BILLS
SUPPLEMENT No. 12 21st December, 2018

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Bill No. 21 *The National Graduate Scheme Bill* **2018**

THE NATIONAL GRADUATE SCHEME BILL

EXPLANATORY MEMORANDUM

1. Policy and Principles

The object of this Bill is to establish a National Graduate Scheme and designate a Secretariat responsible for the administration of the Scheme.

Graduate skills development is very important for the production of critical skills in Uganda. It is a sound investment for the individual, the employer, and the economy. For the individual, the economic returns on this investment accrue in the form of increased earnings. For companies, the economic returns are realized through gains in productivity and profits. For an economy, the returns trickle down in the expanded output of goods and services and economic growth whose net effect is better standards of living and accessibility to services by the Community.

Technological change, higher value addition and the increased competition flowing from trade liberalization accelerate the demand for higher skills and productivity among workers. It is therefore very pertinent that Uganda as a Country devises means of developing the practical skills of the young graduates to bridge the existing gaps.

2. Defects in the Existing Legal Framework

For many of Uganda's young graduates, the transition from school to work is problematic due to the many obstacles that graduates face once they leave the safety net which University-life gives them. One of these obstacles is the challenge of a transition gap from the academic world into the labour market.

In order to address this gap, there are a number of Government and non-Government interventions in place to address skills development. These are however not premised in a legal framework and as such they are likely to be abused. These initiatives include but are not limited to;

a) **Compulsory internship programmes;**
Compulsory internship programmes have been introduced in most Universities in Uganda and students are placed in different organizations in which they familiarize with the practical nature of the courses they are undertaking. This, however, is not sufficient because as part of their academic learning process it is done for a short time period. There is also, no uniform standard upon which internship programmes are undertaken nor is there a follow up mechanism upon completion of internship to ensure that the programmes produce the intended results.

b) **The Uganda Graduate Volunteer Scheme;**
This initiative is a partnership between the United Nations Development Programme, the United Nations Volunteers Programme and the Government of Uganda through the Ministry of Gender, Labour and Social Development. The project is intended to provide a bridge for young Ugandan graduates as they transit from school to work by equipping them with work place skills through placements in different work spaces for a period of one year. These could be in Public, Private or Civil Society organizations. This initiative, albeit a foreign one, benefits a few graduates who voluntarily apply for it. It is donor support which now should be institutionalized within Uganda's development process, hence this proposal.

c) **Graduate Trainee Programs;**
Several Companies, both public and Private have undertaken graduate trainee programmes geared towards bridging the gap between University and the job market. These include the Uganda Revenue Authority, UMEME Limited, the Electricity Regulatory Authority and the Judicial Service Commission among others. This is however done on a very limited scale and very few graduates benefit from graduate trainee programs.

3. Remedies

The above background warrants the initiative to enact a law which establishes a Graduate Scheme to provide for an avenue where University graduates will acquire practical skills over and above their academic qualifications. The graduates shall be provided with practical skills through placements in different work spaces. These will include both Public and Private Organizations for a period of one year.

The main objective of this Bill is to therefore provide young graduates with employment training through work related learning and thus enhancing youth's employability and self-employment through career guidance, job placement, mentoring and connection to enterprise role models.

It is expected that the young graduates shall not only gain practical skills but also exposure while at the same time providing technical services to the communities in which they are deployed.

The Bill therefore seeks to establish a National Graduate Scheme and designate the Department Responsible for Labour in the Ministry Responsible for Labour as the Secretariat charged with the responsibility of achieving the objectives of the Scheme.

4. PROVISIONS OF THE BILL

The Bill has III Parts.

1. PART I—PRELIMINARY

Clause 1- 4 deal with the preliminary matters of the Bill.

2. PART II—ESTABLISHMENT OF THE NATIONAL GRADUATE SCHEME

Clause 5 seeks to establish the National Graduate Scheme with a Secretariat charged with the responsibility of managing the Scheme under the Ministry Responsible for labour in the Department responsible for labour;

Clause 6 seeks to provide for the functions of the Secretariat which are mainly to implement the objects of the law;

Clause 7 seeks to provide for the powers of the Minister to give directions to any person or institution for purposes of implementation of the Law;

Clause 8 seeks to provide for the Annual Report on the performance of the Scheme which shall be presented by the Minister to Parliament;

Clause 9 seeks to provide for notification of the Secretariat of graduates eligible for graduate service before the lapse of their academic year;

Clause 10 seeks to provide for placement of a graduate under the Scheme for graduate service;

Clause 11 seeks to provide for the duration of graduate service as one year;

Clause 12 seeks to provide for the issuance of the Certificate of Graduate Service;

Clause 13 seeks to provide for graduates' eligibility for employment;

Clause 14 seeks to provide for exemptions upon application to the Secretariat by a graduate;

Clause 15 seeks to prohibit members of the Secretariat from personally recommending an applicant for employment;

3. PART III—MISCELLANEOUS PROVISIONS

Clause 16 seeks to provide for offences and penalties;

Clause 17 seeks to provide for Regulations.

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M.P Bunya East County Constituency,
Mayuge District.

THE NATIONAL GRADUATE SCHEME BILL, 2018

ARRANGEMENT OF CLAUSES

Clause

PART II—PRELIMINARY.

1. Commencement
2. Object
3. Application
4. Interpretation

PART II—ESTABLISHMENT OF THE NATIONAL GRADUATE SCHEME.

5. Establishment of the National Graduate Scheme.
6. Functions of Secretariat.
7. Power of Minister to give directions.
8. Annual Report.
9. Notification of persons eligible for the Scheme.
10. Placement of a graduate under the Scheme.
11. Duration of graduate service.
12. Certificate of graduate service.
13. Eligibility for employment.
14. Exemptions.
15. Members of the Secretariat not to sponsor appointments.

PART III—MISCELLANEOUS PROVISIONS.

16. Offences and penalties.
17. Regulations.

A Bill for an Act

ENTITLED

THE NATIONAL GRADUATE SCHEME ACT

An Act to establish a National graduate scheme, designate a Secretariat responsible for the governance of the Scheme; and for related matters.

BE IN ENACTED by Parliament as follows:

PART I— PRELIMINARY.

1. Commencement.

This Act shall come into force within a period of one year following the date of publication.

2. Object.

The object of this Act is;

(1) to establish a National Graduate Scheme;

(2) to provide a mechanism of bridging the gap between University education and employment for graduates;

(3) to provide young graduates with employment training through work related learning;

(4) to enhance graduate's employability and self-employment through career guidance, job placement, mentoring and connection to enterprise role models;

(5) to enhance the technical capacity of graduates over and above their academic achievements prior to their employment;

3. Application.

(1) This Act shall apply to a graduate; who is a citizen of Uganda, below 30 years of age and who is unemployed;

(2) This Act shall not apply to a graduate whose professional accomplishment requires a requisite short term post-graduate training and the graduate undertakes it.

4. Interpretation

In this Act, unless the context otherwise requires—

"Currency point" is equivalent to twenty thousand Uganda shillings;

"Graduate" means a person who has completed University education and has been awarded a Bachelors' Degree in any field of study for the first time;

"Minister" means the Minister Responsible for Labour;

"Ministry" means the Ministry Responsible for Labour;

"Private entity" means any entity that is not a unit of government, including but not limited to a corporation, partnership, company, nonprofit organization or other legal entity or a natural person;

"University" means any Institution, School, Institute or Centre of Higher Education, other than a Tertiary Institution, one of the objects of which is the provision of post-secondary education offering courses of study leading to the award of certificates, diplomas and degrees and conducting research and publishing the results of the Research;

PART II—THE NATIONAL GRADUATE SCHEME.

5. Establishment of the National Graduate Scheme.

(1) There is established a National Graduate Scheme in this Act referred to as "the Scheme".

(2) The Department Responsible for Labour under the Ministry Responsible for Labour is designated the secretariat of the Scheme.

(3) The Secretariat shall determine the manner in which the business and affairs of the Scheme shall be conducted.

6. Functions of the Secretariat.

(1) The functions of the Secretariat shall be—

(a) to implement the objects of this Act and have general control and management of the Scheme;

(b) to advise the Minister on the implementation of this Act;

(c) to determine placement of graduates;

(d) to investigate and determine complaints in relation to the Scheme;

(e) to issue Certificates of Graduate Service;

(f) to advise the Minister on the policy to be adopted with regard to the absorption of the graduates into the employment sector; and

(g) perform any other function incidental to the implementation of this Act.

7. Power of the Minister to give directions.

The Minister may in writing, give directions to any person or Institution for the purposes of implementation of this Act.

8. Annual Report.

(1) The Secretariat shall, within a period of three months from the end of each financial year submit to the Minister a report on the activities of the Secretariat.

(2) The Minister shall present to Parliament an Annual Report on the performance of the Scheme.

(3) The Minister shall report to Parliament on specific instances where a graduate is awarded a Certificate under section 10 (4) of this Act.

9. Notification of the Secretariat.

A University shall forward to the Secretariat a list of all graduates of each academic year as soon as practicable but in any case not later than the end of the particular academic year to which the list relates.

10. Placement of a graduate under the Scheme.

(1) The Secretariat shall upon receipt of the list under section 9, determine and issue placement of a graduate in a public or private entity.

(2) A graduate shall be issued with a placement in an Organisation or Department relevant to his or her field of study.

(3) The Secretariat shall issue placement for a graduate within one year after the date of graduation.

(4) Where out of no fault of his or her own, a graduate is not issued with a placement one year after the date of graduation; he or she shall be issued a Certificate of Graduate Service.

11. Duration of graduate service.

(1) The duration of graduate service shall be one year.

(2) Subject to this Act, where a graduate undertakes post graduate education immediately after completion of a bachelors' degree, he or she may apply to the Secretariat to undertake his or her graduate service upon his or her completion of the study.

12. Certificate of Graduate Service.

(1) A graduate who satisfactorily completes graduate service under this Act shall be awarded a Certificate issued by the Minister.

(2) Post graduate professional training undertaken as a requisite subsequent professional training shall be equivalent to graduate service for which the Minister shall issue the Certificate.

13. Eligibility for employment.

(1) A graduate to whom this Act applies shall not be eligible for employment in the Public Service, Government Ministry, Department or Agency unless he or she possesses a Certificate of Graduate Service issued under this Act.

(2) The Certificate of Graduate Service shall be equivalent to the experience required at entry level in any Public institution, Ministry, Department or Agency.

14. Exemptions.

(1) The Secretariat may upon application by a graduate, exempt him or her from compliance with the provisions of this Act or postpone the date upon which he or she shall be placed under the Scheme under justifiable circumstances as may be determined by the Secretariat;

(2) A graduate aggrieved by the decision of the secretariat under sub section (1) of this provision may appeal to the Minister within 30 days from the date of receipt of the decision.

15. Members of the Secretariat not to sponsor appointments.
A member of the Secretariat shall not personally sponsor or recommend any applicant for the employment of a graduate under this Act.

PART III— MISCELLANEOUS PROVISIONS.

16. Offences and penalties.

(1) A person who—

(a) contravenes any of the provisions of this Act;

(b) provides any information which he or she knows to be false or has no reason to believe it to be true under this Act;

(c) without reasonable excuse fails or refuses to give information, or produce any document, records or reports required under this Act;

(d) contrary to this Act, interferes with or exerts undue influence on a member of the Secretariat in the performance of his or her functions or in the exercise of his or her power under this Act;

(e) connives or colludes to commit a corrupt or fraudulent practice,

commits an offence and is liable on conviction to a fine of not less than two hundred and fifty currency points but not exceeding one thousand currency points or to a term of imprisonment not exceeding three years or both.

(2) A member of the Secretariat, who—

(a) connives or colludes to commit a corrupt practice or a fraudulent practice in the execution of his or her functions under this Act;

(b engages in a corrupt practice or fraudulent practice in the execution of his or her function under this Act,

commits an offence and is liable on conviction to a fine of not less than two hundred and fifty currency points but not exceeding one thousand currency points or to imprisonment not exceeding five years, or both.

(3) Where it is proved that a graduate is involved in a fraudulent practice in contravention of the requirements of the Scheme—

(a) the graduate shall be disqualified by the Secretariat from the Scheme; and

(b) the secretariat shall recommend to the Minister to suspend the graduate.

(4) Notwithstanding subsection 3(a) and 3(b), the Secretariat may seek any other legal remedy available, against the graduate.

17. Regulations.

(1) The Minister shall issue regulations for the better carrying out of the objectives and functions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister shall issue regulations for placement of a graduate by the Secretariat and conditions to consider while determining whether a graduate has satisfactorily completed Graduate Service.

(3) The Minister may, in consultation with the Minister responsible for finance, prescribe incentives or benefits that shall accrue to private entities that provide placement opportunities for graduates.

(4) Regulations made under this section may prescribe for contravention of any of the provisions of the regulations or any guidelines issued under this Act, a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding two years or both.

SCHEDULE

Section 3.

CURRENCY POINT

A currency point is equivalent to twenty thousand Uganda shillings.