**Labour externalisation: Motion and Brief for Youth Members of Parliament**

Motion for a resolution of Parliament urging the government to prioritize regulation of Labour Export

 **(Moved under Rule 56 of the Rules of Procedure)**

WHEREAS Article 79 of the Constitution of the Republic of Uganda, 1995, empowers Parliament to make laws on any matter for the peace, order, development and good governance of Uganda

Aware that The Government of Uganda acknowledges that labour markets abroad provide employment opportunities for Ugandans in the short run as the country develops its capacity to generate sufficient jobs for its labour force.

AND WHEREAS the International Convention on the Rights of Migrant Workers and the members of their families, 1990 and other international labour and human rights conventions and treaties ratified by Uganda, mandate Government to establish a safe and fair system of migration, to ensure rights and welfare of migrant workers and members of their families;

AWARE THAT under the National Employment Policy, 2011, Government committed to the development of institutional and legislative reforms to ensure decent employment opportunities and labour productivity for social and economic development of all Ugandans;

And further aware that Uganda has 3 Bi-lateral Labour Migration Agreements with destination countries namely; Saudi Arabia, the Hashemite Kingdom of Jordan and the United Arab Emirates but exporting labor to more than 3 countries, such as; Kuwait, Oman, Qatar, Turkey, Afghanistan, Iraq and Somalia

RECALLING that this House has debated, documented and passed numerous resolutions to address the various challenges regarding labour export;

Cognizant that there are positive strides by the government to streamline migrant labour force including the establishment of the labour externalisation unit of the Employment Services Department in the Ministry of Gender, Labour and Social Development

Concerned that we still have several problems regarding labour externisation that predispose Ugandan migrant workers to unscrupulous labour export companies, poor and humane working conditions and individuals and human trafficking.

CONVINCED THAT there is an urgent need to uphold the safety, the protection of the fundamental human rights and freedoms of Ugandan migrant workers through the regulation of labour externalisation through a spate of policy and regulatory reforms;

Now, therefore, be it resolved by this Parliament that:

1. Ministry of Gender, Labour, and Social Development suspends the export of labor to countries where Uganda does not have bilateral agreements.
2. Establishment of labour attaches in migrant workers destination countries
3. Establish mechanisms to respond to these distress calls from these laborers.
4. Minimum wage being incorporated in Bi-lateral Migrant Agreements between the countries
5. Pre-externalization checks on the working conditions, safety and health perspectives of the importing labour organizations
6. The government undertakes periodic audits of labour export companies against set requirements.
7. The government fast tracks the establishment of bilateral agreements with the other gulf countries where we export labor.
8. The MoGLD fast tracks the finalization of the review process and dissemination of the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2OO5.

**NOTES FOR MEMBERS**

**Brief on Labour externalisation in Uganda**

A**bout Labour Export**

Labour externalization is a process whereby the government undertakes to regulate the export of labour to foreign countries. This role is under the mandate of the Ministry of Gender, Labour and Social Development (MoGLSD). This activity involves the signing of Bi-lateral Migrant Agreements (BLMA) with destination countries. Uganda has only 3 BLMAs with destination countries namely; Saudi Arabia, the Hashemite Kingdom of Jordan and the United Arab Emirates. The Auditor General in his 2021 report observed that a review of the ministry indicated that the country was exporting labor to more than 3 countries, such as; Kuwait, Oman, Qatar, Turkey, Afghanistan, Iraq and Somalia, among others. He also noted that the Ministry had no mechanism in place to monitor the implementation of the BLMAs. -Current statistics of labour export

-Estimated economic remittances

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**Why it is important**

The Government of Uganda acknowledges that labour markets abroad provide employment opportunities for Ugandans in the short run as the country develops its capacity to generate sufficient jobs for its labour force. This is the productive age of many people but while the labour force is increasing with each passing year, the labour market is actually shrinking rendering it incapable of accommodating the young Ugandans that join the labour market annually. This makes labour externalisation the most feasible alternative way out of this unemployment mystery.[1]

We are cognisant of the positive strides by the government to streamline the migrant labour force including the establishment of the labour externalisation unit of the Employment Services Department in the Ministry of Gender, Labour and Social Development. However, the fluid nature of labour export, coupled with the desperate unemployment challenges predispose youth to unscrupulous labour export companies and individuals and human trafficking.

Gaps

* Furthermore, pre-externalization checks on the working conditions, safety and health perspectives of the importing labour organizations had not been undertaken.
* Traffickers who often through false representation deploy workers into unknown destinations and hostile working conditions;
* Inability to trace and offer consular services to workers deployed by traffickers;
* Violation of the rights of workers especially domestic workers;
* Limited manpower. The Externalization Unit has only five full-time staff;
* Lack of appropriate office accommodation;
* Lack of diplomatic representation in Bahrain, Kuwait and Oman; and
* Limited manpower at the Ugandan Missions in Riyadh and Abu Dhabi.
* human trafficking of Ugandans and gross breach of contracts

**What Parliament has done (2019)**

The 10th Parliament raised several concerns on the regulation of labour export, and tasked the executive through the Ministry of Gender, Labour and Social Development. These were raised as matters of national importance and petitions. Parliament twice tasked the Ministry to report to the house. Parliament also granted Hon. Arinaitwe Rwakajara leave of Parliament to introduce a private Member's Bill (Externalisation of Labour Bill) in March 2019. On 18th May 2017, 20th November 2018,and in May 2019 MoGLSD addressed Parliament on labour externalisation issues. In the most recent response, the minister responded as such:-

* The Minister responsible for labour pursuant to powers under the Employment Act issued the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005 and the Employment (Recruitment of Ugandan Migrant Workers Abroad) 2015. The objective of both instruments is to protect the rights of migrant workers through stringent licensing requirements and placement procedures.
* A person cannot transact business as a recruitment agency in Uganda without a valid license.

The Ministry requested Parliament of the following

Parliament should consider allocating UGX 5,000,000,000 annually to the Department of Employment Services to facilitate the following:

* The establishment of a one-stop centre for all government agencies involved in the clearance of and giving support to migrant workers. These include the Department of Employment Services, ISO, ESO, Interpol, Directorate of Immigration among other others; ii.
* Finalization of the External Employment Information Management System. The system will facilitate expeditious processing of licensing, vetting and clearance of migrant workers. It will be linked with the Immigration system and the foreign missions. This will facilitate capturing and analyzing of real time data on workers who leave and return to Uganda;
* Deploy labour attaches at the Ugandan Missions in Abu Dhabi, Riyadh and Doha;
* Strengthen internal and external monitoring of Ugandan migrant workers; and
* Strengthen community mobilization against trafficking for labour exploitation.

**Issues raised from the UPFYA engagements with stakeholders**

* Call for audit from companies that externalise labour to give accountability
* Call for amnesty for Ugandan labourers that are in different detention centres in Saudi Arabia and Jordan on trumped-up charges
* Insurance for all externalised workers
* Revision of current labour agreements of countries, Saudi Arabia, and Jordan to observe migrants labour rights.

**What we need to address.**

* Ban labour export to countries where Uganda does not have bi-lateral agreements.
* Minimum wage being incorporated in Bi-lateral Migrant Agreements between the countries
* Establish mechanisms to respond to these distress calls from these labourers.
* Periodic audits of labour export companies against set requirements.
* Establish framework for reviewing bilateral agreements
* The MoGLD fast tracks the finalization of the review process and dissemination of the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2OO5.