you will ask for clarification at once.

MR NIWAGABA: My understanding of regulations is that they are inferior to an Act of Parliament. It becomes worse if the regulations come before the Employment Act. So, the existing regulations definitely cannot cover the Employment Act we are now making, you will have to come up with new regulations.

I would not mind if it is stated in one of the subclauses that the regulations to be made under this Employment Act will provide the grounds for revocation.

We have had ministers who can “milk a dead cow” and this is one of the clauses where potential corruption exists. So, we want it to be very clear and unambiguous.

THE DEPUTY CHAIRPERSON: Hon. Niwagaba, would you be satisfied that we handle your concern when we reach on Section 39C?

MR NIWAGABA: No objection.

THE DEPUTY CHAIRPERSON: Section 39C of the Employment Act is providing the regulations the minister can make after we have passed this Bill.

MS KAAYA: Thank you, Mr Chairperson. On Section 39B of the Employment Act, I request that a licence be granted to a company

after sharing a liaison contact or the areas of coverage. You find that the employees taken by certain companies reach there and have no liaison contact. Sometimes, we hear that their contracts were terminated.

I request that before such a company is granted licence, let it show us the contacts of the liaison officer of their coverage countries. Thank you. [Hon. Oguzu: "Mr Chairperson."]

THE DEPUTY CHAIRPERSON: Honourable, please do not access a microphone without my permission.

MS AMONGI: Mr Chairperson, as you have already noted, the committee has indicated that the people who take people abroad must be a company. When you are a company, you cannot restrict because a company operates nationally.

So, for you to say we define areas of coverage to say, maybe you operate in central, it would violate the Companies Act.

On the issue of liaison officer, that is administrative. We can take it as administrative that where each company wants to recruit, they must have an office. Usually, before giving a licence, we inspect and before renewal of your licence, we inspect to ensure that you have a premise.

MR NANDALA-MAFABI: Thank you, Mr Chairman. I am trying to look at labour migration protocols. I want to interest the Attorney-General; when I look at Section 39A and Section 39B of the Employment Act, are we not confusing labour migration? Because this is an Employment Act.

Do we have to bring labour migration in an Employment Act? I want us to be careful. If the protocols cannot be helpful, then you may have to think of bringing Labour Migration Act. Here you are talking about illicit or concealed movement of persons and licencing of recruitment agencies –[Ms Florence Asimwe: "Mr Chairman, information."]

THE DEPUTY CHAIRPERSON: Some people will not go to Heaven. *(Laughter)*

MR NANDALA-MAFABI: Okay, you give me information.

THE DEPUTY CHAIRPERSON: No, honourable colleagues, when you want to speak, you stand up. I have empty seats this side, if I can see you the better. However, Hon. Nandala-Mafabi has accepted your information.

MS FLORENCE ASIMWE: Thank you, Hon. Nandala-Mafabi. The information I would like to give is that indeed, your concern was raised when we engaged the stakeholders that we need a special Act for externalisation of labour, because the Employment Act and the Immigration were two different things. Because we do not have that special Act alone, we have to try to cater for this particular group of labour.

In future, the Government will have to come up with another Bill, specifically looking at externalisation of labour. Thank you.

MR NANDALA-MAFABI: Thank you. That is why Mr Chairperson said you needed to be near so that I see you well. For somebody to allow you to give them information, he can only look at the face or the body and see which one to agree with –*(Laughter)*

Mr Chairperson, for now, maybe we could do it but this is not the right House for this because we are leaving a lot to deal with labour migration.

THE DEPUTY CHAIRPERSON: Attorney-General, that question was meant for you. No, let the Attorney-General answer his question.

MR KIRYOWA KIWANUKA: Mr Chairperson, the issue we are addressing here, are people who collect people here and take them away for employment purposes. Yes, we shall deal with the migration law because we can migrate for many reasons. But this one is actually to protect that person who is collected

from here and taken to a place that they do not necessarily know.

We are trying to create rules here that require this person to have a lot more care in taking these people out. It will not offend anyone at this point to house it here. If at a later stage, Parliament feels it needs to be housed anywhere else we could always –

THE DEPUTY CHAIRPERSON: Please, stop summersaulting on the Floor. I do not think you will be accessing the microphone basing on how quick you are. But she usually behaves very well, it must be an urgent matter, come and raise it, honourable. *(Laughter)*

MS NABAGABE: Thank you, Mr Chairperson. Sometime back when I was in Dubai, I interfaced with some Ugandans, and also of late, we are getting calls. That is why I wish to get more clarification. In Section 39B of the Employment Act, where do we get the protection of our children? There is a company that is well licenced here in Uganda and when the children reach outside Uganda – where are they being protected here?

Are we recommending further regulations to see that the agencies licenced here are given further restriction and obligation, to protect our children who have left this country? Thank you, Mr Chairperson.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. First of all, the Parliament of Uganda cannot write legislation which is extraterritorial. Our legislation stops at our borders. We are trying to tell this employment agency that when you take this Ugandan out of here, while you are here, we shall exercise this law against you.

A Member actually raised it earlier. We are trying to create a pseudo-employer relationship by the recruiter to say you have the responsibility over this person. We do not expect you to come and tell us that the country there did not treat them well. You are the guardian of that person.

Mr Chairperson, we have that challenge and we are trying to – Members, it is a long provision and new. We made a regulation that was extensively discussed in this House; the Employment (Recruitment of Ugandan Migrant Workers) Regulations, 2021. They were discussed in the House extensively; The Government was guided on what to do. Those regulations were made under section 97. What we are doing here is to pick many of the principles that were in these regulations and anchor them in the law.

As Hon. Niwagaba said, once this is anchored, we will probably have to bring back these regulations and make them better. The ideas that have been brought, and the new learning that have come since 2021 can now be incorporated into the new regulations which could give some more protection to the citizens of Uganda out there.

MS KALULE: Thank you, Mr Chairperson. I have a concern on 39B and it is about the powers that have been bestowed upon the minister with regard to licensing recruitment agencies.

I get a feeling that we are making the minister a demigod. My proposal is that we should have a board or committee of more than five people recruiting. Otherwise, with all this authority we are giving the minister –

Mr Chairperson, we have had agencies that have been licensed and have recruited people but when these people get to those places, their passports are taken away yet the agents continue operating. Now, what happens? Instead of the minister having all the powers to recruit, license, revoke, can we say a committee or a board of five people is the one with the powers? These recruiting agencies should be questionable to the board or the committee, not the minister. Thank you very much.

THE DEPUTY CHAIRPERSON: Hon. Kalule, in fact, the minister should have more powers; reason being; she is the one we can deal with here. When you go to those committees, the minister will say, “I do not have powers over

those committees. Parliament gave powers to the committees”. The person we should hold responsible here should be the minister so that we keep checking what he or she does.

MS NABUKEERA: Thank you, Mr Chairperson. In section 39B(5), where it is stated, “The minister may...”, I propose that we say “The minister shall...” so as to reduce her powers because.

Mr Chairperson, section 39B(5) says, “*The Minister may, in writing, revoke a license issued under subsection (1)*”. If we allow the minister to use “may”, at one point in time, other companies may be affected in case he or she does not sign or revoke. Therefore, I propose that we replace the word “may” with the word “shall”

THE DEPUTY CHAIRPERSON: I do not know where that would be based. Maybe you are trying to say when someone violates the conditions of the license, the minister will have an obligation. Now, who will determine that someone has violated against the same minister? Honourable colleagues, to me, 39C, will help us a lot.

MRS OGWAL: I have a concern about section 39B(5) which we have just talked about. It says, “*The minister, may, in writing, revoke a license issued under subsection (1)*”.

Subsection (1) reads: “*A person shall not transact the business of a recruitment agency in Uganda without a license issued by the minister*”. What are you revoking? We need to look at that. There is something wrong in that subsection.

THE DEPUTY CHAIRPERSON: You can revoke what you have issued.

MRS OGWAL: Revoke but you must give a reason because you are the same minister who issued it yet you are revoking it and you have not explained why.

THE DEPUTY CHAIRPERSON: It is under section 39C that we are coming to.

MRS OGWAL: We have not reached 39C. I think that is where the Attorney-General may need to help me. Otherwise, we are preempting 39C.

Secondly, the environment we live in— and this is— specifically for Ugandans who seek employment outside. The environment we are in, if we are going to give all these powers to the minister - let us pray that Hon. Betty Amongi will remain in that ministry forever. If not, we may have a minister who may say, “but you see, there are certain people who should not”, or, they may think these people are being recruited for political reasons.

Mr Chairperson, we have to insulate and protect interest of people who can easily be misunderstood by virtue of their political identity. We need to clear this. I feel there is a lot of power concentrated. To me, when you talk of a minister, it is political and yet a recruitment agency is business.

When a minister controls the business of recruitment, there is likely going to be a stain of political influence and that is why I feel we should find a way of brushing it.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. I think Hon. Cecilia is correct. The provision in subsection (1) should read; “The minister, may, issue a license to a recruitment agency and license can be revoked.”

Mr Chairperson, could you allow me to do the drafting and the report back?

THE DEPUTY CHAIRPERSON: By the time I put the question on the whole part of this - I do not want to put the question clause by clause. I will put the question the way the chairperson brought it. Let us go to 39C.

MR NIWAGABA: I propose that we amend 39C(3) by making it mandatory, not discretionary to the minister. Instead of saying “The minister may”, let us say, “The minister shall”.

Secondly, I also propose that the regulations made by the minister under this particular provision should include what we have discussed under 39B, which is conditions for licensing, revocation and the like, and even the procedure.

The regulations also made under this particular Act must be laid before Parliament for approval.

THE DEPUTY CHAIRPERSON: Can you draft the amendments well because I will have to put the question.

MR NIWAGABA: I will try. Lastly - and I believe the Attorney-General will agree with me - towards the end of this part because we have given the minister too many powers, we must have a stand-alone provision on appeal process against the ministers' decisions under this part for any aggrieved party. Of course, we can agree that the appeal can be lodged to the High Court or whatever court but there should be an appeal process against the decision of the minister and as part of the aggrieved party.

THE DEPUTY CHAIRPERSON: Anything more on section 39C? Hon. Joel Leku, is your concern on the proposed section 39C?

MR LEKU: Thank you, Mr Chairperson. Yes, it is on the proposed section 39C but I will read it together with the proposed 39B.

THE DEPUTY CHAIRPERSON: No, that is not allowed.

MR LEKU: "39C (2) A recruitment agency granted a licence -

THE DEPUTY CHAIRPERSON: Honourable member, first listen to me. We have discipline and rules here, okay? If you are dealing with 39C, it is 39C. I do not want 39B; we are done with it.

MR LEKU: Mr Chairperson, thank you. The proposed section 39C (2) reads: "*A recruitment agency granted a licence under this Act shall submit a report of its operations to the Commissioner at the end of every calendar year.*"

Mr Chairman, every year we need to validate the operations of this company. However, in the proposed section 39B, the licence is given for two years. So, it would be better for us to harmonise the two. As we validate the companies every year, that should be the time to issue new licences. Thank you.

THE DEPUTY CHAIRPERSON: Hon. Nambooze, is it on the same? Hon. Joel Leku has raised an issue.

MS TEDDY NAMBOOZE: Thank you, Mr Chairperson. Although you said we should not go back, I am still perturbed about the mandatory checking. What do they do when they find out -

THE DEPUTY CHAIRPERSON: Hon. Ssemujju?

MR SSEMURJU: Mr Chairperson, I am seeking a clarification from Hon. Niwagaba. When we were passing the amendment to the UCC Act, we had a lengthy debate on regulations being approved by Parliament. The Presiding Officer then advised that seeking to approve regulations is going to be very difficult for Parliament. After a lengthy debate, the decision we took was to stop at requiring regulations to be laid. He said, "Assuming they bring regulations of over 400 pages, would you want us to go through them one by one, as a Parliament, as if we are dealing with Bill?

Therefore, I would like Hon. Niwagaba and maybe you, Mr Chairperson to help me on whether we are adopting a new method that now, regulations are going to be brought and then we go through the approval process.

THE DEPUTY CHAIRPERSON: Hon. Niwagaba?

MR NIWAGABA: In some of the laws we have passed here, we have done so. What do we do? Once the minister lays the regulations on the Table, they are referred to the committee in charge of the sector. The committee scrutinises them and comes up with a report to say that, in their opinion and view, the regulation has passed the test.

We have done this, especially when we have given the concerned authority, minister or commission too much power to the extent that we would not want that power to exceed what is legitimately possible and given to them in an Act – *(Interruption)*

MR OGUZU: Thank you, shadow Attorney-General. The information I want to give you is that when that decision was made – that the regulations regarding ICT-related matters could not be approved by this House but we rather have them laid here – the condition was that ICT changes very fast and, at times, there would be need to intervene quickly. Therefore, if we allowed that process to go through our operations here, maybe the process would be slowed down.

However, this is a different case so, I would think that those two scenarios are different and we should allow the House to look at this matter whenever the regulations are brought here.

THE DEPUTY CHAIRPERSON: Honourable colleagues, regulations are subsidiary legislation where we have given the powers to the minister. However, we can control or determine how much power we give that minister. For example, last month, we were here discussing regulations presented by the Minister of Local Government. I cannot remember whether it was on Parish Development Model or on cities – Yes, it was on cities. We had them here and we debated after the committee had scrutinised and presented the report. The committee proposed changes and the minister agreed with us.

Therefore, what I pick from Hon. Ssemujju is that we have to clarify whether we want the regulation to come and be tabled here for further scrutiny by Parliament or the minister can go and make the regulation. It is a very important point because the minister can go and say, you did -

MR NIWAGABA: My proposal, Mr Chairperson, was that they be laid for approval. Why did I mention “approval”? It is so that

those regulations are sent to the Committee on Gender to scrutinise and they bring us a report. This is because we are looking at an area that touches a bigger section of our society; I do not think there is any part of Uganda that does not have migrant labourers.

THE DEPUTY CHAIRPERSON: Do we agree, honourable colleagues, that the regulations be laid for approval? *[Members: “Yes”]* Very good, let us move on. We do not need to reopen debate. Is it on 39C? Hon. Teira?

MR TEIRA: Mr Chairperson, the honourable colleague raised a matter of how to harmonise the one year of inspection and the two years of renewal of a licence.

THE DEPUTY CHAIRPERSON: Honourable minister, the licence could be for two years because if they review after one year and they find that you have not fulfilled the conditions of the licence then it can be revoked.

MR TEIRA: Mr Chairperson, what I am guarding -

THE DEPUTY CHAIRPERSON: Hon. Joel Leku proposed that we harmonise and make it either two years for both or one year for both.

MR LEKU: Mr Chairperson, thank you. Traditionally in Uganda, we issue licences annually – even the trading licences. Therefore, it is not necessary to give the labour companies licences of two years. Thank you.

THE DEPUTY CHAIRPERSON: Hon. Bakkabulindi?

MR BAKKABULINDI: Thank you, Mr Chairperson. I support the regulations to be tabled here for approval. Traditionally -

THE DEPUTY CHAIRPERSON: That one is already sorted out, let us not go back.

MR BAKKABULINDI: Yes. What I would like to add is that we need a specific period when the regulations should be tabled after the Bill has been assented to. History has told

us – Mr Chairman, we have this Act of 2006, which took more than five years for us to get the regulations. That is why we would like a specific period of, say, 40 or 30 days after the Bill has been assented to.

THE DEPUTY CHAIRPERSON: Hon. Niwagaba, what would be your view? Yes, proposal, Hon. Silas?

MR AOGON: Mr Chairperson, I would like to concur with the honourable colleague and propose that the regulations be tabled before Parliament for approval within six months from the date of assent.

THE DEPUTY CHAIRPERSON: Honourable minister, is that okay? If they say “within”, it can be one or two months.

Now let me tell you, good people. The nine months I spent in Cabinet – and I would like to reveal this to you - helped me a lot in understanding the burden that ministers go through. The process of approving these regulations in Cabinet alone - When you talk of three months, the minister may not do it. He has to go to the Attorney-General, Cabinet... Therefore, six months would be a middle point. Within six months? Yes. Hon. Oguzu, is that still on 39C?

MR OGUZU: Yes, 39C but subsection (2) where it says, “A recruitment agency granted a license under this Act shall submit a report of its operations to the Commissioner at the end of every calendar year.”

It is best practice that after such a report is submitted, the minister should also submit a report about the operations of all recruitment agencies to Parliament annually so that we are able to review if there are any challenges in this business; whether it makes sense or not.

I therefore would like to insert a provision that after the report on the operations of recruitment agencies has been submitted to the commissioner, that report should be brought to Parliament for us to also appreciate that everything is going on well. I know annual

reports are submitted by ministers on the activities of various MDAs. That would help us do an assessment.

MR AOGON: Kindly allow me just one minute, Mr Chairperson - *(Laughter)* You are not the Speaker; the Speaker is here -

THE DEPUTY CHAIRPERSON: Honourable, you have accessed the microphone without my permission. Please take your seat.

MR NANDALA-MAFABI: Mr Chairman, first of all, the commissioner is accounting - I think we always make a mistake that accountability is only about money. It is both human resource and money.

Here they are saying that a recruitment agency should account for the people it has sent out. It should also account for the people who may have gone out and come back as well as those who have died in the process.

This brings two things to my mind; a license can only be renewed if you have fulfilled the conditions and one of the conditions to renew a license is that you should have submitted accountability of the operations. I want to plead with Members that as my colleagues said, in our trading businesses, a license is issued for one year. Therefore, let it be that you can only get a license renewed on submitting a report of your operations every calendar year.

I am happy that my brother, Hon. Niwagaba, said that he is going to draft something. A minister should make quarterly reports to this House and I am going to give the justification for the reports. If it is not quarterly then it should be annually.

There are people who go out there crying but some of them might be lying. If the minister comes here and tells you the number of people that were sent legally and where they are, this will help the country. There are also those who make phone calls and claim that their kidneys have been removed and yet they sold them. These are things we ask of you, Mr Chairperson.

My amendment is, “The recruitment agencies shall submit annual reports which will be the basis for renewal of licenses.”

Hon. Cecilia said the minister will remain there indefinitely. We have given her powers to issue and revoke licenses. Therefore, she should be able to come here and give us a report on how many licenses she has issued, how many licenses she has revoked with reasons, how many people are out of the country and how many people are back.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Nandala-Mafabi, for uniformity - because the minister will not generate her own report; it must come from the reports she has gotten from the companies. If the companies are reporting annually and we tell her to report bi-annually, you will have a mismatch.

We can maintain an annual report and provide for it. That would mean an amendment, Attorney-General; that the minister shall be tabling the annual report in Parliament.

We should also not forget what Hon. Joel Leku raised. Should we say the license shall be valid for one year? Honourable minister, why did you put two years?

MS AMONGI: Mr Chairperson, they picked it from the regulations. The reason why we have put two years and we have been giving two years is that the companies are not working alone. The process starts with the foreign company that places jobs for the Ugandan company. The Commissioner, Employment Services in the ministry will then give a timeframe within which you are supposed to recruit. For instance, if you have placed 1,000 jobs, you are told to go and recruit.

When you recruit, you have to get them passports. When you get the passports, you have to clear with the Internal Security Organisation and Interpol, you have to get approval from the ministry and you have to train. Therefore, if we are to make it annually - if it was only the Ugandan part, it would be okay. However, the procedure and scrutiny is

long and sometimes they get an order and it takes a year before everybody is taken abroad. That is the rationale.

Secondly, I request the honourable colleagues that under Section 39C (2), we should clarify on the commissioner because in the definition, the commissioner is defined as “Commissioner, Labour” but -

THE DEPUTY CHAIRPERSON: Let us finish the one of two years. Honourable colleagues, are you satisfied with the explanation of the minister? Let me put a question because we are going to rotate; we need to finish.

Do you agree with the proposal of two years or one year? Those who agree with one year, say “aye” and to the contrary say “nay.” I have scanned and I know that you agree with. I do not know how I should put the question. I put the question to the amendment of two years provided for by the committee.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: We shall go with the two years.

MS AMONGI: Mr Chairperson, Section 39C (2) compels the commissioner to give a report for the operations and I just want to clarify that if left this way, the commissioner - The definition in the Act is “Commissioner, Labour” and yet for the externalisation of labour, the commissioner in charge is “the Commissioner, Employment Services.” I propose that it be amended to “Commissioner, Employment Services.”

THE DEPUTY CHAIRPERSON: Honourable colleagues, do you agree with that proposed amendment? Hon. Oguzu Lee, you will not propose an amendment on each and every clause. Hon. Oguzu Lee, switch on the microphone.

MR OGUZU: Mr Chairperson, the issue is, once a report has been brought from the recruitment agency to the commission, we

expect that the minister will be able to file an annual report in this Parliament that will help us evaluate and assess the performance.

THE DEPUTY CHAIRPERSON: I put the question and Members agreed with you.

MR OGUZU: I just wanted to be sure.

THE DEPUTY CHAIRPERSON: Clause 39C, Hon. Cecilia Ogwal. Honourable colleagues, if we move like this, we shall need 100 years to make a law. *(Laughter)* I want to remind some Members that I am the Speaker and I am in charge. I hear whispers from there.

MS CECILIA OGWAL: Mr Chairman, regarding Section 39C(3) of the Employment Act, when the issue of externalisation of labour came to the attention of Parliament, there were lots of allegations of conflict of interest. We came to discover, as Parliament, that there were so many high profile politicians involved in the recruitment of our children for this kind of employment.

My concern under Section 39C(3) of the Employment Act is, what safeguard have we put in place to ensure that these high profile politicians are not going to be involved as they pull their weight and monopolise these recruitment agencies?

My problem is, now that their colleague, a fellow minister, is in charge of almost everything, how can we now safeguard this country and make sure that no minister is involved in the recruitment agency? I suspect they will be manoeuvring their things in the Cabinet. That is how it started, Mr Chairman. Can you assure the country that there will be no conflict of interest in the operationalisation of this Act if it becomes a law? I am not saying we should ban ministers. Rather, I am saying, to avoid exploitation of the position one has, how can I be assured?

THE DEPUTY CHAIRPERSON: Hon. Cecilia Ogwal, when you look at the report of the committee in Section 39D(g) of the Employment Act, *"A company whose*

shareholders or directors are directly or indirectly engaged in the regulation of recruitment of persons for employment, is not eligible to get a licence."

Hon. Sarah Opendi, you had an amendment under Section 39C?

MS OPENDI: Thank you, Mr Chairman. Under Section 39C (3), the minister may, by regulation, provide for – we have written all of them there: obtaining, renewing, issuance and revocation.

However, there was this public notice which I circulated to one of the WhatsApp groups; application for accreditation of training of migrant workers. This is a company whose shareholder is a former Permanent Secretary of the Ministry of Gender, Labour and Social Development, Pius Bigirimana, with other shareholders: Elizabeth Precious Bigirimana, Maria Keza, Peter Bigirimana and so on. The "Bigirimanas" are many here. *(Laughter)*

Mr Chairman, the issue here is that this person is applying for accreditation of training of migrant workers from the Ministry of Gender, Labour and Social Development. This, to me, is already insider trading; this is a former PS in this sector.

However, here we are not providing for the training of these migrant workers and I thought that I would move an amendment under Section 39C(3) that the minister may, by regulations, also provide for the training of migrant workers. I thought we would put it here, Mr Chairman.

I do not know where else it appears; I am looking at Section 39C but also the issue of insider trading, Mr Chairman -

THE DEPUTY CHAIRPERSON: Hon. Sarah Opendi, do you think if we went under Section 39C(e), which provides for the governance and general operations of recruitment agencies - but she wants to provide for training of migrant workers. Attorney-General?

MR KIRYOWA KIWANUKA: Section 39G (a), the minister shall make regulations – We are going to amend that to prescribe for the accreditation procedures for pre-departure training institutions.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I know this is a topic that is very sensitive but you cannot cover each and everything in a law. Otherwise, you will not have a law; you will have a notebook which has very many details and whoever will look at the law will one day ask, “Which kind of Parliament enacted this law?” What is very important is to provide for an avenue of flexibility for the minister to always accommodate all these views. Hon. Cecilia Ogwal.

MS CECILIA OGWAL: Mr Chairman, we can look at Hon. Sarah Opendi’s proposal in another way. Probably we can train recruitment agencies so that they know the law, the procedures and all that. Definitely, it is impractical and unsustainable to train migrant workers but we can train recruitment agencies so that they are acquainted with the law and procedures of what to follow.

THE DEPUTY CHAIRPERSON: Honourable colleagues, this is not a matter for the principal law. It might be a matter of concern but not for the principal law; it is for the regulations. Hon. Ssemujju, is it on the same issue?

MR SSEMUJJU: I have two proposals. First, I agree with you. Most of the sentiments here are sentiments about agencies recruiting people. Even if you impose a death sentence, the mistreatment is not happening in Uganda where you are presiding. Most of these things are going to be done at another level; either Ministry of Foreign Affairs or president to president so let us restrict ourselves to what we can govern.

Secondly, Mr Chairman, I am now hesitant because you said we are overloading the law but let me raise it. If it is overloading then I will

abandon it. Going outside to work is a matter of life and death. Ethiopia one time stopped; there were protests and they had to remove the ban.

We have now said under Section 39C that the minister will bring regulations here within six months. We have not said how long those regulations must stay in Parliament because now we want to join the minister in managing, which I disagree with. If we must agree that a minister brings regulations, I want to invite you to ask Parliament to approve them within one month because you are putting deadlines for others and not for yourselves.

THE DEPUTY CHAIRPERSON: Thank you. Shadow Attorney-General?

MR NIWAGABA: Thank you, Mr Chairman. I believe since my proposed amendments have been agreed to -

THE DEPUTY CHAIRPERSON: On Hon. Ssemujju’s issue, I need your guidance.

MR NIWAGABA: On that one, we have the Rules of Procedure of Parliament which ably cover all subjects that Parliament deals with. We cannot put that in this particular law and our Rules of Procedure are embedded in the Constitution.

THE DEPUTY CHAIRPERSON: 45 days maximum. Hon. Bakkabulindi, Workers Representative and then Hon. Nantaba.

MR BAKKABULINDI: Thank you very much, Mr Chairman and I apologise for disturbing you on this because –

THE DEPUTY CHAIRPERSON: No, you are not disturbing me; you are doing your work.

MR BAKKABULINDI: Thank you. Mr Chairperson, Hon. Cecilia Ogwal – Unfortunately, she has stepped out. Hon. Sarah Opendi raised an issue of avoiding conflict of interest. We are doing it in good faith; we do not want to come here and start mentioning names, but we know.

This is the crux of the matter; we are saying if you want to solve it - we cannot regulate each and everything as Hon. Ssemujju said - simply put a provision. Let the directors of the recruitment agencies and those of the training agencies be gazetted.

THE DEPUTY CHAIRPERSON: The problem is, you do not have a law that stops people from doing business, apart from this one, which you are providing for under (d); people involved in licensing and regulation.

Therefore, you cannot make a law here and say, because you are a minister, you should never join this business. That would be unfair. It does not mean that by virtue of being a minister, you are conflicted in a sector which you do not regulate.

MS NANTABA: Thank you, Mr Chairperson. The sentiments of MPs who have submitted on this matter so far allude to the recent “poachers” of our young girls working abroad and the issue of migrant workers is growing. Like someone said, we do not want to mention names but the truth is that there is conflict of interest.

The Bill we are trying to handle does not have extraterritorial powers. We are legislating for Ugandans but we are not looking at the girl we are sending to Saudi Arabia. That girl has no remedy under this Bill.

THE DEPUTY CHAIRPERSON: Hon. Nantaba, kindly relate your submission to clause 39C.

MS NANTABA: Mr Chairperson, I want to make a proposal that we come up with a law on externalisation of labour; a standalone law.

THE DEPUTY CHAIRPERSON: Honourable member, we concluded that a long time ago; we did that when you were not here.

MS NANTABA: Mr Chairperson, they are bringing issues of training and recruitment, which is actually happening and the recruiters are recruiting for externalisation. The Employment (Amendment) (No.2) Bill, 2022

that we are dealing with does not create a remedy for those externalised girls. We are mixing the two issues.

I propose that we defer all these proposed clauses and handle them in a different Bill, which is the Externalisation of Labour Bill. That is what we want. We want a law on externalisation of labour.

THE DEPUTY CHAIRPERSON: Thank you. Honourable members, I am going to make my own assessment. If I scan and find you were not here when we were debating, I will not allow you to speak because we shall be going backwards. This is an issue which we handled at that stage.

Regarding the same Bill which the Member talks about, the principal Act says, “An act to revise and consolidate the laws governing individual employment relations and provide for other connected matters.” It clearly provides for it.

Honourable colleagues, we agreed here that a law will come for that and the committee alluded to that a long time ago. We cannot go back because the committee had already recommended it. Hon. Karubanga, are you rising on clause 39C?

MR JACOB KARUBANGA: Thank you, Mr Chairperson. On clause 39C, I have two areas of concern and one is about conflict of interest. There is no law in Uganda –

THE DEPUTY CHAIRPERSON: Are you on clause 39C? Can you read it? Where is it? Read the report on clause 39C. That is clause 39D.

MR JACOB KARUBANGA: My point is about conflict of interest.

THE DEPUTY CHAIRPERSON: That is clause 39D. When we reach there, you will submit.

MR JACOB KARUBANGA: Fine. The next one is about the reporting. Should I also wait

for clause 39D or can it be captured under clause 39C?

THE DEPUTY CHAIRPERSON: Honourable member, we are on clause 39C. I will not remind you when to talk; you have to read the report. *(Laughter)* If you do not have the report and you are simply waiting, you will not submit by rumour. Wait for what the rumour is about and then stand up. We are following the report and now we are clear. Clause 39C?

MR BONIFACE OKOT: Thank you, Mr Chairperson. Clause 39C requires that these recruitment agencies must be a company. In the event that a company changes registration details during the period of operation of the licence, for example shareholders or directors change their address, wouldn't it be important that for accurate oversight, we compel these companies to promptly notify the minister on some of these changes?

Secondly –

THE DEPUTY CHAIRPERSON: That is under the regulations. You do not need it under the principal Act. It is even provided for in the Companies Act.

MR BONIFACE OKOT: Okay. There is also an issue of revocation of licences. I propose that it should be “revocation and suspension” because revocation means permanently cancelling and suspension, which is not provided for, could mean that we are temporarily investigating a matter.

Therefore, I propose that we include suspension everywhere we have revocation. Thank you.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. The purpose here was clear; either the person has a licence or not. There is no in between.

When the minister finds you have committed the offence, he or she will revoke the licence

and then deal with the other issues. If you put yourself straight, you can reapply.

THE DEPUTY CHAIRPERSON: This is not an issue where we need leniency. We have to be very strict and straight. Finally, on clause 39C?

MR AFIDRA: Thank you, Mr Chairperson. Mine is on clause 39C(2). A lot of submissions that I agree with have been made, especially by the shadow Attorney-General. However, there was a proposal made by the minister that a recruitment agency granted a licence under this Act shall submit a report of its operations to the Commissioner of Employment Services.

My understanding of clause 39, in its entirety, is that it caters for externalisation. If you are a recruiting agent, you are going to recruit both external agents and locals. Now, where will those who are recruiting for locals report to, if we insert that?

THE DEPUTY CHAIRPERSON: Honourable minister?

MS AMONGI: Both are under the Commissioner of Employment Services.

THE DEPUTY CHAIRPERSON: Thank you. Shadow Attorney-General, come and read for us your draft proposal.

MR NIWAGABA: “Clause 39C(3) The minister shall, by regulations, provide for (a), (b), (c) and (d) as is”.

Subsection (4), which we shall insert, will read as follows:

“The regulations made by the minister under this section shall be laid before Parliament for approval within a period of six months from the date of commencement of this Act.”

THE DEPUTY CHAIRPERSON: Thank you. Is that okay, committee chairperson?

MR NANDALA-MAFABI: Mr Chairman, we had said that “the minister shall submit the return”.

THE DEPUTY CHAIRPERSON: No, let us first finish (1).

MR NANDALA-MAFABI: I thought that you had assigned him to do it.

THE DEPUTY CHAIRPERSON: No, let us first finish this one. Honourable committee chairperson, are you okay with that?

MS KABAHENDA: I would like to agree with Hon. Niwagaba.

THE DEPUTY CHAIRPERSON: Honourable colleagues, are you okay with that? Good.

MR OGUZU: Mr Chairman, prior to this process, the Attorney-General agreed with a proposal that the minister shall make regulations for training-related purpose. So, I thought it would come before -

THE DEPUTY CHAIRPERSON: We shall come to that.

MR OGUZU: Those are some of the areas where regulations are supposed to be.

THE DEPUTY CHAIRPERSON: Honourable member, it seems you do not have the report. Show me your report. *(Laughter)* If Hon. Kalule goes, would she go with your life? He keeps borrowing the iPad. *(Laughter)* If the battery runs out, I will give you my copy of the report.

MR NANDALA-MAFABI: Mr Chairperson, first of all, I want to apologise. I thought you said Hon. Niwagaba was going to put that - I want to, again, engage his brain. Where do we insert the annual report, which the minister will be submitting? Do we put it after (2)?

MR NIWAGABA: Since you are my former Leader of the Opposition, I believe we will put it under (2) where the minister had also proposed an amendment to specifically state "Commissioner, Employment Services". It can be coined and brought under (2) as one sentence. The draftsman can capture that.

THE DEPUTY CHAIRPERSON: Do you think it is better that way, Attorney-General? At this stage, we can even just capture the principle and once we agree, we vote on it. Then, when we are cleaning the Bill – Our teams usually go through and ensure they clean up and pick the spirit as provided for in the *Hansard*. Let us move to the proposed section 39D. Do we have issues on 39D?

MR NANDALA-MAFABI: Mr Chairman, the proposed Section 39D (e) is on a company whose licence was cancelled. You can cancel a licence maybe because somebody failed to do something small. Once he has rectified the issue, there must be a mechanism for that person to be given -

THE DEPUTY CHAIRPERSON: No, you reapply. You go through the application process.

MR NANDALA-MAFABI: The headnote of 39D reads: "Institutions not eligible to be licensed as recruiting agencies." That means that when your licence has been cancelled, you will never be eligible.

THE DEPUTY CHAIRPERSON: This is a good point of concern because if you cancel a licence over certain issues and I address those issues, do you mean I am totally condemned? Why don't you give a period and say, for example, that you will not be eligible for a new licence for a period of two or five years?

MR NANDALA-MAFABI: The second one, Mr Chairman, is the proposed sub-section (g) under 39D. I want to assume that Hon. Silas gets a licence now –

THE DEPUTY CHAIRPERSON: Silas the cattle herder or Silas the MP?

MR NANDALA-MAFABI: Hon. Silas the cattle raider. *(Laughter)* Mr Chairman, if he gets a licence now and the following day he is appointed Minister for Gender, shall we say that his company is not eligible? He got the licence before he was appointed. Of course, there are those who do it knowingly.

The reason why we made a law that for somebody to be registered as a shareholder, he must put his photo and show everything is because many people were registering companies with directors who were dead, minors, etc.

Again, I want to be helped here. How would you know that Hon. Betty Amongi, who is the current Minister of Gender, does not have interest in company Q? Despite the fact that she may not appear on the shareholders' register, she could be behind the company.

Maybe what we have to add here - *(Interruption)*

MR NIWAGABA: We recently amended the law and provided for beneficial owners. So, if Hon. Betty Amongi has a company where she does not appear as a shareholder but she is a beneficial owner, her name will be captured in the register of beneficial owners – because whoever does not register herself or himself as a beneficial owner, once things change, will lose for good.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I want us to move. We are rotating so much. Let Hon. Nandala-Mafabi finish; he is still on the Floor.

MR NANDALA-MAFABI: Mr Chairman, I want to ask the Attorney- General and the shadow Attorney-General about a person who – because there are those who might do it unknowingly, like Hon. Silas. However, there are those who do it knowingly.

THE DEPUTY CHAIRPERSON: Honourable colleagues, whenever you have laws with penalties, people will always try to violate them. What is important is the principle in the law. You cannot provide for people who will hide. I want us to move on.

Do you have an amendment, honourable member? If it is not an amendment - I am going to make you think around amendments now. I can see you are manufacturing amendments quickly. *(Laughter)*

MR SSEMUJJU: My proposal is to delete the proposed Section 39D (c) completely. I do not see any reason why a religious or cultural institution should not do the business of taking people outside – including political parties.

I also propose that we delete the proposed sub-section (b). Why should someone operating a business of travel agency be stopped from operating another business of taking people abroad? In fact, it is easier. If the person sent abroad runs into trouble, the travel agency can bring him back.

On the proposed section (e), there is the issue of a company whose licence was cancelled. If a company has had a licence cancelled, do you need to put it in the law that they should not take people abroad? How would they take people if the licence is cancelled?

MR KIRYOWA KIWANUKA: What Hon. Ssemujju raises, especially on the proposed sub-sections (a) and (b), may run us into some bit of problem because we would be trying to interfere with other people's trade because they are in another business. So, I would agree that those be dropped.

A company with a political agenda? It does not necessarily mean that you have done something wrong.

Section 39D (e) talks about a company whose licence has been cancelled. This provision is on eligibility; that is before you have the licence. If you had your licence cancelled, the principle here is, you should not be able to apply and get another licence. The issue here is that perpetual denial may not be a good thing.

We could say, "A company whose license has been cancelled within a period of five years before the date limit within the time..." because a person needs to pay and stop. If I made a mistake, I should be able to pay. Even when I go to prison, I should be able to serve my prison time, finish and come out. Even here, we may give them time within which they cannot apply for a licence.

THE DEPUTY CHAIRPERSON: Attorney-General, you need to go for the company and directors. For example, I can go and register another company tomorrow and I qualify. You need to coin something that can cover directors under that. Allow me to put a question to the proposed amendments in Section 39D (a), (b) and (c).

MR NIWAGABA: Since we amended the Companies Act, we literally removed the ultra vires rules.

THE DEPUTY CHAIRPERSON: I put the question that Section 39D (a), (b) and (c) be deleted.

(Question put and agreed to.)

Section 39D (a), (b) and (c) deleted

THE DEPUTY CHAIRPERSON: Let us capture the principle in Section 39D (C). How many years should we give them? Do we give them five or ten years?

MR SSEMUJJU: Mr Chairperson, we need to be very sensitive. For instance, I made a mistake and I have had my licence cancelled. I have since then made good on the mistake that I made; sometimes even bonafide. If you make it five years, you are killing people's businesses. Can I suggest two years?

MS OPENDI: By the time a licence is cancelled, you must have committed a grave offence. If people can be convicted and barred from holding public office for 10 years, why don't we have the same 10 years here? My proposal is 10 years, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Honourable colleagues, let me put a middle ground of five years. I put the question to an amendment of five years.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: That is for directors and the company. At this stage, we do not do inquiries, honourable members. We handle clause by clause.

MR OLANYA: I have an amendment on Section 39F.

THE DEPUTY CHAIRPERSON: We are handling Section 39E.

MS OPENDI: I am raising an issue of contradiction. Section 39E (2) says, "*A recruitment agency which contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding 1,000 currency points.*"

This takes me to the issue I was raising before. We have been able to provide for the offence under Section 39E and yet on the other clauses, we have not done the same. Why this contradiction?

Secondly, you can see how much smarter it is when we move this way. If we are to maintain this section as it is, 1,000 currency points is Shs 2,000,000, - *(Interjection)* - A currency point is Shs 20,000 – Okay, I drop that but the issue I am raising is -

THE DEPUTY CHAIRPERSON: Of not being covered like the rest -

MS OPENDI: Yes, it is smarter when we have the offence just within that same clause, as you can see.

THE DEPUTY CHAIRPERSON: Attorney-General, why don't we be consistent?

MR KIRYOWA KIWANUKA: This is not penal legislation; this is not a code for penalties. When you find legislation of this nature, normally you specifically identify a place where you would ordinarily find a consistent breach and you deal with it. For example, taking an order without a job order. Job orders are consistent. I think that was the purpose behind the nature of drafting. Parliament can draft; ours is only to advise that we think this is how it should be done and -

THE DEPUTY CHAIRPERSON: You are a Member of Parliament.

MR KIRYOWA KIWANUKA: Yes, and what we are advising is that where you have specific non-penal legislation; where you have a specific matter which is prone to abuse, you deal with it there and then.

THE DEPUTY CHAIRPERSON: I think that is a good explanation. Members, let us move otherwise we will not finish.

MR NANDALA-MAFABI: There are no number of years on currency points because it cannot only be currency points. I think it should be, "... with a term of imprisonment not exceeding five years or both." The company has persons; when they are going to take a company to prison, they take the directors and managers. Be careful, Hon. Silas.

THE DEPUTY CHAIRPERSON: We have not yet reached Section 39F. Should we move to Section 39F?

MS AMONGI: On Section 39E, the commissioner, for consequential amendment is "the Commissioner, Employment Services."

THE DEPUTY CHAIRPERSON: Let us conclude with Section 39E.

MS ALUM: Thank you, Mr Chairperson. We have just passed the offence of five years in Section 39E (2). Section 39E (3)(c) says, "The authority to exercise control of the affairs of the recruitment agency. The person is liable, on conviction, to a fine not exceeding five hundred currency points or a term of imprisonment not exceeding three years or both."

I thought we should be consistent and talk of five years instead of three years here.

MR KIRYOWA KIWANUKA: Hon. Santa, you lost me somewhere along the way.

MR NIWAGABA: Hon. Santa, the conviction in Section 39E (2) is in respect of a company; an artificial person. The one in Section 39E (3) is in respect of the individual.

The proposed sentence of imprisonment is in compliance with the Law Reform

(Miscellaneous Provisions) Act, which provides for the term of imprisonment to rhyme with specific fines, as prescribed under the law. So, it is in order.

MR OGUZU: I have two issues. Under 39E (1) (b), if I put in an application for approval and the commissioner does not approve it - Now that we have not specified the criteria for approval, where do I go?

Secondly, I was reading on social media today that some governments are running adverts calling Africans to go and fight in Ukraine. Somebody may see such an opportunity to recruit Ugandans to go and fight. *(Laughter)* How are we going to help the country? I wanted to know how you can address such a problem under Section 39E. Those are the two concerns I have.

THE DEPUTY CHAIRPERSON: The honourable member wants you to provide for recruitment of mercenaries. *(Laughter)*

MS AMONGI: Where certain jobs are not covered under this law, we get clearance from Cabinet. That company came to the ministry asking for recruitment of Ugandans to go to Ukraine and we rejected it. We are now seeking approval from Cabinet and His Excellency the President because in that context, it is a matter of security.

Then on –

THE DEPUTY CHAIRPERSON: Let us not be diverted by that. I know that can open –

MS AMONGI: On the issue of approval of the job order by the commissioner, it is better we deal with it in the regulations rather than importing it here, because we already have it in the regulations. You cannot reject it once it is already uploaded because uploading of a job order is cleared from our embassy abroad. Once it is on the dashboard of the commissioner and cleared from abroad by our embassy, you cannot reject it. However, if there are concerns, we can still integrate it in the regulations.

MR OGUZU: Mr Chairperson, I have not seen any reference to embassies in this proposed law. Therefore, it was important that we cure –

THE DEPUTY CHAIRPERSON: Honourable, I am picking issues on subclause (f). Those who have been threatening Hon. Sarah Opendi should be allowed to go to Ukraine because they want to kill her.

Who else has an issue? Yes, Hon. Kalule, Hon. Flavia and then Hon. Isingoma.

MSNABAGABE: Thank you, Mr Chairperson. On subclause (f); due diligence, a recruitment agency shall, in consultation with the minister – I think this is where I have a problem; consultation with the minister and then carry out due diligence. We have had cases where recruitment agencies take our people abroad to work and our people have told us that once they get there, the employers confiscate their passports so they have no travel documents with them and they mistreat them.

If the recruitment agencies are first consulting with the minister to do due diligence on the employers, there is some conflict of interest. What if the minister wants people to go abroad and you are telling them to verify the employers we are taking to our people to, this is conflict of interest and it needs to be changed. Thank you very much.

THE DEPUTY CHAIRPERSON: Honourable minister, what the Member is saying is that you have the power to issue a licence. Your commissioner has the power to approve the job order. Why would you put an obligation on the recruiting agency to be the one to do due diligence? Before you issue a licence, it should be you, who we have given power, to carry out that obligation. The recruiting agency is driven by business and they are conflicted. Therefore, the duty is on you. No, let the minister respond.

MS AMONGI: Sometimes recruitment companies travel abroad like to Qatar or UAE and they meet the recruitment agencies there. They source for the job then they come to the

ministry and present the job. Like now, I have people who have placed before the ministry that they have jobs in Greece and other countries.

In that circumstance, we are not allowed to give you that job from that company before we write to the embassy abroad to do due diligence because we have ESO attaches in each of those embassies. If we say that it is only the minister, we can make assumptions. Even if they bring, we will assume that they have not brought and still do our due diligence through our embassy.

THE DEPUTY CHAIRPERSON: What if we take it to the commissioner who approves the job order? Because the minister does not approve the job order, she only gives the licence.

MS AMONGI: We can do that but I want Members to understand that there are many companies who travel abroad and source. They look for the companies, get them then they come back to our ministry and present the companies that they have sourced. The ministry, through our structure; the embassy and ESO do due diligence before issuing them a licence because you have to be verified and vetted by our embassy abroad before they upload it on the ministry's portal.

THE DEPUTY CHAIRPERSON: Honourable minister, what the Member is saying is simple. Why are you involving the recruitment agencies in due diligence under the law? It should be your people.

MS AMONGI: It is okay, we can delete the recruitment company.

THE DEPUTY CHAIRPERSON: The minister may say, you people, the recruitment agency did due diligence and it passed.

MR SSEMUJJU: Mr Chairperson, administrative things that the minister is supposed to do are also being put in the law. That someone has brought a job order and you ask ESO to verify and you put this in the law. My proposal is to have this deleted. Actually, this is redundant. *(Applause)* You cannot put

the work that you do in your office with your commissioners in the law.

THE DEPUTY CHAIRPERSON: I totally agree with you. Honourable colleagues, due diligence is my internal process of getting satisfied.

I put the question that this clause be deleted. Honourable colleagues, we have to move. With due diligence, you have the licensing conditions provided for under the regulations. The minister who is going to issue that job order – Because this is at a level of a job order, you cannot put it in a law that you must do due diligence. By law, before issuing that job order, the minister and the commissioner must be satisfied that they are dealing with the right company. So, you cannot put it here. I agree with Hon. Ssemujju.

I now put the question Section 39F be deleted.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I do not have any problem with Section 39G and Section 39H. Do you have an issue on sub-clause (h)?

MR NIWAGABA: I had proposed a standalone clause on an appeal process; that any person aggrieved with the decision of the minister or the commissioner under this section shall have a right of appeal to the High Court and the decision of the High Court shall be final.

MR SSEMUJJU: I have been here a little bit longer, not even as a Member of Parliament. I remember a debate in this Parliament that took almost an hour; a proposal like the one my shadow Attorney-General is proposing. Going to court cannot be put in a law. If you want to go, just go. You cannot say, you will appeal to court; that is automatic. If someone wants to appeal to court, they can do so. We had a debate here of nearly a whole day.

THE DEPUTY CHAIRPERSON: But he is saying the decision of the High Court shall be final so, he is putting a limit.

MR NIWAGABA: The right of appeal is not automatic; it can only be granted by a statute. If we do not provide for an appeal process against the decision of the minister or a commissioner then you will have disputes with no recourse at all. That is why I am bringing that particular proposal, Hon. Ssemujju and I pray you concede.

MR KIRYOWA KIWANUKA: On that, Hon. Ssemujju has a legitimate point but I think what the shadow Attorney-General is raising here is about the limitation. Honourable colleagues, any administrative decision, whether provided for in the law or not, can be challenged under judicial review before the High Court.

What Parliament needs to make clear is the addition the shadow Attorney-General is proposing; that the decision of the High Court shall be final meaning, once a decision is made on an issue, you cannot appeal.

MR TEIRA: Thank you, Mr Chairperson. I already have a challenge with saying the decision of the High Court is final. We have a judicial process which allows aggrieved parties to continue pursuing justice in what they believe to be right and wrong. First of all, the minister has powers to cancel a license. If we had created an alternative before going to court where the decision of the minister is appealed, that would allow us to go through a longer process that restricts us beyond the High Court.

However, if we are not providing that alternative then let us allow the parties to pursue justice as long as they can. We do not lose anything because this is a civil matter. They can do it at their own cost. Thank you.

MR KIRYOWA KIWANUKA: I think it is not at their cost but at your cost because normally, the Attorney-General is party to the case so you spend money on it.

Mr Chairperson, the issue we may want to consider here is how far we want people to go. Parliament has made a decision that we shall not appeal an election petition past the Court of Appeal. We have had only two decisions;

the decision in the High Court and the Court of Appeal. In this case, you will have a decision of the minister and the High Court. It is still two steps. I think it is a legitimate request. However, I agree with the shadow Attorney-General that the decision of the High Court should be final as far as issues in respect to repatriation of labour are concerned.

THE DEPUTY CHAIRPERSON: I put the question that the amendment be done as proposed by the shadow Attorney-General.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: Attorney-General, we gave you some assignments.

MR KIRYOWA KIWANUKA: There was an assignment given to insert 39I to read, “Any person who contravenes the provisions of 39A, 39G and 39H of this Act commits an offense.”

THE DEPUTY CHAIRPERSON: I thought 39I is what the shadow Attorney-General -

MR KIRYOWA KIWANUKA: Mine is 39J and it reads “Any person who contravenes the provisions of 39A, 39G and 39H commits an offence.” The reason is that 39B has no offenses. In section 39E, provisions have been made while 39F has been deleted. So, there is 39G and 39H. I beg to submit.

Honourable colleagues, the penalty is going to be provided for as we go along.

THE DEPUTY CHAIRPERSON: We agreed on these earlier on. What the Attorney-General is doing is very simple; to create an offence under those provisions so that clause 25 can be applied. I hope you are not reopening this, Hon. Nandala-Mafabi.

MR NANDALA-MAFABI: Mr Chairperson, I agree with the Attorney-General on that but also, the minister might commit an offence. This is why we must also be careful.

THE DEPUTY CHAIRPERSON: Abuse of office and corruptible acts -

MR NANDALA-MAFABI: Yes. *(Laughter)*

THE DEPUTY CHAIRPERSON: The Anti-Corruption Act will deal with the minister.

MR NANDALA-MAFABI: I am not referring to Hon. Betty, but when you bring Hon. Silas - *(Laughter)*

MR KIRYOWA KIWANUKA: I think we need to be careful. Mr Chairperson, negligence of duty and abuse of office in the law is another offence. Failure to perform the function is not the offence. You cannot say that when the minister fails to issue a licence, the minister has committed the offence of failure to issue the licence.

The minister, at that point, has neglected his or her duty and abused office and we have another law for that. So, the administrative action to be taken - the failure to perform in itself is not the offence. That is why we omitted it.

THE DEPUTY CHAIRPERSON: I put the question that 39J, as proposed by the Attorney-General -

MS OPENDI: Mr Chairperson, under 39B, we are talking about licensing of recruitment agencies. Section 39B (1) says, “A person shall not transact the business of a recruitment agency in Uganda without a licence issued by the Minister”.

Mr Chairperson, we know that there are people who recruit our people and take them abroad without a licence.

THE DEPUTY CHAIRPERSON: We covered it in 39A.

MR KIRYOWA KIWANUKA: I think this was addressed by Hon. Cecilia Ogwal. When she was submitting on 3(b), she raised that issue and we turned it into a positive and said, “The minister may issue a license to a person to operate a business of a recruitment agency under 39B (1).

Section 39B(2) reads, “A license referred to in subsection (1) may be issued subject to conditions as the minister may determine”. So, you can be able to cancel it in sub-section (5).

THE DEPUTY CHAIRPERSON: I put the question that section 39J, as proposed by the Attorney-General, stand part of the Bill.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I put the question that Part IVA be substituted as proposed.

(Question put and agreed to.)

Part IVA, as amended, agreed to.

Clause 8

MS KABAHENDA: Mr Chairperson, Clause 8 seeks to amend section 55 of the Principal Act.

“Section 55 of the principal Act is amended in sub-section (1)(a) paragraph (a) by substituting the words “first months” with the words “two months”;

(b) by inserting immediately after paragraph (a) the following:

“(aa) if at the expiry of the second month, the sickness of the employee continues, the employer is entitled to pay the employee half pay of employee’s monthly wages for the subsequent four months.

c) by substituting for paragraph (b) the following:

“(b) if at the expiration of the six months the sickness of the employee continues, the employer is entitled to terminate the contract of service on complying with all the terms of the contract of service after the time of termination of employment.”

Justification

- To protect an employee who falls sick for a period exceeding six months by ensuring the employer continues to pay the employee a wage;
- To strike a balance between the obligation of an employer to pay the wages of an employee who has been sick for a period exceeding six months and therefore is unavailable to work with employer’s need to continue operating gainfully by lessening the employee’s wages after two months of continuous sickness;
- To provide for the grounds to terminate a contract of service in a case where the sickness of an employee continues beyond six months.

THE DEPUTY CHAIRPERSON: Honourable minister, are you okay with the amendment?

MS AMONGI: We are okay.

THE DEPUTY CHAIRPERSON: Mover of the Private Member’s Bill?

MS RWABUSHAIJA: Mr Chairman, I concur.

THE DEPUTY CHAIRPERSON: I put the question that clause 8 be amended as proposed.

(Question put and agreed to.)

(Clause 8, as amended, agreed to.)

New clause

THE DEPUTY CHAIRPERSON: Listen, honourable colleagues. When they have finished reading, you stand up. You saw me; I looked here and everyone was seated. That is how I do it. Hon. Remigio Achia, you have been here longer than I have. You can go for re-committal much later after we have finished. Committee chairperson?

MS KABAHENDA: Mr Chairman, we seek to insert two new clauses immediately after clause 8 to read as follows –

(Question put and agreed to.)

New clause

“Amendment of section 56 of the principal Act
Section 56 of the principal Act is amended by inserting immediately after sub-section (1), the following –

MS KABAHENDA: Mr Chairman, the committee proposes an amendment of Section 57 of the principal Act – before clause 9.

(1a) Notwithstanding sub-section (1), a female employee who gives birth to more than one child at the same time shall have a right to a period of ninety working days maternity leave from work on full wages.”

Section 57 of the principal Act is amended in sub-section (1) by substituting for the word “four”, the word “seven.”

Justification

THE DEPUTY CHAIRPERSON: Honourable minister? I always start with the minister and then the mover of the Private Member’s Bill.

- The amendment of section 56 of the principal Act is intended to give a woman who gives birth to more than one child at the same time, time to fully recover since multiple pregnancy is considered to be of high risk to the health and body of the woman.

MS AMONGI: We would rather have it structured in a way that it can be “up to” and give leeway for someone who wants to return to work after 60 days. If you say 90 days is mandatory – There are some people who will give birth to two children but after one month, they might want to go back to work.

- Best practices from East Africa like Tanzania, through its Employment and Labour Relations Act, Cap. 366, have similar provisions protecting working mothers –

THE DEPUTY CHAIRPERSON: Attorney-General, did you want to say something about this?

THE DEPUTY CHAIRPERSON: Honourable committee chairperson, that is a consequential amendment.

MR KIRYOWA KIWANUKA: Mr Chairman, I just want us to be clear about what we are doing. 60 working days means the person is out of work for 82 days. 90 working days means the person is out of work for 122 days.

MS KABAHENDA: Is it a consequential amendment?

As we make these proposals, we need to be mindful of the burden we are placing on the employer because this is a private person employing someone and you are telling him that a person can be away from work for a third of the year and you have to continue paying them full wages. I think it is a bit extreme. I would pray that we drop this amendment.

THE DEPUTY CHAIRPERSON: Yes, it is a consequential amendment. The new clause and its consequential amendments were all dropped. Let us go to clause 9.

Clause 9

THE DEPUTY CHAIRPERSON: Honourable colleagues, I put the question that the amendment is dropped.

MS KABAHENDA: Clause 9: Insertion of Section 57A in the principal Act

Clause 9 is amended in the proposed Section 56A –

- a. by deleting the words “and child care” wherever the words appear;

b. by deleting sub-section (2); and

New clause

c. by inserting immediately after subsection (3), the following –

THE DEPUTY CHAIRPERSON: Committee chairperson?

“For purposes of this section, “breastfeeding facility” means an exclusive and properly equipped area where an employee can breastfeed a child, express milk or store the milk for the child.”

MS KABAHEMBA: We propose to insert a new clause immediately after clause 9 as follows –

“Amendment of Section 65 of the principal Act.”

Justification

- To provide for the protection of the right to work for breastfeeding employees.
- To support working mothers to breastfeed exclusively for the first six months of life in compliance with World Health Organisation and UNICEF recommendations.
- To provide a secure and private breastfeeding facility at the workplace.
- The amendment is as a result of the harmonisation of the two Bills.

- a. In the headnote, by substituting for the word “Termination”, the words “Termination of employment”.

Section 65 of the principal Act is amended in sub-section (1)-

(a) By inserting immediately after paragraph (d), the following –

“(e) in the case of redundancy of the employee;

(f) in the case of sickness of the employee which lasts more than six months and renders the employee unable to perform his or her duties under the contract of service;

(g) where the continuous employment of the employee may lead to breach of a statutory obligation.

(c) By inserting immediately after sub-section (2), the following –

“(3) An employer may terminate the contract of service of an employee on the ground of redundancy under sub-section (1) upon proof that:

THE DEPUTY CHAIRPERSON: Honourable minister?

MS AMONGI: Mr Chairman, we reject that. The current Government Bill gives leeway for the employer to offer either time, space or facility. So, to go into defining “well equipped”, “express milk”, “storage of milk for the child” – We will drive many women out of jobs.

THE DEPUTY CHAIRPERSON: I put the question that clause 9 be amended as proposed.

(Question put and negatived.)

THE DEPUTY CHAIRPERSON: I now put the question that clause 9 stands part of the Bill.

(Question put and agreed to.)

(Clause 9, agreed to.)

a. the employer has ceased business operations;

b. due to re-organisation of work, introduction of labour saving devices or change in work pattern, the employer requires fewer employees for the existing work;

4. An employer shall, before terminating the contract of service of an employee on the

grounds of sickness under subsection (1) (f), seek the opinion of the medical doctor of the employee relating to the medical condition of the employee.

The justification is:

1. This is a consequential amendment to move some of the proposed grounds for dismissal from employment under Clause 10 to form other grounds for termination of employment under Section 65 of the principal Act because they are not as a result of misconduct.
2. To realign and distinguish the grounds of dismissal from employment and termination from employment.
3. To ensure clarity.

MS AMONGI: We do not have a problem with the rest except for subsection (4) where they are saying that the employer shall seek the opinion of a medical doctor of the employee. What if they collude? Let it just be, “seek the opinion of the medical doctor.” However, we are okay with the rest.

THE DEPUTY CHAIRPERSON: My concern is that you said it is a consequential amendment to form other grounds for termination of employment under Section 65 of the principal Act. Therefore, regarding this one in Section 65, (a) is also consequential. Attorney-General?

MR KIRYOWA KIWANUKA: The issue here is that we have dealt with the issue of termination for sickness. There was also the issue of dismissal, which was mixed up with termination so, after cleaning those up, we needed to reorganise Section 65 and 65A.

MR NIWAGABA: The employer’s right to terminate, with or without reason, must still be retained. Now, if you condition an employer to terminate the services of an employee on grounds of sickness and you burden him with getting an opinion of the employee’s doctor, who may not even be known by the employer

or may not even exist, honestly, you will find complications in implementing this law.

I would rather leave it at that; to have grounds for the employer to terminate on account of sickness and the question of seeking opinion be deleted.

THE DEPUTY CHAIRPERSON: It was a consequential amendment in relation to Clause 8. If we pass Clause 8 and it is a consequential amendment then we have to go with it. You cannot have a debate on a consequential amendment; you can only have a debate if you recommit Clause 8. The moment you recommit Clause 8 and indeed we amend or reject it then we would go back to these consequential amendments. That is very clear. We cannot do much about this. Listen, what you are doing is, you are going to debate Clause 8, which we must wait for until recommitment. It is a matter of law and procedure. (*Hon. Nandala-Mafabi rose*)

Where is the mistake, Hon. Nandala? Show me the mistake under this amendment.

MR NANDALA-MAFABI: Mr Chairman, it is on termination. You see, it is a clause dealing with Section 65, which talks about termination; it is very clear in the law. If it is talking about termination, it is on termination of employment. Therefore, you cannot say we are putting the word “termination” in addition to “employment” to mean consequential because Section 65 stands on its own. In fact, the new clause they are bringing is trying to amend Section 65.

Mr Chairman, if you look at it, it is an amendment of Section 65 of the principal Act and in the Act, it talks about termination. When you add “employment” – That is why I stood up to ask the Attorney-General to help me. Termination deals with termination, as far as the Employment Act is concerned. When you want to insert a word here, how does it become consequential by adding the words “first employment”? That ceases to be consequential.

Like Hon. Niwagaba, the shadow Attorney-General raised, you cannot burden somebody with workers. You may be a non-performer claiming to be sick. You are in good health but claiming to be sick. Now, you use sickness to bring problems. When they go and check, they find that you are not sick but a non-performer. How do you measure sickness of non-performance for people who are not sick?

Mr Chairperson, we need to be careful with this section. It is a serious law which we must deal with.

THE DEPUTY CHAIRPERSON: The termination provided for under Clause 8 was on sickness.

MS KABA HENDA: It is true that termination is provided for. We looked at termination together with dismissal; the way they are used in the mother law and we found them being used wrongly; they were being used interchangeably. For dismissal, it must be for misconduct. When I am sick, I should not be dismissed; I can be terminated. So, we were trying to create clarity.

Secondly, we were providing more grounds for termination to beef up what is provided for.

MR OLANYA: Thank you, Mr Chairperson. The honourable minister stated that an employee's doctor should not be consulted but according to the chairperson, the consultation should be done to the employee's doctor.

We have had cases with big factories where as someone is working, the person gets injured. We have had such cases before courts of law where the company finds it very difficult to pay that particular worker.

Mr Chairperson, the way I am looking at it is that the employee's doctor knows the condition of that employee better. The employer may wish to go to any doctor because he does not want to pay that particular employee a huge amount of money. He may connive with any doctor who will give a recommendation because he wants

to save his resources. Therefore, the proposal of the minister is not very appropriate. Let the proposal of the chairperson stand as part of the Bill.

MR KIRYOWA KIWANUKA: First of all, the principle that is being –

THE DEPUTY CHAIRPERSON: Adjust the microphone so that you can be heard.

MR KIRYOWA KIWANUKA: First of all, the principle being discussed here already exists in the law. Section 55 of the current law provides for termination of the employment service when an employee has been sick for two months. Cabinet thought that was not enough time and recommended that it should be six months. After a person has been unwell for six months - because you have the two months - then you have a notice period. Therefore, the person needs to be unwell for a time, especially because we considered that some of these ailments are actually acquired on the job.

For instance, a person is working, gets unwell on the job and then after two months, they are out of a job. Another person joins the company and after two months, they are out of a job. So the principle already exists.

What we are discussing is that termination for sickness was not provided under Section 65. Therefore, it is being introduced here so that the grounds for termination are clearly set out.

Secondly, regarding the issue of a medical doctor, the problem would be that the employee's doctor now puts a higher burden on the employer to find the employee's doctor but if it is a medical doctor - We actually have a medical board already provided for in the law. The question that we want to deal with here is, how do we prove that this employee has been unwell for six months in order to be entitled to termination? We are trying to avoid an employer saying, that person was away from work for six months having been unwell and therefore, I terminated his contract.

The duty here is to have some kind of evidence available from a medical practitioner that you actually terminated this person's service because he was out of employment for a period of six months. What we need to reconcile here is the medical doctor of the employee or another medical doctor but the principle of a person being unwell for two months and then you fire them was not sufficient. That is what informed the six months; people can be unwell for a period of three months for whatever reason so, -

THE DEPUTY CHAIRPERSON: What is your view on the issue of the doctor? Which doctor do we go with?

MR KIRYOWA KIWANUKA: Mr Chairman, I propose that we seek the opinion of a medical doctor. I beg to submit.

MR ACHIA: Let me make use of that comprehensive explanation from our dear Attorney-General. I withdraw my recommittal for clause 8.

MS NALUYIMA: Thank you very much, Mr Chairperson. Many times, upon dealing with issues of courts and the like, normally the doctors expected are those attached to Government facilities. I would like to suggest that we make it clear because many times this can also be another point of diversion. We should be specific depending on the doctors accepted as per the current laws because it might cause us another -

MS NANTONGO: Thank you, Mr Chairperson. I need clarification from the Attorney-General. The challenge here is, at whose cost will this be? If it is the medical doctor of the employee then it is the employee to bring the report but if he says the medical doctor, who is going to pay the cost of the medical report?

MR KIRYOWA KIWANUKA: It is the employer who wants to terminate the services of this employee so, it is the duty of the employer to bring the evidence that this person was away for six months.

That is what it says: "An employer shall, before terminating the contract of service of an employee on the ground of sickness under subsection 1(f), seek the opinion of a medical doctor." This is because the employee has come to you and said, "I have been unwell, that is why I have been away" and you say, you have been away for too long.

THE DEPUTY CHAIRPERSON: Honourable colleagues, let us move. Hon. Oguzu, do you have a different opinion?

MR OGUZU: Not really, but I wanted us to understand the principle well. Arising from the submission of the committee chairperson that many times we have been mixing termination of employment with dismissal, at this point we should have clearly differentiated this to prescribe the right conditions.

I want to know from the committee chairperson whether dismissal and termination impose different obligations on the employer. If that is the case, we may need to clearly outline the terms under which termination or dismissal can occur as well as the processes. You may need to help us understand that very well.

THE DEPUTY CHAIRPERSON: Let the Attorney-General help us on that.

MR KIRYOWA KIWANUKA: Mr Chairperson, when we deal with section 65(a), which is a little bit ahead in clause 10, you will see the differences because we have separated the grounds for termination and the grounds for dismissal. So, it is very clear.

With dismissal, the employee is fired immediately without any notice. With termination, you have to give the employee notice so, it is slightly different and you can find it under section 65(a). They are separated.

MS CECILIA OGWAL: Mr Chairperson, I am just trying to find out from the Attorney-General if we could have an exception in this case. Regarding the conditions given here in the case of redundancy and sickness, we should have an exception for women who have had

maternity leave because in that case, you can give them six months which is normally given and if they are not well, give them another six months.

They can give you six months without pay but you will still hold your employment because then, you are not dismissed. You are a good performer but because of the maternity condition, you are not well enough or you have had triplets. There may be some kind of exception.

Secondly, something which has not come out clearly is that some of the sicknesses could be job related. We have had people working in industries who are exposed to excessive dust and yet they do not know. They develop lung problems, they keep coughing and having problems and yet they do not know the cause.

This issue was discovered in Tororo for those who worked in the fertilizer factory. We must also eliminate sickness which is related to employment itself. Can I get clarification on that?

THE ATTORNEY-GENERAL: Thank you, Hon. Cecilia Ogwal. When a person is on maternity leave, that is clear. They will continue to be paid because we have addressed that. Then sick pay is under Section 55 and it says that for the first month, you will continue with the service. For the second month, the person may be eligible for termination but now you have to go for six months leave. Therefore, if a person is on maternity leave, it is different from sick leave and it is also treated differently.

MS RWABUSHAIJA: Mr Chairperson, with due respect, I want to take you slightly behind. We talked about breastfeeding –

THE DEPUTY CHAIRPERSON: It can only be on recommitment. If it is on a clause we passed, we cannot go back.

MS RWABUSHAIJA: I was not given the opportunity.

THE DEPUTY CHAIRPERSON: No, if it is a clause we passed, we cannot go back.

MS RWABUSHAIJA: Okay, will I get an opportunity to talk about it?

THE DEPUTY CHAIRPERSON: You can move a motion to recommit if you get support of the Members.

MS RWABUSHAIJA: Mr Chairperson, I pray that you give –

THE DEPUTY CHAIRPERSON: No, it is at a later time.

MR MAYANJA: Thank you for the opportunity. I suggest that the issue about the medical doctor should be agreed upon by the two; the employee and the employer. An employer cannot facilitate the doctor because he is the one who wants to terminate the contract. Of course, they will connive.

THE DEPUTY CHAIRPERSON: You cannot force me to go to any doctor, it is my body. For example, you are going to pick my blood and you cannot, by law. That is a big crime, Hon. Mayanja.

MR KIRYOWA KIWANUKA: Mr Chairperson, what we try to avoid here is dispute. If you ask the employer and the employee to agree on a doctor, when one is threatened with a dismissal, they will not agree. Therefore, we have required the employee to have the burden of carrying out the report. If a question is raised on whether you are correct in the termination, it is the burden of the employer. However, to avoid dispute, allow the employer to do what he has to do, but it is a question of evidential value.

THE DEPUTY CHAIRPERSON: I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

Clause 10

MS KABAHENDA: Clause 10 seeks to insert a new section 65A in the principal Act.

Clause 10 is amended in the proposed Section 65A -

- by deleting sub-sections(a), (b), (c), (d) and (g);
- by substituting for the words, “abandonment of” the words “abscondment from” wherever the words appear; and
- by deleting sub-sections (2) and (3)

Justification

- The deletion of sub-sections (a), (b), (c), 65A(2) and (3) is a consequential amendment so that the proposed grounds for dismissal from employment are those grounds that contain elements of misconduct on the part of the employee.
- To enable an employer to discharge an employee in cases of misconduct by an employee.
- To ensure clarity.

MS AMONGI: We agree with it.

MS RWABUSHAIJA: I concur with it.

THE DEPUTY CHAIRPERSON: I put the question that clause 10 be amended as proposed.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 11, agreed to.

Clause 12

MS KABAHENDA: In clause 12, we seek to insert new sections 66A and 66B in the principal Act.

Clause 12 is amended by -

- a. Substituting for the proposed section 66B(1) the following-

“(1) Dismissal shall be wrongful where the employer -

- a. has not fulfilled the employer’s statutory or contractual obligations under the contract of service while dismissing the employee; or
- b. has not acted in a just and equitable manner while dismissing the employee.”

A. Delete subsection (2).

The justification is to avoid ambiguity.

MS AMONGI: The current Government provision will be sufficient to address what the chairperson has proposed.

Mr Chairperson, in the current clause 12, dismissal shall be unfair where the employer dismisses an employee for any reason other than the reasons specified in section 65A. Therefore, it will be broader and it will give leverage for any other reason not defined in the chairperson’s report to still be considered under the one provided by the Government. My proposal is that we go with the Government’s position.

MS RWABUSHAIJA: I concur.

MR ISINGOMA: Mr Chairperson, in the proposed clause 12 (1) (b), I think the words “just” -

THE DEPUTY CHAIRPERSON: Chairperson, do you agree with the minister’s proposal? We are on clause 12. We do not deal with concerns; we deal with things that are clear.

MS KABAHENDA: We wanted to sort two words; “termination” and “dismissal”. The Bill talks about wrongful dismissal and we think it is a blanket statement. Mr Chairperson, we need to give more clarity to what wrongful

dismissal contains. That is the reason we came out with these two justified issues.

MR NIWAGABA: When you raise a ground of just and equitable, you literally open a floodgate because it is up to the judicial officer or whoever is determining the dispute to determine whether this act is just and equitable.

Why don't we adopt the Government's position instead of the proposed amendment? This particular proposed amendment, especially on the issue of just and equitable, will be detrimental to the employees we are seeking to protect.

THE DEPUTY CHAIRPERSON: The position of Government was very clear. Attorney-General?

MR KIRYOWA KIWANUKA: The Government's position has just and equitable. Clause 66B (2) states that, "An employer shall, while dismissing an employee from service, act in a just and equitable manner". So, I think the Member is saying we need to drop it here.

THE DEPUTY CHAIRPERSON: Attorney-General, do you agree with him that it is dangerous?

MR KIRYOWA KIWANUKA: Yes, I agree that it is ambiguous and leaves many questions so I have no objection to drop 66B(2).

THE DEPUTY CHAIRPERSON: I put the question that clause 12, as amended, stand part of the Bill, as proposed by the Attorney-General.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

New Clause

MS KABAHEMBA: Mr Chairperson, we seek to insert a new clause immediately under clause 12 as follows:

"Amendment of section 67 of the principal Act
Section 67 of the principal Act is amended –
by inserting a new sub-section immediately after section 67(2) as follows:

"(2a) Where an employer does not extend the probationary period of an employee under sub-section (2) or terminate the probationary contract under sub-section (3), the employee shall, at the lapse of the probationary period, be deemed to have been confirmed in employment.

b) In sub-section (4), by substituting the words "seven days" with the words "a month".

Justification

- The amendment is to reconcile the principle in the case of Dr Paul Kagwa v. Plan International Labour Dispute Claim No.175 of 2014 where the court stated that the whole process of assessment and evaluation must be completed within the probationary period and employee should be informed within the same period otherwise the employee will be deemed to have been confirmed.
- To deter an employer from delaying the confirmation of an employee to his or her detriment. In the same case, court further stated that probation is meant for the employer to observe and assess the employee as to the latter's suitability and so, delaying confirmation of an employee without a reason would be a detriment and is not acceptable.
- To avoid the employee from working with uncertainty about their prospects for employment.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Mr Chairperson, that was a proposal for insertion from the committee, which we do not think is right. They are interpreting a court decision, so they say. I would like to propose an amendment to that clause to read: "Where an employer does not extend the probationary period

of an employee under sub-section (2), the employee shall, at the lapse of the probationary period, be deemed to have been terminated in employment.”

Mr Chairperson, employment should not be deemed. The terms of one’s employment should be clear. Why is it okay to say that after six months, the employee can continue coming to work? I gave you a six-month period and you are on probation. When the six months expire, stop coming to work or get a new contract because the area of dispute we are going to get into is, “I came and I was not given a new contract but I was deemed to have been employed.” Let it stand that if you do not get the contract after the six-month period, the employment is terminated.

THE DEPUTY CHAIRPERSON: Honourable colleagues, there is a probationary contract which has expired. So, how do you say that you are employed? Hon. Akamba?

MR AKAMBA: Mr Chairperson, in a scenario where the probationary period of six months has expired and -

THE DEPUTY CHAIRPERSON: They are using “probationary contract” in the law.

MR AKAMBA: Okay. If it has expired but I continue working in the seventh month and the eighth month, etc. and the employer pays me, the law should presume that, that is a contract.

THE DEPUTY CHAIRPERSON: I think that is a different scenario. Attorney-General?

MR KIWANUKA KIRYOWA: That is a different scenario. We did speak of contracts which are implied; oral and written. When you have worked for six months and the employer continues to keep you at work for nine months or 10 months, it is different.

However, let us look at the scenario where I come for six months and in the seventh month, I purport to come and I am not paid. I come back in the eighth month and I am not paid. Then after the 12th month, I come and say my

probationary period expired in six months, you did not give me a letter terminating my services and therefore, I am entitled to payment - It cannot be. If the contract for probation expires and they did not give you a contract, on what basis do you continue working for the employer?

THE DEPUTY CHAIRPERSON: Someone can ask a question – I have heard someone asking: why did you keep me there? You also have an obligation: why did you keep yourself there?

Listen, honourable colleagues. I might have staff or workers who I do not even know. The question I asked was simple. We are referring to a probationary contract which has expired. Under what terms is the new contract going to be? Hon. Basalirwa?

MR BASALIRWA: Thank you, Mr Chairperson. I would like the learned Attorney-General, in light of this matter, to briefly throw some light on the concept of acquiescence as it would inform this debate.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Acquiescence is where one person does something to make the other believe that they have continued in that relationship. We could draft it better and say: “Where an employer does not extend the probationary period of an employee under sub-section (2) but continues to pay – (*Interjection*)- No, you see -

Mr Chairperson, what is important here is that we have people who work in our offices for no pay – a person comes to you and says, I am volunteering. If you continue to work in my place, why don’t I consider you a volunteer? What we are saying here is that if I have given you a probationary contract and it expires, we have no other relationship. If you come back and work and you are paid, maybe you have fallen into another category of casual or piecemeal worker.

However, if I give you a probationary contract and the probationary contract expires, you should be deemed to have been terminated.

THE DEPUTY CHAIRPERSON: Have you proposed that we include the word “pay”?

Honourable members, if you have a business, you have some workers who you do not know whether they are working or not. Now getting work - I can claim I got work from anyone in the company; someone of authority and yet I did not even know that he gave you work.

However, if you continue to be paid, it means I am recognising your contribution. Otherwise, why am I paying you? If you want to continue – and we have many people who you tell that their time has ended and they say, “But, where do I go? I want to volunteer.”

Hon. Nandala-Mafabi?

MR NANDALA-MAFABI: Mr Chairperson, you are raising an important issue, which I was about to raise. Some of the people who make laws here do not have employees. *(Laughter)* The true story is that the moment the probation period ends, your contract has ended. If I do not extend the contract and you get more money, I will be treating you as a casual labourer or volunteer.

However, the moment you say, “as soon as it expires, you are confirmed” – I may have refused to confirm you because you are inefficient and I do not want you in the job permanently.

Mr Chairperson, I will give the example of public service. In public service, they give you two years on probation – I do not know if they have changed it. When the two years end, you will fill an appraisal form, which form you take and say: “I have finished two years.” They will write “more training”, “we have confirmed you” or whatever – because it is permanent and pensionable.

Now in this case – for us in business every day – you want to force somebody to confirm

somebody after six months and when they make a mistake of not confirming, in the seventh month he claims he is a permanent employee. Please, let us be fair.

THE DEPUTY CHAIRPERSON: I put the question that clause 13 be amended as proposed by the Attorney-General.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: Honourable colleagues, there is where you will hear us calling a clause twice. It is because when a new clause is proposed, it does not have a number in the Bill. However, when they are amending that same clause, which is following, we must again call it.

Therefore, the one we have just amended was a proposal that came as a new clause. The next one was also another proposal on that same clause.

Clause 13

THE DEPUTY CHAIRPERSON: I put the question that clause 13, as amended, stands part of the Bill.

(Question put and agreed to.)

Clause 13, as amended, agreed to.)

Clause 14, agreed to.

Clause 15, agreed to.

Clause 16, agreed to.

Clause 17, agreed to.

Clause 18, agreed to.

Clause 19, agreed to.

Clause 20

MS RWABUSHAIJA: Clause 20 seeks to replace Section 78 of the Principal Act. Clause 20 is amended in the proposed section 78 -

- a. by substituting for the word “termination” the words “unfair dismissal” wherever it appears.
- b. by inserting immediately after sub-section (2) the following –

2(a)(a) “The maximum amount of additional compensation which may be awarded under sub-section (2) shall be three months wages of the dismissed employee and the minimum shall be one month’s wage.
- c. by substituting in the proposed sub-section (3) for the word “may”, the word “shall”.

The justifications are:

- 1. To reinstate Section 78(3) from the principal Act.
- 2. To ensure protection of a successful litigant through awarding of a fair compensation.

MS AMONGI: We see that what she is bringing is already covered under sub-section (3) of the principal Act so, I do not know why you are reintroducing it here as 2(a)(a).

MS RWABUSHAIJA: The committee was also reinstating Section 78(3) from the principal Act after the Bill from Government was trying to amend it.

THE DEPUTY CHAIRPERSON: Was it deleting or amending section 78(3)?

MS RWABUSHAIJA: Section 78 (3) was being amended by deleting.

THE DEPUTY CHAIRPERSON: Which is the maximum amount -

MS AMONGI: It is okay. We concede because ours was substituting the one in the principal Act.

MS KABAHENDA: Mr Chairperson, I agree. *(Laughter)*

THE DEPUTY CHAIRPERSON: Now private Member, I told you to start with Hon. Hanifa -

MR NIWAGABA: In view of the reinstatement of Section 78(3), the marginal note must change because we are not replacing the entire section 78. I propose an amendment on the marginal note by deleting the word “replacement” and instead inserting “amendment of section 78.”

THE DEPUTY CHAIRPERSON: We are going to amend your proposal. Do you concede?

MS RWABUSHAIJA: I concede.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that Clause 20 be amended as proposed by Hon. Niwagaba.

(Question put and agreed to.)

Clause 20, as amended, agreed to.

Clause 21

MS RWABUSHAIJA: Clause 21 seeks to amend Section 81 of the Principal Act. Clause 21 is amended –

- a. in Section 81(1) by substituting the words “contemplates termination of not less than 10 employees” with the following –

“Where an employer intends to terminate not less than 10 employees”

- b. in section 81(1)(b) by inserting immediately before the word “notify”, the words, “thirty days before the termination intends to terminate not less than 10 employees”.

The justification is to avoid ambiguity in the sentence.

MS AMONGI: It is okay, we agree. I have no objection.

MS KABAHERA: I have no objection. Clause 25
(Laughter)

MR NIWAGABA: I disagree with the proposed amendment. I do not see any reason why the committee is moving away from the word “contemplates” and substituting it with “intention”. Contemplation is a better word, especially when you are dealing with collective termination. So, I pray that the proposed amendment be rejected and we retain the provisions in the principal Act.

MR KIRYOWA KIWANUKA: Mr Chairman, I was actually convinced by the committee because the issue of contemplation is a thought. When you go to the labour office, you will have made a conscious decision that you are moving to do this. You cannot go to the labour office and say that you are contemplating termination sometime. When you go to the labour office and say, “I intend to terminate the following people”, there is something definite about the intention. I am still convinced that the committee made the right decision and I pray that we allow the amendment by the committee.

THE DEPUTY CHAIRPERSON: I put the question that Clause 21 be amended as proposed.

(Question put and agreed to.)

Clause 21, as amended, agreed to.

Clause 22

THE DEPUTY CHAIRPERSON: I put the question that Clause 22 stands as part of the Bill.

(Question put and agreed to.)

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

MS RWABUSHAIJA: Clause 25 seeks to replace Section 96 of the principal Act. Clause 25 will be amended in the proposed section 96 as follows -

- a) in sub-section (2) by inserting the word “hundred” immediately after the word “seven”.
- b) in sub-section (3) by substituting for the word “may” the word “shall”.
- c) in sub-section (4) by substituting for the word “five”, the word “seven”.

Justification is to enhance clarity.

THE DEPUTY CHAIRPERSON: Honourable minister -

MR KIRYOWA KIWANUKA: Mr Chairman, I was proposing that in Section 96(3), the word “may” should be left because that is discretionary power. If we prescribe that they “shall” then there is no point in going to the labour officer because the discretionary power has been taken away and it may offend some of the principles of law that a person sitting in a matter must have the discretion to make a decision. I think we should leave the word “may”.

THE DEPUTY CHAIRPERSON: Committee chairperson.

MS KABAHERA: Mr Chairman, I concede.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 25 be – Hon. Nandala-Mafabi, do you have a problem?

MR NANDALA-MAFABI: Mr Chairman, the principal Act talks of 750 currency points. I want to be educated by the committee, why did you reduce it to 24 currency points?

THE DEPUTY CHAIRPERSON: Committee chairperson, why did they increase?

MS KABAHERA: I think the question would have been why we increased. When 100 is replaced with 700, we have increased.

MR NANDALA-MAFABI: Mr Chairman, not exceeding 700. So, you have increased to 700 currency points, not 24.

THE DEPUTY CHAIRPERSON: I put the question that clause 25 be amended as proposed by the Attorney-General.

(Question put and agreed to.)

Clause 25, as amended, agreed to.

Clause 26

THE DEPUTY CHAIRPERSON: Committee chairperson.

MS KABAHERA: Mr Chairman, the new clause seeks to insert one new clause immediately after clause 25 and a new Schedule 3 as follows -

Amendment of section 97 of the Principal Act
Section 97 of the Principal Act is amended in sub-section (2) (f) by inserting immediately after the word “disabilities”, the words “domestic workers, casual employees.”

Insertion of a new schedule in the principal Act
The Principal Act is amended by inserting immediately after Schedule 2, the following -
Schedule 3; Categories of disabilities

1. Physical disability caused by cerebral palsy, amputation of a limb, paralysis or deformity.
2. Hearing disability including deafness and hard of hearing disability.
3. Visual disability including blindness and low vision disability.
4. Deaf and blind disability.
5. Mental disability including psychiatric disability and learning disability.

6. Little people.

7. Albinism.

Justification

- The amendment of Section 97 of the principal Act is a consequential amendment having incorporated domestic workers and casual employees as special categories of workers under the amendment to section 34.

- The insertion of the schedule is a consequential amendment, having amended the definition of disability to harmonise it with Persons with Disabilities Act, 2020.

- The amendment is as a result of the harmonisation between the two Bills.

THE DEPUTY CHAIRPERSON: Honourable, we always have to first finish sections. Schedules come after. Let us just handle the component of the new clause then when we go on schedules, you will reintroduce this schedule. You do not need to repeat it at that time.

Honourable colleagues, let us limit ourselves to the clause because a schedule cannot come at this stage. Honourable minister -

MS AMONGI: We are okay with it.

THE DEPUTY CHAIRPERSON: Private mover.

MS RWABUSHAIJA: No objection.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that the new clause be inserted as proposed.

(Question put and agreed to.)

Clause 26

THE DEPUTY CHAIRPERSON: I put the question that clause 26 stands part of the Bill.

(Question put and agreed to.)

Clause 1

THE DEPUTY CHAIRPERSON: Committee chairperson. Honourable colleagues, we are going back to Clause 1 because it is covering definitions and we agreed to first handle the Bill then we go to definitions after.

MS KABAHENDA: Mr Chairman, Clause 1: Amendment of the Employment Act, 2006.

Clause 1 is amended -

by substituting in paragraph (b) for the definition of disabilities, the following -

“disability” means a substantial functional limitation of a person’s daily life activities caused by physical, mental or sensory impairment and environmental barriers resulting in limited participation in society on equal basis with others and includes an impairment specified in Schedule 3;

(b) by inserting the following definitions in their appropriate order -

“domestic work” means work performed in or for a household or households;

“domestic worker” means a person engaged in domestic work within an employment relationship but excludes a person who does domestic work occasionally and not on an occupation basis;

“foreign recruitment agency” means an agency based outside Uganda which is accredited by a Ugandan Mission abroad to recruit Ugandans to work abroad;

“recruitment agency” means a company licensed by the ministry to facilitate the placement of a prospective employee with a prospective employer within Uganda or with a foreign recruitment agency for employment abroad;

“workplace” means a place of work, a site or any area where work is carried out, including a permanent, indoor, factory, industry, household,

stationary place of work such as an office or shop and any temporary place of work such as civil engineering site, an open air place such as a field, forest, road, oil refinery, and mobile place of work such as a cab or a truck, a seat of a tractor, an excavator, a ship, gallery, freight decks of an aircraft, and without exception, a place where a worker is found as consequence of his or her work.”

Justification

1. To enhance clarity of phrases and words introduced in the Bill and words contained in the principal Act.
2. To align the definition of disability with the definition in the Persons with Disabilities Act, 2020 which gives a more comprehensive definition of disability.
3. To harmonise the definition of termination with the provisions related to termination and dismissal, as contained in the Bill.
4. To specifically provide for domestic work that our society associates with the unpaid care work of a housewife and dependent relatives and often resulting into economic exploitation and vulnerability of the employee.
5. To also provide for domestic workers who are predominantly young people and women and whose workplaces are the employer’s household.
6. To provide clarity of the definitions related to recruitment for employment within Uganda and for employment abroad;
7. To align the definition of workplace with the definition in the Occupational Safety and Health Act, 2006, which is broad and encompassing;
8. The adoption of the definitions of “domestic work”, “domestic worker”, “recruitment agency” and “workplace” were an incorporation of agreed upon principles from the harmonisation of the Bills.

THE DEPUTY CHAIRPERSON: Honourable minister?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. Principally, we do not have fundamental problems with the proposals. However, we would like to change the definition of “disability” to read:

“Disability shall have the same meaning attached to it under the Persons with Disability Act.”

The justification is, if you look at our laws, everything to do with definitions of disability evolves. If a new disability is identified, the law we will amend will be the Persons with Disability Act. Therefore, it is a live definition.

THE DEPUTY CHAIRPERSON: Let us handle one by one. Do we have any objection to the definition of “disability”? I put the question that the definition of “disability” be amended as proposed by the Attorney-General.

(Question put and agreed to.)

MR KIRYOWA KIWANUKA: Mr Chairperson, I am proposing that the definition given for domestic work to mean “work performed in and for a household or households” be deleted.

The justification is that the separation between household and workplace is changing fast. If we remove the definition of domestic work to mean “work performed in or for a household”, it may not necessarily mean the same thing as domestic workers.

The second justification is that we have categorised this already as a special area where the minister will provide regulations and clear guidelines on how these places work. So, in order not to contradict that, I propose that, that be deleted.

MR NANDALA-MAFABI: Thank you, Mr Chairperson. Can the Attorney-General help me? A domestic worker cooks food at home. I am giving an example of those of us who have settings where there are banana and coffee

shambas. A domestic worker goes to the banana plantation and digs and also picks coffee. That is no longer at home; it is outside. Therefore, I would like information on what a domestic worker is. Is it the one inside the house or the one who can do some work in the garden?

MR KIRYOWA KIWANUKA: Mr Chairperson, that is exactly the reason I was proposing that we delete this; so that good work is done and to also get clarity on the definition of that person. We have different kinds of domestic workers. This person works at home and also does some work which is external but stays with you. This is why I am proposing that we delete that definition of domestic worker. Let us allow the minister to deal with it in the regulations. Fortunately, the regulations will come back here for approval and those ones will be addressed. That is what I am struggling with.

THE DEPUTY CHAIRPERSON: I am asking, should we leave the definition of a domestic worker to someone going to draft the regulations? We need to cover it under definition. What we can do is to see how we can improve this. Let us at least get the definition.

MR NIWAGABA: Mr Chairperson, unless we recommit section 34 - but my minister here says I should not - then we have no choice but to define domestic work and domestic worker here because we have already captured it in the amendment. Actually, that also goes with casual worker, unless we recommit it.

MR OGUZU: Mr Chairperson, on that particular matter, if you look at section 90(b) on declaration of jobs, the mandate has been given to the minister. Therefore, I think the Attorney-General is in order to say the minister will appropriately define it, by notice, in the Gazette.

THE DEPUTY CHAIRPERSON: That is regulation and the minister regulates what we define in the law.

MR OGUZU: Mr Chairperson, 6(5) says, “The minister shall, by notice in the Gazette,

declare a range of jobs that migrant workers shall not be offered.

What I want to explain is that using that regulation, the minister will be able to -

THE DEPUTY CHAIRPERSON: Honourable member, a clause that covers migrant workers will not apply to domestic workers. Let us move on.

MS OPENDI: Mr Chairperson, I think it will be smarter if the Act talks about domestic workers. Even if we ask the minister to come with regulations, we must define, in the principal Act, what we mean by a domestic worker. I do not see – *(Interjection)*- But it is already there.

THE DEPUTY CHAIRPERSON: The committee proposed it; let us look at it. If there is any problem with the definition, we can widen it.

MS OPENDI: We can deepen it. *(Laughter)*

MR NANDALA-MAFABI: When we were discussing Section 34, we said we were going to put casual labourers and workers under it. I then suggested that we refer to the definition in the main Act.

There was that complicated word I struggle to pronounce - “apprentice”. Section 34 talks about an apprentice – *(Laughter)* - whatever the case. If you come to the definition under employee, it also talks about the same.

This is why I am saying, if the Attorney-General does not mind, let us put a comma after the word “apprentice” and add casual labourers and domestic workers.

THE DEPUTY CHAIRPERSON: Can we stick to the definition? We are on definition.

MR NANDALA-MAFABI: Mr Chairperson, it is under definition.

THE DEPUTY CHAIRPERSON: Yes, definition of domestic work.

MS AMONGI: Mr Chairperson, domestic work means work performed for a household or households. Let us delete “in all” because “in” can be you.

During the COVID-19 pandemic, many people worked from home. If you say “domestic work” means “work performed in...”, you can easily include people who work from home. If we say “domestic work” means work performed for a household or households, then it will be clear, for purposes of defining domestic work.

THE DEPUTY CHAIRPERSON: Private mover?

MS RWABUSHAIJA: Thank you very much, Mr Chairperson. We have the ILO Convention 189 that was purposed to cater for domestic workers. Also, C190 talks about something different. However, what I know is that the Government has been trying to ratify the ILO Convention 189 because it came first, together with ILO Convention 190.

THE DEPUTY CHAIRPERSON: Does it define domestic work?

MS RWABUSHAIJA: It does.

THE DEPUTY CHAIRPERSON: Is this definition in line with it?

MS RWABUSHAIJA: Yes, it is.

THE DEPUTY CHAIRPERSON: I put the question that domestic work be defined as proposed by the committee.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I hope that sorts out the definition of a domestic worker. Which one do you have because this is -

MS OPENDI: Mr Chairman, I had requested that we define “casual labourer”.

THE DEPUTY CHAIRPERSON: No, let us first finish what they have defined and then whatever can be added on will be added.

I put the question that – Hon. Oguzu?

(Question put and agreed to.)

MR OGUZU: The observation I have is that working remotely has been omitted in the definition of workplace. There are now IT companies or software companies that recruit Ugandans and these people may be working remotely from somewhere. So, we need to have that included.

THE DEPUTY CHAIRPERSON: Can we have one meeting? I need the Attorney-General's attention. Can you repeat, Hon. Oguzu?

MR OGUZU: There are two things that we need to include in the definitions. One is in the definition of "workplace" and the other is in the definition of "recruitment agency". We have software or IT companies that recruit Ugandans to either work at the company or remotely from somewhere. They need to be included in the definition.

Workplace must include remote work so that all these categories of companies are captured under the law and regulated.

THE DEPUTY CHAIRPERSON: Let us finish with workplace. Attorney-General, you have heard the honourable colleague's concern.

MR KIRYOWA KIWANUKA: Mr Chairperson, I am trying to – "... and without exception, a place where a worker is found as a consequence of his or her work" – I thought the definition is as wide as it could get. If you are found in America as a consequence of your work, that is your workplace.

However, I need to caution that we legislate for Uganda; we cannot define a workplace in America, London or anywhere. They have different laws which define what a workplace is. So, we define it here. I think the definition, as provided, is sufficient.

THE DEPUTY CHAIRPERSON: I put the question that the definition of workplace, as provided by the committee, be adopted.

Foreign recruitment agency

MS AMONGI: Mr Chairman, foreign recruitment agencies are accredited by the ministry not Ugandan missions. Ugandan missions only do work on behalf of the ministry. Therefore, I want to delete the words "a Ugandan mission abroad" and replace them with "the ministry" so that it reads: "Foreign recruitment agency" means an agency based outside Uganda which is accredited by the ministry to recruit Ugandans to work abroad."

THE DEPUTY CHAIRPERSON: That is very clear. I put the question that the definition of foreign recruitment agency be amended as proposed by the minister.

(Question put and agreed to.)

Recruitment agency

THE DEPUTY CHAIRPERSON: I put the question that the definition of recruitment agency, as proposed by the committee, be adopted.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: There are honourable colleagues who had more definitions. That is where you can come in, Hon. Sarah Opendi.

MS OPENDI: Thank you, Mr Chairperson. While considering the issue of the casual workers, the minister informed this House that they were task employees, piecemeal employees and those other categories – and these were not considered as casual employees.

The principal Act defines a casual employee as a person who works on a daily or hourly basis where payment of wages is due at the completion of each day's work and those are the people she was defining as "task employees" or "piecemeal workers".

I would like to propose a new definition for casual employee to mean “a person who is employed for a period not exceeding one month”.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: That is misleading. Not everyone who gets a contract for six months is a casual employee. We talked about consultants; we have doctors who go for six months. The definition of casual employee, as it is in the law, is sufficient: “A casual employee” means a person who works on a daily or hourly basis where payment of wages is due at the completion of each day’s work.”

THE DEPUTY CHAIRPERSON: That is very sufficient. Okay, Hon. Sarah has withdrawn her proposal.

MR NIWAGABA: Mr Chairperson, the principal Act defines a commissioner restrictively to mean the commissioner in charge of labour. In the amendments we brought, particularly in respect of foreign employment, we introduced a commissioner for employment services. Therefore, I believe we need to introduce that particular office in the definition section to avoid ambiguity. Otherwise, we will have a clash in terms of implementation. I am throwing it to them.

MS AMONGI: Mr Chairman, the Commissioner, Employment Services shall perform specific duties under the externalisation of labour provision. The rest of the provision in the Bill does not require the Commissioner, Employment Services.

Since we already catered for that position in the specific role they are going to play in the Bill, we do not need to define it again.

MR NANDALA-MAFABI: Mr Chairperson, we already have the definition in the law – “Commissioner” means the commissioner in the ministry responsible for labour”.

I think what Hon. Niwagaba was raising is, now that this commissioner has more work – because he has labour services outside there -

THE DEPUTY CHAIRPERSON: I think Hon. Niwagaba is saying that beyond the commissioner for labour, you have defined another commissioner who is not catered for in the definition. If you have defined the commissioner for labour, why aren’t you also defining the other commissioner?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. For purposes of the Employment Act, everywhere you find the word “commissioner”, it is the commissioner for labour, except in the two places where we have specifically stated “commissioner for employment services”. Everywhere else where the word “commissioner” is used in respect to the Employment Act, it refers to the commissioner. Therefore, once you find the word “commissioner” and it is not defined, it is the commissioner for labour.

THE DEPUTY CHAIRPERSON: Okay, I think that is okay. Do you concede on that, Hon. Niwagaba? I want it on record.

MR NIWAGABA: I concede.

MR NANDALA-MAFABI: Mr Chairperson, I have one on sexual harassment. I wanted to confirm if you are awake. *(Laughter)*

THE DEPUTY CHAIRPERSON: They are asking why you are shy.

MR NANDALA-MAFABI: I want us to define sexual harassment to mean harassment by both men and women. The justification is that in most cases, people assume harassment is for only women and yet sometimes women harass men.

THE DEPUTY CHAIRPERSON: We do not have a definition of sexual harassment in the Act.

MR KIRYOWA KIWANUKA: Section 7 of the Principal Act prohibits - and the

definition in amendment of sub-section (7) (a) says, "For the purpose of sub-section (1), harassment means written, verbal or physical behaviour that interferes with work and creates intimidation." It is defined.

However, it says here, "An employer or employer's agent shall not intimidate, harass or violate an employee at the workplace." The employee includes male and female. Whether the employer is male and he is harassing a male or a female harassing a male, whichever it goes, it is covered.

THE DEPUTY CHAIRPERSON: Hon. Nandala-Mafabi, if anybody sexually harasses you at Parliament, just report because you are already covered.

MR NANDALA-MAFABI: I will ask Hon. Milton to come in - If you look at it, it says, "If the employee's employer or representative of the employer -" I am getting perturbed. In most cases, for clarity - That is why we said that we need clarity. Sometimes, people who are harassed - if we do not make it known here that a man can also be harassed and this law will be able to help him, he will not go. You have allowed me to report those who harass me and I am saying, for clarity, let us make it apply to both men and women. I have seen women here arguing because they have been harassing us -

THE DEPUTY CHAIRPERSON: Honourable members, sometimes we take a lot of time. This is an implied definition. Let us move on.

MR KIRYOWA KIWANUKA: I have a consequential amendment. The definition of regulations under the principal Act means the regulation made under Section 97. We have made regulations in several other provisions. Therefore, I am proposing that we amend this to mean regulations made under this Act. I beg to submit.

THE DEPUTY CHAIRPERSON: I propose that the definition of regulations be amended as proposed by the Attorney-General.

(Question put and agreed to.)

MR AFIDRA: Being new in this House, I was looking into the meaning of the words "job order." When I looked at it, I completely failed to understand it when I went to the definition. We are here looking into the recruitment agencies having a job order. What does job order mean? Is it in the definition? I thought that needed to have been included.

That said, in the second part we are looking into clause 25 where the penalties needed to be inserted. Have we handled this section of the penalties or not?

THE DEPUTY CHAIRPERSON: The penalties are already provided for. What we were doing at that stage is to define an offence so that Clause 25 could apply; that was the major aim. Otherwise, Clause 25 already provided the penalties but we wanted them to apply.

MS AMONGI: In the context of externalisation of labour, a job order is where a foreign recruitment agency communicates in writing to the licensed company in Uganda; for example, that they would like them to recruit 1,000 workers categorised as follows and -

THE DEPUTY CHAIRPERSON: Honourable, the Member is asking if it is defined in the law. Just make it very easy to refer to.

MS AMONGI: It is defined in Clause 1 of the Bill.

THE DEPUTY SPEAKER: I put the question that Clause 1 be amended as proposed.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Committee chairperson, can you now move your schedule? You already presented it.

MS KABAHEHENDA: I already presented it.

THE DEPUTY CHAIRPERSON: You proposed that we include another schedule, which would be Schedule 3.

MS AMONGI: It is better for us to cross reference this with the Persons with Disabilities Act, 2020 instead of having a stand-alone definition. If, in future, there are any other categories of disability provided for in the Persons with Disabilities Act and they are not here then you will have to amend the schedule again. I object to this and instead propose that we cross reference the Persons with Disabilities Act.

MR KIRYOWA KIWANUKA: Thank you. I think we need to delete this as a consequence of the new definition we gave to a person with a disability. We said, “Disability shall have the meaning attached to it under the Persons with Disabilities Act, 2020” and the schedule is attached to the definition of persons with disability.

THE DEPUTY CHAIRPERSON: We do not need to delete if the committee chairperson agrees because it was not part of the Bill.

MR KIRYOWA KIWANUKA: Much obliged.

MS RWABUSHAIJA: I concede.

The Title

THE DEPUTY CHAIRPERSON: I put the question that the Title stands part of the Bill.

(Question out and agreed to.)

Title agreed to.

MOTION FOR THE HOUSE TO RESUME

7.12

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE DEPUTY CHAIRPERSON: I put the question that the House do resume and the Committee of the whole House report thereto.

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

7.13

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Employment (Amendment) No.2 Bill, 2022 and passed it with amendments.

THE DEPUTY SPEAKER: Thank you.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

THE DEPUTY SPEAKER: Honourable minister – [Ms Rwabushaija: “Mr Speaker, recommittal.”]

7.13

MS MARGRET RWABUSHAIJA (Independent, Workers’ Representative): Mr Speaker, I move under rule 138 of our Rules of Procedure that the Bill be recommitted in respect to clause 9 on breastfeeding space or facility where an employee can breastfeed a child.

THE DEPUTY SPEAKER: I put the question that the Bill be recommitted.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE EMPLOYMENT (AMENDMENT)
(NO.2) BILL, 2022

THE DEPUTY CHAIRPERSON: Honourable member, I will do it from here.

MS RWABUSHAIJA: Mr Chairperson, the justification is that many of our people, particularly the ladies, do not have enough money to employ house girls at home to help them. Therefore, it is important that when they go to work, they are given a room where they can get about 10 to 20 minutes to breastfeed their children because we want these children to be alive and not die in infancy. Thank you.

THE DEPUTY CHAIRPERSON: Honourable colleagues, you have very small businesses employing people in garages. I get a container and try to employ people.

MR KIRYOWA KIWANUKA: Mr Chairperson, the issue we have in the Bill for the Government says, "Every employer shall make available at the workplace time, space or a facility for breastfeeding." Now, in a situation where a person cannot afford to create space; he has a shop, he can allow you time to go and take care of your child. Now, it is ideal - Yes but it is very utopian.

THE DEPUTY CHAIRPERSON: Honourable colleague, switch on the microphone.

MS RWABUSHAIJA: I thank the Attorney-General for that clarification. If the room can be provided, that is what we want. It is not about milk. If we can get space, that is all we want because the mother has natural milk that she can use to breastfeed the child.

THE DEPUTY CHAIRPERSON: Thank you, honourable colleague, for understanding. Honourable colleagues, let us move.

MS NABAGABE: Thank you very much, Mr Chairperson. I move under rule 138(1) to amend Section 56 of the Principal Act to be recommitted and provide for 90 working days of female employees that have given birth to more than one child and at the same time to have 90 days of maternity leave with full wages. Thank you very much.

THE DEPUTY CHAIRPERSON: I put the question that the motion is adopted. Listen honourable colleagues, I want discipline here.

We are here to do serious business. When we are voting, do not go on the microphone. These are simple things.

I put the question again that the motion be adopted.

(Question put and negatived.)

MOTION FOR THE HOUSE TO RESUME

THE DEPUTY CHAIRPERSON: Honourable minister.

7.18

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE DEPUTY CHAIRPERSON: Is the motion seconded? It is seconded by Hon. Rwemulikya, the Attorney-General, Hon. Teira, Hon. Mayanja and most of the honourable colleagues in the House.

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

THE DEPUTY SPEAKER: Honourable minister.

7.18

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "The Employment (Amendment) No.2 Bill, 2022 and passed it with amendments.

THE DEPUTY SPEAKER: Thank you, honourable minister.

MOTION FOR ADOPTION OF THE
REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

THE DEPUTY SPEAKER: Honourable minister?

7.19

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Speaker, I beg to move that the Bill entitled, “The Employment (Amendment) No.2 Bill, 2022” be read for the third time and do pass.

THE DEPUTY SPEAKER: I put the question that the report of the Committee of the whole House to be adopted.

(Question put and agreed to.)

Report adopted.

BILLS

THIRD READING

THE EMPLOYMENT (AMENDMENT) (NO.2) BILL, 2022

THE DEPUTY SPEAKER: Honourable minister?

7.20

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Speaker, I beg to move that the Bill entitled, “The Employment (Amendment) No.2 Bill, 2022” be read for the third time and do pass.

THE DEPUTY SPEAKER: I put the question that the Employment (Amendment) No.2 Bill, 2022 be read for the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, “THE EMPLOYMENT (AMENDMENT) (NO.2) ACT, 2023”

THE DEPUTY SPEAKER: Honourable members, I thank you for considering this Bill. I have Members who have been here and we have not had lunch. *(Applause)* I really thank you; the clerk, the team, the shadow minister, the Attorney-General, LOP and all of you. You can see the time; we have not had a break for

lunch and this is unbelievable.

Tomorrow, we are going to have critical items to handle, including the Competition Bill. This is a very important Bill for businesses of Ugandans. *(Applause)* Let us legislate for Ugandans to ensure – So, be here by 10.00 a.m. to ensure that we sort out all this. The House is adjourned to tomorrow at 10.00 a.m.

(The House rose at 7.21 p.m. and adjourned until Thursday, 25 May 2023 at 10.00 a.m.)