

**THE EFFECTIVENESS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT IN
PROTECTING EMPLOYEES IN UGANDA. A CASE STUDY OF KAMPALA
DISTRICT**

BY

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DECLARATION

I **Baligasima Anna** declare that this dissertation entitled "the effectiveness of the Occupational Safety and Health Act in protecting Employees in Uganda" is entirely my own effort and has never been submitted to any institution for any academic award whatsoever.

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APPROVAL

This dissertation, "the effectiveness of the Occupational Safety and Health Act in protecting Employees in Uganda" has been under my supervision and is due for submission to the faculty of Law of Kampala International University. In partial fulfilment5 of the requirement of the Degree of Bachelors of Laws

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DEDICATION

I dedicate this dissertation to the family of Mr and Mrs Patrick and Felister Baligasima, My Husband Mr Semukasa Vincent and my friends Achumo Rebecca, Beja Daniel, Mutungi Daniel, Nambuya Mary and those who supported me spiritually and financially.

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Primarily I give special thanks to God who kept me healthy throughout this tough period, my parents; Mr. and Mrs. Patrick Baligasima, and my friends in a special way for their emotional and financial support rendered to me during this period.

Special thanks go to my lecturer, Miss. Kyomugisha Kurusumu for her profound guidance, advice, and educational support.

LIST OF ACRONYM

AGOA. African growth opportunity Act

COFTU .Acquired immune deficiency syndrome

DLO District Labour Officer

ILO .international labour organization

ISS. International social security

MOCSLSD. Ministry of gender, labour and social development

NOTU. National organization of trade union

OSHA. Occupational safety and health ACT

UBOS. Uganda Bureau of Statistics

WHO. World health 'organization

LIST OF REGULATIONS.

The ILO convention 102 (1952)

The international convent of Economic, social and cultural rights (1996)

The international convention on civil and political rights (ICCPR)

The Universal declaration of human rights (1848)

ACTS OF PARLIAMENT.

Republic of Uganda, Employment Act 2006

Republic of Uganda (1995), National Constitution 1995.

Republic of Uganda (2006), Labour Disputes (Arbitration and Settlement) Act 2006.

Republic of Uganda (2006), Labour Unions Act 2006.

Republic of Uganda (2006), Occupational Safety, and Health Act 2006.

Republic of Uganda (2000). Workers compensation Act Cap 224

LIST OF CASES

British Fame (Owners) v Macgregor (1943) 1 All E.R 33

Bukenya and Others v Uganda (1972) E.A 549

Castelino V Rodrigues (1972 E.A. 223

Conglan v Cumberland(1898) 1. Ch. 704 (CA)

Esso Petroleum Co Ltd v South Corporation 7 (1956) A.C. 218

Francis Sembuya v Airport Services Ltd. Supreme Court Civil Appeal No. 6 of 1997 (unreported)

Joyce Nakachwa V AG and Others (Constitutional Petition No. 2 of 2001)

Kibimba Rice Co Ltd v Umar Salim Supreme Court Appeal No 7 of 1998 (unreported)

Louisville & NR Co v Miller No 27,573 SC Indi 1941

Paris V Stephen (1951) AC 367

Peter v Sunday Post Ltd (1958) EA 424

Steven Masaba v Uganda Railways Corporation 1994)KALR 174

TABLE OF CONTENT

DECLARATION	i
APPROVAL	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
LIST OF ACRONYM	v
LIST OF REGULATIONS.	vi
LIST OF CASES	vii
TABLE OF CONTENT	viii
ABSTRACT	xii
CHAPTER ONE	1
1.0 Introduction	1
1.0 HISTORICAL BACKGROUND.....	1
1.1.1 PRE-COLONIAL	1
1.1.2 COLONIAL ERA	2
1.1.3 POST COLONIAL –TO DATE.....	5
1.2.0 STATEMENT OF THE PROBLEM.....	6
1.2 .1PURPOSE OF STUDY.	7
1.3 OBJECTIVE OF THE STUDY	7
1.3.1 GENERAL OBJECTIVE OF STUDY.....	7
1.3.2 SPECIFIC OBJECTIVES.	7
1.4 RESEARCH QUESTIONS.....	8
1.5 SCOPE OF STUDY.	8
1.5.1 GEOGRAPHICAL SCOPE.....	8
1.5.2 CONTENT SCOPE	9
1.5.3 TIME SCOPE	9
1.6 SIGNIFICANCE OF STUDY.	9
1.7 METHODOLOGY.....	10

1.8 LITERATURE REVIEW.....	11
1.9 CONCLUSION	23
CHAPTER TWO:.....	24
THE LAW GOVERNING OCCUPATIONAL SAFETY AND HEALTH AND ITS EFFECTIVENESS IN PROTECTING EMPLOYEES IN UGANDA.....	24
2.1 INTRODUCTION	24
2.2 EFFECTIVENESS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT 2006 IN PROTECTING EMPLOYEES IN UGANDA	26
2.2.1 DUTY TO PROTECT EMPLOYEES,	26
2.2.2 EMPLOYERS' DUTY TO PROVIDE PROTECTIVE EQUIPMENTS.	28
2.2.3 DUTY OF EMPLOYER TO PROVIDE TRAINING TO EMPLOYEES.....	29
2.2.4 CLEAN ENVIRONMENT	30
2.2.5 PROVISION OF MECHANICAL DATA SHEETS.....	30
2.2.6 DUTY TO DISPLAY SAFETY GUIDELINES	31
2.2.7 SAFE PREMISES AND ACCESS.....	31
2.2.8 DUTY OF THE MANUFACTURER TO PROVIDE PRE-TEST ARTICLES.....	32
2.2.9 BUILDING AT WORK PLACE.....	33
2.2.10 EMPLOYER'S DUTY TO PROVIDE GOOD VENTILATION.....	34
2.2.11 DUTY TO PROVIDE FIRST AID AT WORK PLACE	35
2.2.12 PROVIDING CONFORTABLE FACILITIES	35
2.2.13 EMPLOYER UNDER A DUTY TO PROVIDE A GOOD WORKING ENVIRONMENT	36
2.2.14 FENCING OF DANGEROUS MACHINERY AND DANGEROUS EQUIPMENTS.	37
2.2.15 DUTY TO PROVIDE CHEMICAL DATA SHEET	38
2.2.16 PROTECTION FROM LIFTING APPLIANCES	39
2.3 CONCLUSSION.....	40
CHAPTER THREE:.....	41
OTHER LAWS THAT PROMOTE OCCUPATIONAL HEALTH AND SAFETY.	41

3.0 INTRODUCTION	41
3.1 NATIONAL LAWS.	41
3.1.0 INTRODUCTION.....	41
3.1.1 CONSTITUTION OF THE REPUBLIC OF UGANDA 1995.....	42
3.1.2 LABOUR UNION ACT 2006.....	43
3.1.3 EMPLOYMENT ACT 2006.....	44
3.1.4 THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT) ACT	45
3.1.5 THE WORKERS COMPENSATION ACT NO 8 OF 2000	45
3.2 INTERNATIONAL INSTRUMENTS.	47
3.2.0 INTRODUCTION.....	47
3.2.1 THE INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS (1966).....	47
3.2.2 INTERNATIONAL LABOUR ORGANIZATION.....	48
3.2.3 THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS.	48
3.2.4 UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948).....	49
3.3 CONCLUSION	49
CHAPTER FOUR:	50
CHALLENGES FACED IN IMPLEMENTATION OF THE OCCUPATION SAFETY AND HEALTH ACT IN PROTECTING EMPLOYEES IN UGANDA.....	50
4.0 INTRODUCTION	50
4.1 INADEQUATE FACILITATION OF LABOUR OFFICERS.....	50
4.2 NON-RECOGNITION OF LABOUR UNIONS	51
4.3 NON-FUNCTIONING OF THE INDUSTRIAL COURT	52
4.4. INFORMALIZATION OF LABOUR	54
4.5. LACK OF CAPACITY TO ENFORCE THE LAW	55
4.6. DUAL RECOGNITION.....	56
4.7. UNEMPLOYMENT	56
4.8 CONCLUSION	57

CHAPTER FIVE:	58
RECOMMENDATIONS AND CONCLUSIONS	58
5.0 INTRODUCTION	58
5.1 RECOMMENDATIONS	58
5.1.0 GOVERNMENT	59
5.1.1 APPOINT MORE DISTRICT LABOUR OFFICERS	59
5.1.2 FUNCTIONING OF THE INDUSTRIAL COURT	59
5.1.3 CONCLUDING OF LABOUR REGULATIONS	60
5.1.4 INCREASE FUNDING TO THE MINISTRY	60
5.1.5 STRENGTHENING OF OSH DEPARTMENT	61
5.1.6 ELIMINATION OF CHILD LABOUR	62
5.2 I RECOMMEND EMPLOYERS TO DO THE FOLLOWING.....	62
5.2.1 RECOGNITION OF LABOUR UNIONS	62
5.2.2 HIV/AIDS.....	63
5.3 I RECOMMEND WORKERS TO TAKE UP THE FOLLOWING MEASURES	63
5.3.1 APPLYING INTERNATIONAL SOLIDARITY	63
5.3.2 MEDIA CAMPAIGN TO POPULARIZE AND WIDEN DEBATE ON THE NEW LABOUR LAWS	64
5.3.3 WORKING CLOSELY WITH THE FEDERATION OF EMPLOYERS (FUE)	64
5.3.4 STRENGTHENING ORGANIZATIONAL CAPACITY	64
5.3.5 ORGANIZING IN THE FORMAL SECTOR AND POSSIBILITY OF MERGING	65
5.3.6 ORGANIZING THE INFORMAL SECTOR.....	65
5.3.7 EDUCATION OF NEGOTIATORS	67
5.4 CONCLUSION	67
REFERENCES.....	69
TEXT BOOKS	69
REPORTS	70
APPENDICES	72

ABSTRACT

The study is an exploratory design carried out in Uganda the geographical scope of Kampala with which sought to analyze the effectiveness of the law governing occupational health and safety in protecting employees. Establishing the circumstances that lead to the abuse of the rights of employees at the work place, to examine the legal challenges experienced in addressing occupational safety and health issues of employees and to suggest ways to counter the weakness and excesses in addressing occupational health and safety in the protection of employees.

The study relied on quantitative methods of data collection and analysis to generate data. The findings reflect on how effective the occupational health and safety Act and other international and national instrument have protected employees in Uganda at work places.

It still leaves a lot to be desired with employers exploiting the gap of absence of inspection to compromise the requirements of OSHA as they continue to expose workers to unsafe and unhealthy work conditions with failure to compensate them.

The research concluded that, by introducing the OSHA as to supplement other laws, appear contrary particularly I addressing occupational health and safety issues, instead the other laws seems to be acting to supplement OSHA as per Section 118.

The intention of which OSHA was formed to address and outline obligations of employers and employees while at the workplace in order to promote workplace security and health. The law has minimized occupational risks but still with gaps which can be addressed to extend social security to all workers to have an empowered workforce free from duress.

The study recommended that; Government:-appoint more district labour officers, functioning of the industrial court, concluding of labour regulations, increase funding to the ministry, strengthening of OSH department, elimination of child labour, Employer:-recognition of labour union, HIV/AIDS

Workers:-applying international solidarity, media campaign to popularize and widen debate on the new labour laws, working closely with the federation of employer, strengthening organizational capacity, organizing in the formal sector and possibility of merging, organizing the informal sector, education of negotiators.

CHAPTER ONE

1.0 Introduction

This chapter covers the effectiveness of the Occupational Safety and Healthy Act in protecting employees in Uganda, which entails the Historical background, statement of problem, purpose of study, objective of the study, research questions, and scope of study, methodology, and significance of the study.

1.0 HISTORICAL BACKGROUND

1.1.1 PRE-COLONIAL

During the pre-colonial era there was no capital in a way that most activities depended on land (agriculture) the concept labour force was only relevant for providing community services for general population and building administration offices. In Buganda for example was a concept of work called "**Bulungi bwansi**" for the good of the nation whereby chiefs led the able adults to community service, which was compulsory, and punishments were given in form of labour to those who tried to abscond.

About feudal times, it was customary for the master to make exgratia payment to an injured servant although the law had failed to develop any safety and health protection for the workers. There appeared no precedent on damages based on breach of duty in torts or contracts.¹ However, towards the end of the 18th Century there was an increasing pace of industrial revolution and concentration of labour in factories and mills

¹Castells, M. and A. Portes (1989), *World underneath: the Origins, Dynamics, and Effects of informal Economy*; in A. Portes,

utilizing powered technology. This brought with it a growing publicity about conditions of workers on such establishment.²

During this 1802, Sir Robert peel introduced an Act for the protection of health and morals of apprentices and others employed in cotton and other mills.

It required and directed due cleansing of such premises to the admission of fresh air by means of sufficient, not of windows and ventilators in addition to supplying every apprentice yearly with sufficient and suitable clothing and accommodation:³

1.1.2 COLONIAL ERA

The introduction of a colonial cash crop economy in Uganda had brought about the need for labour as a factor of production in an economy that had, there to, been largely peasant and subsistence. It brought about the largest wave of migration in the contemporary history of the colony, contribute to the political agitation for independence, and shape the social contours of present-day Uganda.⁴

As previously noted, the colonial administration had imposed a Hut and Gun Tax in Buganda as part of the 1900 Agreement, which was later turned into a Poll Tax in 1905. This had the effect of forcing peasants to find an income to pay the tax; they could do that by providing labour to the colonial administration or European plantations, or by growing cotton and using the proceeds to pay the tax.⁵

² *Ibid*

³ *Section 36 of the 1931 Act*

⁴ *Davies, I. African trade unions (penguin African Library, Harmondsworth, 1966).*

⁵ *Elkan, W., An African Labour Force (E.A. Institute of Social Research, Kampala, 1955)*

Thus, the cotton industry was the first major Centre of demand for labour in the new colonial economy but this supply of labour to the early plantations diminished suddenly by 1908 when peasants realized they could make enough to pay their taxes and have some money left over, if they grew their own cotton on their farms.⁶

This had, in 1909, led to the *Kasanvu*; a system of paid compulsory labour in which every adult male had to work for the colonial administration for one month each year at a rate it determined. However, the colonial administration, under pressure from the Colonial Office in London, abolished the *Kasanvu* system between 1922 and 1923. It meant that by the time Mehta set up his sugar factory at Lugazi in 1924, there was a shortage of labour to work on the sugarcane plantation.

"As compulsion was no longer an alternative," D.P.S Ahluwalia notes, "the solution to labour problems was found by stimulating migrant labour from the outlying districts to the economic center where it was required."

The cotton, coffee, and sugar sectors were concentrated in Buganda and Busoga regions. As a result, this led to migration of labour from other parts of Uganda into this 'economic center' as well as competition for the available labour, especially since many Baganda looked down upon working on European or Asian plantations.⁷

The introduction of a Poll Tax in West Nile in 1917, created an incentive for people in the area to provide labour in order to earn an income but the European planter class

⁶ *Ibid*

⁷ Elkan, W., *An African Labour Force* (E.A. Institute of Social Research, Kampala, 1955)

that had settled in Bunyoro, successfully lobbied to have exclusive access to labourers from West Nile work on their plantations.

This contributed to the relative underdevelopment of those areas that had, in effect, been turned into labour reservoirs for the rest of the colony. As Jan Jelmert Jorgensen notes in his book, *Uganda: A Modern History*, "The colonial state ordered the Department of Agriculture to cease promoting cotton in West Nile and other outlying districts which provided labour for essential services in the 'producing' districts. Ankole and Kigezi were designated labour reserves for Buganda; West Nile and Acholi were designated for Bunyoro and the eastern districts."⁸

Demand for labour, especially with the emergence of the sugar plantations, however, continued to outstrip the available local supply, leading to labourers migrating into Uganda from neighboring countries. For instance, while many trace the arrival of Banyarwanda immigrants to Uganda to the 1950s, the imposition of taxes, combined with famine and oppression, saw labour migrants from Rwanda and Burundi arriving in Uganda as early as 1925. (This does not mean there was no earlier migration or inter-marriage between the territories in the pre-colonial period).⁹

Other labourers came into the country from Belgium Congo (present-day DR Congo). Historical records show that between January and October 1925, 11,771 labourers migrated to the 'economic Centre' from Rwanda and Burundi and, to a smaller extent, Kigezi and Ankole.

⁸ *Jelmert Jorgensen*

⁹ *Ibid*

Another 5,229 migrated from West Nile and DR Congo in addition to 1,855 from Lango and Acholi. Although many of the migrant labourers were destined to work on the sugar plantation at Lugazi and, later, Kakira, the majority were actually headed to work on cotton plantations and shambas in Buganda

1.1.3 POST COLONIAL –TO DATE

In Uganda, the concept of formal labour was defined by the advent of colonial administration and since then many changes in the labour industry have been witnessed. Labour force rose to 11.5 million persons in 2009/10 from 10.9 million persons in 2005/06 in which 53% are females.¹⁰ About 75% of the labour force is below 40 years and yet 30% of the total labour force is illiterate and close to 77% has education below secondary school level. This means that the majority of the individuals who enter the market do not have required skills or even awareness of market requirements and labour laws which include safety and health .¹¹

The International Labour Organization estimates that two million workers die because of occupational accidents and work related diseases every year an equivalent of the world GDP lost as consequence of those occurrences. Statistics for Uganda alone cannot be easily established due to the failure of the sector to undertake inspection and enforcement of the Act and collecting occupational data. ¹²

According to Uganda Bureau of Statistics (UBOS 2006) 3.5 million people of the labour

¹⁰ According to UBOS, 2006

¹¹ *Ibid*

¹² International Labour Organization

force belong to working poor category and the incidence of working poor is highest among those engaged in primary sector followed by those in manufacturing sector.¹³

390,000 labour market entrants annually, yet the number of jobs created by the formal sector both public and private is only about 130,000 – one third of the labour market entrants – leaving 260,000 unemployed and this definitely causes a great challenge in addressing working conditions¹⁴

Despite a number of achievements in Uganda's economy, the achievements have not matched with the necessary safety and health standards, which standards were meant to guarantee safety and good health of the working population, which has impacted directly on their productivity hence poverty reduction. Poor working conditions contribute to changes in work places in Uganda manifested by poor work methods, processes, and procedures, limited awareness of labour laws and limited knowledge of workers' rights and obligations.¹⁵

1.2.0 STATEMENT OF THE PROBLEM.

Having looked at the historical background of this study and the fact that all types of work are hazardous in which employees may be exposed to situations that may result into permanent injuries, and diseases that may even result into death. Despite the fact that the economic cost is going high, the public awareness about safety and health in both the private and public sector. Therefore the study will review the Occupational

¹³According to UBOS

¹⁴Supra.

¹⁵3/12/2013 ILO/OSH Governance Tripartite Workshop 2

Safety and Health laws to test its effectiveness in protecting employees, challenges in enforcement and will suggest the possible solutions to the challenges.

1.2 .1PURPOSE OF STUDY.

The study addressed the inadequacies of the Occupational Safety and Health Act raising synthetic assumptions, which questioned the underlying need to protect the workplace. This was purposely done to find out whether the Occupational safety and health Act has granted real benefits and support to the employees at their workplace in order to suggest possible alternatives that can be incorporated into the law to make it more effective.

1.3 OBJECTIVE OF THE STUDY

1.3.1 GENERAL OBJECTIVE OF STUDY

The study examined the effectiveness of the Occupational safety and Health Act in protecting employees in Uganda in order to suggest possible areas of amendment.

1.3.2 SPECIFIC OBJECTIVES.

1. To find out the effectiveness of the law governing Occupational safety and Health Act in protecting employees in Uganda.
2. To find out whether there any other national and international laws promoting health and safety of employees in Uganda
3. To examine the legal challenges experienced in addressing occupational safety and health issues of employees in Uganda.
4. To suggest possible recommendations to encounter the weaknesses in addressing occupational health and safety in protecting employees in Uganda.

1.4 RESEARCH QUESTIONS.

1. What is the effectiveness of the law governing Occupational safety and Health in protecting employees in Uganda.
2. Are there any other national and international laws promoting health and safety of employees in Uganda
3. What are the legal challenges experienced in addressing occupational safety and health issues of employees in Uganda.
4. What are the possible recommendations to encounter the weaknesses in addressing occupational health and safety in protecting employees in Uganda?

1.5 SCOPE OF STUDY.

1.5.1 GEOGRAPHICAL SCOPE

The study was carried out in Kampala district and it focused on a period between year of 2000 to 2016 in which the period between 2000 to 2005 represents the time before the Occupational Safety and health Act was adopted to govern working conditions in Uganda and the period between 2006-2016 represents the time after the Occupational Safety and Health Act was adopted.

The study was limited to examining the effectiveness of the law governing occupational safety and health issue for employees' workplace in Uganda, which helped me to establish why employees' rights are still being abused at their workplace.

1.5.2 CONTENT SCOPE

The content in this research was got through interviewing some workers in certain companies both in public and private service for example those working in government owned enterprises and I was able to at least find the challenges faced by the employees.

I also got some content from researching on the internet from different researchers and authors of different labour literatures in which I managed to reorganize their research by showing references and footnotes.

I got some content from libraries i.e., Kampala International University, Makerere University, and Law Development Center where I was able to consult previously done dissertations about labour law, written articles by different authors, and many other labour textbooks.

1.5.3 TIME SCOPE

This research has taken two months during which I was able to visit and interview various employees in both private and public service.

1.6 SIGNIFICANCE OF STUDY.

The study carried out helped me identify the weakness of the law governing occupational safety and health. It created awareness of the findings to the ministry of Gender, labour and social development, and employing companies and organizations on employees' safety and health rights.

The study was completed; and suggested the amendment of the law governing safety and health that would contribute to ample and appropriate recognition of employees' health rights by then.

The study helped in educating the public and other researchers about their rights as workers which includes the duties of their employers and employees themselves.

1.7 METHODOLOGY

The study was based on a descriptive survey in which information was sought through face-to-face structured interviews with individuals as well as groups of respondents.

Structured interviews were conducted with several Government District officials from Kampala, some officials from the Ministry of Gender, Labour, and Social Development and five employees.

Quantitative and qualitative aspects were observed in achieving the objectives of this study, these methods were selected because they focus on perceptions, facts and feeling where through interview, the research questions designed required illustrative and analytical clarifications.

Quantitative method mainly involved desk review where researcher basically uses text books, various journals, articles and reports published and decided cases, this is through library research especially from Workers Organizations like NOTU and, COFTU and the Ministry of Gender, Labour and Economic Development, Law Development Center, Kampala international University and Makerere University Libraries.

I also used informal interviews especially with heads of departments and workers from different organizations and companies including ROCO, Mukwano industries and

networking companies like MTN. The method was used because it allows systematic flow of information and is directly carried out by the researcher who ensures that interviews remain impressionistic and free from suspicion.

Primary data was obtained through use of self-administered structured interview by the researcher while secondary data was obtained from various textbooks for qualification of the findings.

The study was done through purposive sampling method where the employees of organizations handling labour issues are of significant importance with sampling carried out with a particular focus on age, position, and sex of respondent.

1.8 LITERATURE REVIEW

Several authors have laid down the principles of the law concerning Occupational Health and Safety. Occupational Health and Safety is one of the branches of labour law. Occupational Health and safety refers to the conditions and precautions that are supposed to be taken by employers and employees at workplace.

According to Ogaram David¹⁶ he observed that during a consultation session disagreement between MGLSD, representing labor, found in seven areas; collective terminations and severance pay; waiver of prescribed standards, penalties on default; rights and duties in employment; powers of the minister; rights and responsibilities of registered organizations; and industrial court. In each instance, MOFPED favored flexibility for employers so that labour laws were either weaker or had less impact in terms of enforcement. MGLSD, on the other hand, favored a strengthening of labour by

¹⁶ Ogaram David (2003). "Labour law review: status report on Bills", Presented at consultation workshop for trade union leaders, March 2003 pp. 2-8.

affirming various rights. The divergence is most apparent on the issue of rights and responsibilities for the unions hence the relevancy of this work

According to Dr. J. J. Barya¹⁷ he observed that the country depends on the 1970 decrees for its labour policies which were automatically passed.....the obstacles in passing of the new labour laws, the fact that they were "*... passed in a record one week is one of the most interesting episodes in modern day neo-colonialism*" and brought many questions concerning the Government's commitment towards this undertaking.

Dr. J. Barya, submitted, "*AGOA had been taken advantage of by the Ugandan Government which supported some investors from Sri Lanka to set up the Apparel Tri-Star Ltd, a private company in Kampala employing more than two thousand (2,000) female workers in the textile factory. The Uganda Textile, Garment, Leather, and Allied Workers' Union (UTGLAWU) had mobilized over 90 percent of the workforce at Tri Star by June 2003 to join the union.*"

He continued that country depends on the 1970 decrees for its labor policies which were automatically passed into Acts in 2000 without parliament debate. Which situation according to **Ahikire** explains the then rampant strikes at places of work due to poor working conditions and increased forced labors. In the recent 2006 parliament was able to pass new labor laws including the employment Act *2006(to draw contractual terms between employees and employers, the Occupational Safety and Health Act *2006(to address work safety and health related issues, along with the labor Union Arbitration

¹⁷ Barya J.J (2007), *Freedom of Association and Uganda's New Labour Laws: A Critical Analysis of the State of Workers' Organizational Rights*, HURIPPEC Working paper No. 4.

and Settlement Act *2006(designed to solve labor related disputes between employees and employers. Even the new upto date laws Barya points out that Safety and Health concerns remain significant at the workplace.

On the other hand according to Ahikire¹⁸ asserts that the old laws were absolute and could not address the challenges and need of the new work environment in a modern labor market. Moreover, the government was reluctant to adopt the minimum labor standards, until threatened by the US government to be scraped off from the list of African Growth Opportunity Act (AGOA) beneficiaries that something had to be done. However even with the new updated laws in place workers have met and are still meeting safety and health work/related challenges, implying that the new laws are either ineffective or simply poorly enforced. On the other hand it's a wonder, why old laws deemed to be obsolete can be passed into Acts moreover without debate, moreover in a contemporary changing world, leaves doubt for the intention behind this. Whether the government by adopting these laws simply wanted to maintain its position as a beneficiary if AGOA without considering the effectiveness or whether it was genuine in its intentions remains the work of the researcher to examine.

The protection of workers at workplace leaves a lot to be desired especially for developing countries like Uganda. This is because numerous circumstances are still influencing occupational safety and health abuses as traced from various sources.

¹⁸ Ahikire Jane (2008(*Workers' struggles, the Labor process and the question of control, CBR working paper No. 29*

The lack of awareness and ignorance of the law by both employees and employers significantly contribute to workplace abuses in the third world.¹⁹ The working population is most of the time illiterate, semi/illiterate and without experience moreover these lack the required market skills, falling prey to exploitation and poor working conditions. By having a low education attainment, exposes employees to workplace abuses including safety and health violations. This is because their awareness of labor rights and labor laws remains very minimal if not absent. The study assesses the level of this impact to generate reliable statistics for practitioners of the labor rights.

In many organizations, A manager who does not hold him or herself accountable to the people that he leads will in most cases turn out to exercise unethical practices on his subordinates. These organizations are common In developing countries and are mainly profit driven in nature. Subordinates are exposed to gross work abuses without resentment and workers suffer the consequences of unsafe work environment without compensation.

Women are increasingly becoming the most victims of workplace abuses when employees use their position to sexually harass them and there are those who have remained silent about the matter while their lives are exposed to high risk of HIV/AIDS. The states that if an employee is sexually harassed or if an employee directly or indirectly makes a request to an employee for sexual intercourse, sexual contact, uses

¹⁹ WHO, *work Organization and Stress. Systematic problem approaches for employers, managers and trade union representatives*, World Health Organization, Geneva 2004

language whether written or spoken of sexual nature, uses visual material of sexual nature or shows physical behavior of sexual nature is liable.²⁰

The fear of losing one job to become unemployed is a possible element for the acceptance and silence about the occupational safety and health abuses experienced at workplace. The study will generate awareness on the existence of labor laws to help employees in maintaining their integrity while at their workplace, in face of unethical and abusive bosses.

Poverty compromises the ability of communities to react to situation that oppresses them. This experience is clear from informal sector where workers are given, low salaries, the urban unemployed and plantation workers, being some of the vulnerable groups in developing countries whose vulnerability arises out of poverty. A good number of these workers are treated harshly, exposed to hazardous work and yet paid minimal cash. This renders it difficult for them to access any formal social security arrangements.²¹

Poverty is a situation that pushes workers in Uganda to succumb to workplace abuses, because with poverty at hand, no alternative seems possible if job position is lost. Workers thus succumb to whatever working condition, lawful or unlawful. The study will assess poverty as a factor to occupational health and safety abuses to enable policy makers to devise mechanisms that can empower poor workers to recognize their potential through pursuing the law.

²⁰ Ahikire Jane (2008) *Workers' struggles, the labor process and the question of control*, CBR working paper No. 29

²¹ *Raising Awareness of psychological Harassment at work*. Maria Grazia Cassitto et al. World Health Organization, Geneva. 2008

The rampancy of cheap labor coupled with vulnerability and ignorance of the law have acted as a force of workers especially in manufacturing and agro based industries. Investors take advantages of the child laborers to generate high profits, while they abuse the children with little pay for harsh work in the plantation as well as heavy lifting in factories. Moreover the chances of retention are very low and these industries experience a high labor turnover rate.

In relation to legal challenges experienced in addressing Occupational safety and health issues, the above challenges have been cited as influential in the abuse of workers safety and health rights at workplace. The following are the legal challenges experienced

The world health organization Report,²² shows that in most developing countries labor laws are poorly enforced because of logistical inabilities. The labor officers are not logistically facilitated to exercise their roles effectively as very little of their resources are considered under national budgets.

This reflects that enforcement is either not made, partially met or be of minimal standards leaving workers to suffer safety and health risks behind the rails. The study will assess why there is low logistical support and how this has contributed to increased occupational safety and health abuses I Uganda for improved logistical support.

Low and delayed responses to compensation of victims of workplace abuses is yet another challenge to the law enforcement. This consequently results into low reporting

²² WHO, *work Organization and Stress. Systematic problem approaches for employers, managers and trade union representatives*, World Health Organization, Geneva 2004

and reaction of workers to occupational abuses. It is established that much as safety and health at workplace has improved in the developed countries over the passed 20 to 30 years, the situation in developing countries is largely unclear because of inadequate accidents and disease recognition, record keeping and reporting mechanism at work.

It is estimated that at least 250 million workplace accidents occur annually worldwide with 335,000 of the accidents being fatal and the majority of these occurring in developing countries. The inadequate record keeping and reporting mechanisms within developing countries implies that the figures could even be higher.²³

In the Uganda context the low reporting levels is clear in the recollections of occupational injuries and diseases among health workers. However most of those injuries and diseases are not reported to the appropriate authorities as required by the law²⁴ this is possibly due to the dissatisfactions generated from delayed responses for instance when situation like 39 health workers who were victims of the 2000 Ebola outbreak would still not be compensated by 2008²⁵.

The gap remains that when a suit is filed, the law takes its course but implementation of the decisions of court is not effected and no serious follow up is made. This discourages further reporting and minimizes the ability to promote the objectives of OSHA. The study unveils the reasons for delay to enable policy implementation issues

²³ Werner Sengenberger, *Decent Work. The international Labor Organization Agenda Dialogue and Corporation Journal 2/2001*

²⁴ *Occupational Health and Safety Act No. 9, 2006*

²⁵ *Occupational Health and Safety Management Framework Model. Department of Human Services Public Hospital Sector. Victorian Government Department of Human Services, Melbourne, Vitoria. 2003.*

to be addressed, this will restore hope in the works and will encourage further reporting.

Employing unskilled staff has resulted in more problems and more accident at the work place. Even with employer effort directed to protecting employees and precautions taken to label and instruct on hazardous material the possibility of minimizing accidents remains low. This premised on ground that almost every primary obligation of health and safety is followed by the catch phrase "in so far as is reasonably practicable" but still accidents are not avoided.

However in view of the challenges experienced the following measures can be undertaken to address the legal challenges;

Organizations are compelled to have guidelines to follow on entry. According to the occupation and administration report, guidelines of most organization are aligned to the resolutions on Occupational Safety and health with inspectors from labor offices to ensure that these enhancements are in place.²⁶

However, inspection may not be carried out as bound, thus employers may remain reluctant to enforce or observe the principles of occupation safety and health, thus study examines the possibility of this to suggest for needs assessment to be carried out in addition to appraising of the supervisors.

²⁶ OSHA Guidance on Protecting Employees from Avian Flu (Avian Influenza) Viruses. U.S Occupational and Health Administration, 2006.



Through advocacies to concerned practitioners, the law has generated interest for employers to carry out risk assessment at all workplaces involving safety and health issues. Health departments have been introduced to train workers and managers on occupation safety and health issues to minimize the occurrence of accidents. It has also been advised that information be disseminated on material of safety and health for comprehensive understanding of compensation and rehabilitation issues of injured workers²⁷.

This reflects that much as the employer discharges his obligation to secure the workers health, this only applies to the literate persons, the illiterate will still be affected as precautions and instructions are written in English, while others may neglect the possibility of hazard to Experiment, in this was employers may not have reasonably discharged his duty despite the fact that he/ she has complied with the standards.

Compelling organization to act as role models in playing a corporate social responsibility to the communities in which they operate is crucial for reducing the impact of factory emissions and pollution of the environment. This can be followed by campaigning against consumption of products from industries that do not control release of dangerous substances into the environment²⁸.

There is a need to carefully select train and provide necessary information, protective equipment to workers and to ensure that these are applied or used as instructed. With

²⁷ *Guidelines for Isolation Precautions; Preventing Transmission of Infectious Agents in Healthcare Settings. Centers for Disease Control and Prevention (CDC). Atlanta Georgia. 2007*

²⁸ *Werner Sengeberger, Decent Work: The International LABOUR Organization Agenda Dialogue and Cooperation Journal 2/2001*

disobedient behavior being punishable this will enhance and strengthen compliance of the safety regulations at work²⁹.

Employers need to be encouraged to undertake collection and reporting of occupational safety and health accidents, to promote competence in planning. This can help in creating effective preparedness and management by taking into account the relationship between occupational incidents and developments as plans are drawn differently by individual employers at their different levels³⁰. The gap in this is that some levels may not comply with the OSHA standards, but still if they promote the reduction of accidents then the better still.

Justice at the work place needs to be encouraged for employers to promote legitimate interests by providing full support correspondingly to affected parties and ensuring that due compensation is met within the shortest time possible. This will enable the affected parties to have a legitimate interest in the choices among their planning alternatives³¹.

Participatory approaches need to be encouraged at work place as employers attempt to address the safety and health concerns of their employees. All important decisions taken on behalf of employees should be participatory in nature. By ensuring

²⁹ Ahikire Jane (2008) *Workers' Struggles, the Labor Process and the Question of Control*, CBR Working Paper No. 29

³⁰ *Occupational Health, a manual for primary health care workers*. World Health Organization Regional Office for the Eastern Mediterranean 2001.

³¹ *OSHA Guidance Update on Protecting Employees from Avian Flu (Avian Influenza) Viruses*. U.S Occupational and Health Administration 2006

involvement of staff and relevant community members in the decision making process of addressing the work environment, more positive benefits can be derived.³²

Promoting integrity at the work place can lead to good workplace security. This dimension captures the notion that statistical systems should be based on adherence to the principle of objective in the collection, compilation, and dissemination of statistics. The dimension encompasses institutional arrangements that ensure professionalism in statistical polices and practices, transparency, and ethical standards.³³

This is in addition to promoting accuracy and reliability this can help in the sense that statistical polices and outputs can sufficiently portray the reality being measured. This relates to the notion that source data provides an adequate basis to compile statics that statistical techniques are sound an that source data intermediate data, and statistical outputs are regularly assessed and validated inclusive of revision studies on labor related issues.³⁴

According to Medium Term Expenditure Framework (MTEF) Sector Shares 2007/8-2013/14 Excluding on VAT Taxes and Arrears, shows that Government as the watchdog of implementation of such laws had not shown serious commitment in this regard. This is confirmed by the fact that budgetary allocation to the Ministry for Gender, Labour and Social Development compared with other Ministries like Works and

³² Maria Grazi Cassito et al (2008) *Raising Awareness of Psychological Harassment at Work*. World Health Organization Geneva.

³³ Bruce Basker, *Beyond the State Police in Urban Uganda and Sierra Leone* Coventry University, United Kingdom. 2006

³⁴ Bruce Basker, *Beyond the State Police in Urban Uganda and Sierra Leone* Coventry University, United Kingdom. 2006

Transport, and Security is extremely low despite the large portfolio the MLGSD is supposed to be handling (all youth concerns especially employment placement and skills development, issues to do with women, people with disability, the aged and children).

The report also states that MGLSD cannot handle all the needs under its jurisdiction. It has the largest number of State Ministers (four in number) and a full Minister yet is the least funded. Looking at the National Budget Framework Paper FY 2009/10-2013/14, it received a very low budget allocation with 0.4 per cent compared with Works and Transport, and Security's 18.5 per cent and 8.1 per cent respectively in the 2008/09 budget allocation. This clearly shows how the implementation of the laws is inadequate thus the relevancy of this research.

Rose Nassanga (1998)³⁵ said, *"In the informal sector, we do not need trade unions, because there is no employer-employee relationship. Workers here do not need collective bargaining; they need skills, which can readily be got by forming associations. For instance, motorcyclists commonly known as Boda-boda cyclists should form associations and not trade unions because there are no skills got by joining trade unions. Trade unions should only go in to sensitize workers on their rights."*

That notwithstanding, labour unions should overlook such obstacles and proceed to organize workers in the informal sector, and should not miss an enormous opportunity to increase their membership. They should first analyze the obstacles they face like

³⁵ Nassanga Rose (1998), *Trade unions and the Informal Sector: A case of Uganda, research paper in partial fulfillment of the requirements for obtaining the degree of Master of Arts in development studies, employment and labour, ISS, The Hague.*



giving their institutions a new outlook that would be appealing especially to youth and women.

However having looked at those scholars and what they said, this research intends to address all the gaps and the challenges left by the scholars and suggest the possible solutions for the better management of occupational safety laws as they will be discussed in the chapters below.

1.9 CONCLUSION

In conclusion, Occupational Safety and Health in regard to employment has evolved gradually whereby other laws have also been enacted to protect employees from occupational safety and health hazards and these will be discussed in other chapters

CHAPTER TWO:

THE LAW GOVERNING OCCUPATIONAL SAFETY AND HEALTH AND ITS EFFECTIVENESS IN PROTECTING EMPLOYEES IN UGANDA

2.1 INTRODUCTION

This chapter talks about the Occupational Health and Safety Act No. 9 2006 and how effective it has been in protecting employees in Uganda. It also goes further and discusses some of the challenges faced by employees at workplace.

The fact majority of workers spend at least eight hours a day in the workplace, be it on a plantation, in an office or enterprise. As such, working environments should be safe and healthy. Yet this is not the case for many workers. Every day workers all over the world are faced with a multitude of health hazards. ILO (2008) estimates that over 270 million work related accidents occur, 2 million of which are fatal.

In economic terms, the cost of losses resulting from work place diseases and accidents was estimated at about 4 percent of global Gross National Product³⁶. The prevention and protection of workers from adverse effects of health resulting from their working conditions is therefore crucial, particularly for those who were exposed to toxic chemicals when spraying pesticides.

Either these chemicals affected their health through inhalation, absorption into the body through the skin, ingestion or through drinking water that had become contaminated

³⁶ *ibid.*

with the chemicals. The workers' families and the surrounding communities can also be exposed by inhaling pesticides, which lingered in the air, drinking contaminated water or come into contact with chemical residues on workers' clothes.³⁷

The management of Occupational Safety and Health challenges was therefore not only a work

Place issue but also a matter of concern to the whole country. The coming into force of the Occupational Safety and Health Act 2006 was therefore timely in view of the above-mentioned challenges.

The occupational safety and Health act No 9, 2006 requires that all cases of workplace accident should be formally be reported to the ministry of Gender, Labour and Social Development.

The health and safety sector has put in place guidelines for standardization of workplaces, which includes responding specifically to HIV as a worker place hazard.³⁸

The Occupational Safety and Health Act defines a **worker as** "any person who has entered into or works under a contract with an employer to do any skilled, unskilled , manual, clerical or other work for hire or reward"³⁹ whether the contract is expressed or implied, oral or in writing or partially oral and includes public officers, protective services and teachers.

³⁷(ILO 2008).

³⁸ Ministry of health (2008), *Guidelines for occupational safety and health, including HIV in health service sector*

³⁹ Occupational Safety and Health Act 2006

This implied that a person who performs work regularly or temporarily for an employer whether expressly or impliedly, formally or informally recruited was considered an employee and was entitled to safety and security while he/she is conducting the duty to which he/she has been hired. Hence protecting employees in Uganda.

A worker place is defined to mean "all places of work and all sites and areas where work is carried out including not only the permanent, indoor, stationary place of work, such as factories, offices and shops but also temporary places of work such as building sites, open air places such as fields, forests, roads, oil refineries, and mobile places of work such as labs, trucks, seat of tractors and excavators, ships and without exception".⁴⁰

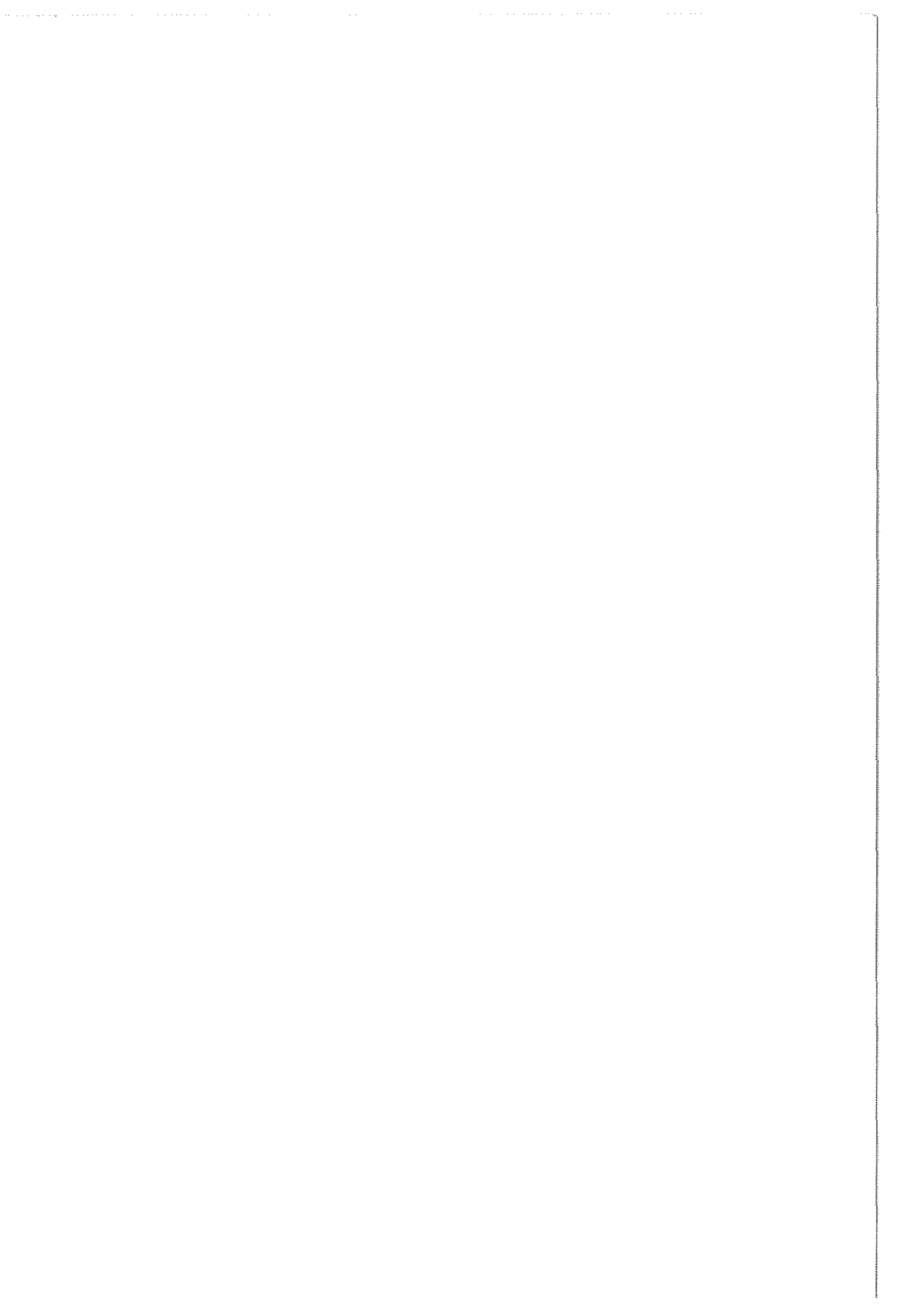
2.2 EFFECTIVENESS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT 2006 IN PROTECTING EMPLOYEES IN UGANDA

The Occupational safety and Healthy Act prescribes a number of duties, obligations, and responsibilities for both employers and employees for the purpose of promoting good Occupational Health and Safety Standard which makes sure that employees are protected and these include.

2.2.1 DUTY TO PROTECT EMPLOYEES,

It has been effective by placing this obligation on employer to ensure health, safety, and welfare of employees at workplace by.

⁴⁰ Section 2 of the occupation Safety and Health Act 2006



- Taking measures to keep the workplace pollution-free by employing technical measures, applied to new plant or processes in design or installation, or added to existing plant or process; or by employing supplementary organizational measures.⁴¹

Ensuring safe working environment and proper arrangements should be made to ensure safety and absence of health risks related to the use, handling, storage, and transport of articles and substances. Provision and maintenance of workplace, which is adequate regarding facilities and arrangements for the welfare of worker, is also important.⁴² This was held in the case of **British Fame (Owners) v Macgregor**⁴³.

- Providing and maintaining safe and risk free means of access to and exit from the workplace. Workers must be well informed of the real and potential dangers associated with the use of the substance or machinery and they must be well equipped with personal protective equipments to prevent the risks of accidents or of adverse effects on health.⁴⁴

This implied that the act tried to protect employees from hazards at their work place but in real sense despite this provision, there was no enough labour officers to implement this provision of the Occupational Safety and Health Act 2006

⁴¹ Section 13 of the occupation safety and health act 2006

⁴² *Ibid*

⁴³ (1943) 1 All E.R 33

⁴⁴ Section 13 of the occupation safety and health act 2006

2.2.2 EMPLOYERS' DUTY TO PROVIDE PROTECTIVE EQUIPMENTS.

- It is the responsibility of employer to provide free protective equipment including clothing to the workers involved in hazardous work⁴⁵. The type of protective equipment needed varies depending on the nature of work being performed. The right use of Protective Equipments reduces risk of accident and the adverse effects on health.⁴⁶

This provision in the act ensured that accidents were minimized by use of protective gear, which have been approved. This regulated and minimized consequences of risk at workplace but on a larger extent even though the act provided for that, during the research I found out that in real practice many employers were not providing for that. For example, recently the minister in the ministry of Gender & Labour during his inspection at Tiang Tiang Company stated that workers reported that they are not given protective gears yet the work they are doing is hazardous.

This was in the case of **Paris V Stephen**⁴⁷ where Mr. Paris worked as a cleaner and one of his duties was scrapping rust from the underside of which vehicles, it was not a formal practice for each employer to provide goggles for this task. Mr. Paris had only one eye and when the sprinker of rust entered his eye, Mr. Paris was totally blinded, and it was held that the employer owes a duty of care to protect the employee by

⁴⁵ Section 91 of the occupation safety and health act 2006

⁴⁶ Section 19 of the occupation Safety and Health Act 2006

⁴⁷ Bough Council 1951

providing gaggles because the employer should have foreseen that there was a greater risk.

2.2.3 DUTY OF EMPLOYER TO PROVIDE TRAINING TO EMPLOYEES

- In accordance with the Occupational Safety and Health Act, it is the responsibility of an employer to provide instruction, training, and supervision as is necessary to ensure health and safety at work of his workers.⁴⁸
- It also provides that an employer be obligated to provide appropriate information and instructions to the employees in respect to occupational safety and health by teaching them the appropriate measures to be taken while they are carrying out their employment. This was seen in the case of **Louisville & NR Co v Miller**⁴⁹ where liability could not be escaped because appropriate instructions were not given and thus danger remained unclear to the employee.

The act protected employees in a way that it placed an obligation on the employer to train worker on how they can use the equipments at their disposal and he/she is under a duty ensure that they are supervised effectively because incase anything happens to them at their places of work, the employer will be held liable.

⁴⁸ Section 13 subsection of the occupation Safety and Health Act 2006

⁴⁹ No 27,573 SC Indi 1941

2.2.4 CLEAN ENVIRONMENT

- Employers are under a duty to keep the workplace in a clean state and free from any drains, sanitary convenience or other nuisance requirement in terms of cleaning.

This provision ensured that the employees' health was maintained free from possible disease contraction that may arise from working in a dirty environment.⁵⁰ In this regard, employers went a further step by hiring workers who are supposed to keep the working environment clean hence effectively protecting employees was seen in the case of **Castelino V Rodrigues**⁵¹ where it was held that the employer was liable for ensuring that the working environment was clean.

2.2.5 PROVISION OF MECHANICAL DATA SHEETS.

- The act provides for a duty of the employer to provide mechanical data sheet for hazardous chemicals containing identity, supplier, and classification of chemicals and hazards safety precautions provided by the manufacturer or import of chemicals.⁵²

This provision made it mandatory for employers to ensure that all hazardous chemical present at the work place were reasonably labeled for employees to understand and

⁵⁰ Section 46 of the occupation Safety and Health Act 2006

⁵¹ (1972 E.A. 223

⁵² Section 96 of the occupation Safety and Health Act 2006

identify in a manner prescribed.⁵³ Hence making sure that employees were effectively protected at their places of work.

2.2.6 DUTY TO DISPLAY SAFETY GUIDELINES

To eliminate the risk of injury through inflammability, explosively and toxicity it provides that employers need to provide safety precautions to workers and the public as required under⁵⁴ or else the public and workers make their own understanding leading to accidents of which the employer will become vicariously liable.⁵⁵ this was held in the case of **Steven Masaba v Uganda Railways Corporation.**⁵⁶

This resulted into employers taking it to themselves to ensure that employees were given safety guidelines, this was done through putting up notice boards where by incase there was a new chemical or something dangerous such information is displayed on that notice board. Hence the effectiveness of the Occupational Safety and Health Act.

2.2.7 SAFE PREMISES AND ACCESS

- The act requires the employer to provide safe access and exit from premises.⁵⁷ It goes further and provides for safety standards,⁵⁸ which necessitates that

⁵³ Section 23 of the occupation Safety and Health Act 2006

⁵⁴ Section 25 of the occupation Safety and Health Act 2006

⁵⁵ Section 25 of the occupation Safety and Health Act 2006

⁵⁶ (1994)KALR 174

⁵⁷ Section 13 subsection d of the occupation Safety and Health Act 2006

⁵⁸ Section 56 of the occupation Safety and Health Act 2006

employers provide safe access to workplace all the time. There should be reasonably practical access provided and maintained safe to every place at which any person has can exit any time.⁵⁹

- The Act also provides that workplaces should have readily accessible means of extinguishing fire with doors to the fire exit.⁶⁰ It goes further and requires employers to ensure that window doors or other fire exit is conspicuously marked with red in letters of adequate size.⁶¹

Therefore, it made it mandatory for an employer to make secure emergency exit for employees in case of any danger or accident at the place of work and ensure that employees are adequately prepared to respond to fire incident.⁶² hence ensured effective protection of employees in Uganda.

2.2.8 DUTY OF THE MANUFACTURER TO PROVIDE PRE-TEST ARTICLES.

The law provides that both suppliers and manufacturers should provide articles about substance or chemicals for handling.⁶³ It imposes a duty on the manufacturer to pretest his articles and obtain adequate information and research of toxic substances imported and their effects to the health in addition to avail this information to any persons concerned.⁶⁴ this was held in the case of

⁵⁹ Section 26 of the occupation Safety and Health Act 2006

⁶⁰ Section 57 subsection 6 of the occupation Safety and Health Act 2006

⁶¹ Section 58 of the occupation Safety and Health Act 2006

⁶² Section 60 of the occupation Safety and Health Act 2006

⁶³ Section 31 of the occupation Safety and Health Act 2006

⁶⁴ Section 33 of the occupation Safety and Health Act 2006

Conglan v Cumberland⁶⁵ that employers have a duty to display articles of dangerous chemical at workplace so that workers are able to take precaution measures.

This protected employees from hazardous chemicals because it placed an obligation on the worker to ensure that instruction regarding to handling of hazardous chemical is made to them clear.

2.2.9 BUILDING AT WORK PLACE

- Employer bears the liability to ensure that his/her employees work and walk in a building of sound construction by ensuring that the building is maintained in a good state by repair.⁶⁶
- It goes further and protects workers from weather effects where by the employers have to ensure that the building has a watertight roof and must be free from any serious amount of dampness liable to affect the safety of the building.⁶⁷

This shown that employees were protected in a way that the buildings in which they were working in were safe and waterproof but despite this provisions I found out that most workers worked under buildings, which were unsafe. For example those working in garages most of the garages in Uganda have temporary shelter whereby if it rains water would go through the roof.

⁶⁵ (1898) 1. Ch. 704 (CA)

⁶⁶ Section 45 of the occupation Safety and Health Act 2006

⁶⁷ Section 45 subsection 2 of the occupation Safety and Health Act 2006

2.2.10 EMPLOYER'S DUTY TO PROVIDE GOOD VENTILATION

- Employers must also provide suitable ventilation systems for purposes of fresh breathing air atmosphere at the workplace.⁶⁸
- It also requires employers to provide suitable room temperature for the workers in the buildings, putting into consideration the number of workers in the surroundings.⁶⁹ This was developed to ensure that for safety and health reasons work places were to be maintained spacious by accommodating the right number of people to reduce health risks that may result from an overcrowded work place.

This provision ensured that the buildings in which employees' work were maintained free from exposure to conditions that may led to their collapsing and injuring employees. In Uganda, it was made compulsory to build building which have proper ventilation in which such buildings or houses were inspected and since the act provides for the same it has effectively protect the employees in Uganda this was held in the case of **Peter v Sunday Post Ltd**⁷⁰.

⁶⁸ Section 46 subsection 4 of the occupation Safety and Health Act 2006

⁶⁹ Occupational safety and health Act

⁷⁰ (1958) EA 424

2.2.11 DUTY TO PROVIDE FIRST AID AT WORK PLACE

- The act provides that employers must provide first aid boxes taking into account the number of employees.⁷¹The number of first aid boxes should be sufficient to support the given work group at the work place.

Employers in Kampala ensured that first aid was provided to employees at their workplace where by they went ahead and secured insurance covers to their employees for example Housing finance bank and many other companies hence effectively protecting employees in Uganda.

2.2.12 PROVIDING CONFORTABLE FACILITIES

- An employer is obligated to put in place suitable facilities for washing, which enables employees to easily ease themselves as well as maintain hygiene while at the work place.⁷²
- It also puts a duty of providing suitable seating facilities⁷³ and facilities where employees can have their meals.⁷⁴
- The act also provides that employers must provide adequate clean drinking water, which is accessible to all workers.⁷⁵

This ensured that employees had their meals in a clean and healthy environment, which minimized diseases that could arise from feeding in

⁷¹ Section 51 of the occupation Safety and Health Act 2006

⁷² Section 52 of the occupation Safety and Health Act 2006

⁷³ Section 53 of the occupation Safety and Health Act 2006

⁷⁴ Section 54 of the occupation Safety and Health Act 2006

⁷⁵ Section 50 of the occupation Safety and Health Act 2006

unhygienic facility. In Uganda now days employers ensure that there are toilet and drinking water facilities at/near their work places however in some places where some employees are casual laborers these facilities have not been fully provided, therefore on a larger extent it has effectively protected employees because the biggest percentage have these facilities at their workplace this was held in the case of **Francis Sembuya v Airport Services Ltd**⁷⁶.

2.2.13 EMPLOYER UNDER A DUTY TO PROVIDE A GOOD WORKING ENVIRONMENT

- The Act provides that an employer should provide a workroom of three meters in height.⁷⁷This ensures that employees perform their duties in which they can easily move without having the room to hurt them because three meters and above is reasonable height.
- The Act also requires employers to provide enough lighting systems in the working room whether natural or manual.⁷⁸ This shows that the rooms should be constructed or organized in such a way that they can absorb enough light from the sun or it can be well lit by power in order for employees to be able to see clearly as they perform their duties as this reduces the danger that would otherwise be experienced when working in a dark room.

⁷⁶ *Supreme Court Civil Appeal No. 6 of 1997 (unreported)*

⁷⁷ *Section 47 subsection 3 of the occupation Safety and Health Act 2006*

⁷⁸ *Section 48 of the occupation Safety and Health Act 2006*

- An employer is required to provide sufficient and suitable sanitary conditions to the employees in any building where work is carried out.⁷⁹ He/she must keep the place maintain, clean and with suitable lighting.

The act placed the above duties on the employer whereby he/she had to ensured that employees were working under a good environment by proving good roofing, good lighting system and suitable working condition. This has been done by employers in Uganda where by most employers had tried to provide such services to their employees whereby in cases where the employer used natural light he/she ensures that the employees work only during day and no night shift.

2.2.14 FENCING OF DANGEROUS MACHINERY AND DANGEROUS EQUIPMENTS.

- An employer should put preventive measures to ensure that the machinery operated are safe and not in any way endangering the worker's health by fencing dangerous machinery and equipments.⁸⁰
- It father goes ahead and provides that fencing shall be secured and the requirement shall be deemed satisfied :
- A device cannot automatically prevent every employed person or his clothing from coming into contact with dangerous parts of the machinery or where the system enables a machine to be able to stop immediately in case of it being

⁷⁹ Section 49 of the occupation Safety and Health Act 2006

⁸⁰ Section 61 of the occupation Safety and Health Act 2006

approached by employed person. This was seen in a case of.⁸¹ That where an employer is required not only to fence the machinery but also to keep a good maintenance of the machinery.

- The Act also protects employees from lifting appliances where by employers are meant to ensure that every hoist of lift used in construction should be maintained in a good mechanical condition and provided with sound and adequate space.⁸² It also imposes an obligation to provide safety and health of crane drivers.⁸³

The act ensured that employees are protected by mandating them to fence dangerous machinery and equipments in order to prevent their exposure to dangerous substances hence effectively protecting employees in Uganda.

2.2.15 DUTY TO PROVIDE CHEMICAL DATA SHEET

- The employer is under a duty to provide a detailed chemical data sheet containing detailed essential information, regarding the identity, regarding the identity, supplier and classification of the chemical, and hazards, safety precautions and emergency procedures required for the chemicals shall be provided to an employer by the manufacturer or imported of the chemicals.⁸⁴

⁸¹ *Vallubus virhdas & sons v Francis mateka*

⁸² *Section 69 of the occupation Safety and Health Act 2006*

⁸³ *Section 73 of the occupation Safety and Health Act 2006*

⁸⁴ *Section 96 of the occupation Safety and Health Act 2006*

- An employer has a duty to ensure that the packages of hazardous chemicals delivered to workplace are labeled and that the appropriate chemical safety data sheet for chemical delivered to the work place.⁸⁵

This ensured that employees are protected from hazardous substances that could cause harm if they are not carefully handled.

2.2.16 PROTECTION FROM LIFTING APPLIANCES

- The act provides that hoist or lift shall be examined and the report be sent to the commissioner once in every six months to examine whether it has any side effect on the employee.⁸⁶
- It goes further and proves that the minister may make regulations for training of crane drivers, slingers, person, who gives signals to crane drivers and works transport drivers.⁸⁷

This ensured that every hoist or lift used under construction is maintained in a good mechanical condition and provided with sound and adequate space and to conspicuously be marked with maximum loading capacity hence protecting employees in Uganda.

⁸⁵ Section 97 of the occupation Safety and Health Act 2006

⁸⁶ Section 69 of the occupation Safety and Health Act 2006

⁸⁷ Section 73 of the occupation Safety and Health Act 2006

2.3 CONCLUSION

Reflecting on the examination of the Act⁸⁸ it was developed to provide a legal framework for the attainment of workplace safety and health for all workers in all worker places irrespective of their jobs, position by preventing accidents, effectively managing all workplace possibilities of exposure to accidents and by rehabilitating and supporting injured workers through compensation within the workplace.

It is an employer's duty to provide safe system of work and proper supervision to his unskilled employees. Thus an employer is bound to maintain a reasonably safe place of work or else will remain liable for employees' negligence as it was held in the case of **Steven Masaba V Uganda Railways Corporation.**⁸⁹

⁸⁸ *Occupational Safety and Health Act 2006*

⁸⁹ (1994)KALR 174

CHAPTER THREE:

OTHER LAWS THAT PROMOTE OCCUPATIONAL HEALTH AND SAFETY.

3.0 INTRODUCTION

This chapter covers other laws that promote occupational Health and Safety in Uganda, it includes municipal, and international laws, which the government has ratified in order to effectively protect employees and these, will be discussed below.

3.1 NATIONAL LAWS.

3.1.0 INTRODUCTION

In January 2000, the Uganda law reform project was initiated under the funding of the United National Development Programme (UNDP), with the primary objective of overhauling the legal framework in the field of employment, to make it compatible with the on-going socio-economic reforms which, was to promote ratification of the International Labour Organization and giving effect to the principles and rights of freedom of association and collective bargaining, non-discrimination and the elimination of forced and child labour.

- The development objective was to achieve coordinated labour law reform process and to update labour legislation in Uganda that will foster amicable labour relations within the legal framework that is consistent with the basic human rights as enshrined in the 1995 constitution.⁹⁰
- The project resulted into the enactment of various labour acts, which include labour unions Act 2006, workers compensation Act 2000, minimum wages Act

⁹⁰Article 40 (1) o the 1995 constitution of the republic of Uganda.

2000, the Employment Act 2006, Labour union arbitration, and settlement Act 2006 and the occupational and safety Act 2006.

- In March 2006 four labour reform bills were passed, namely the Employment bill, the occupational safety and health bill 2006, the labour unions bill and the labour union arbitration and settlement bill was passed all of them, which significantly improves labour laws concerning workers' rights⁹¹.

3.1.1 CONSTITUTION OF THE REPUBLIC OF UGANDA 1995

The constitution provides that workers have a right to clean and healthy environment.⁹²

- It protected women employees by providing that women should be accorded protection during pregnancy and after giving birth by their employers, which is through giving the maternity leave.⁹³ This was seen in case of **Joyce Nakachwa V AG**⁹⁴ however women in Uganda are provided with unpaid leave. This relates to an obligation to provide good working conditions at the work place this has been done by encouraging employers to provide privileges to working mothers where by clean rooms are provided to enable them breastfeed their babies at work.
- It also stipulated economic rights, which include right to work under safe, satisfactory, and healthy conditions, equal pay for equal working hours as well as paid holidays.

⁹¹ *International Labour Organization- policy paper, Uganda 2008*

⁹² *Article 39 of the 1995 constitution*

⁹³ *Article 40 (4)*

⁹⁴ *Constitutional Petition No. 2 of 2001*

- It also provided for rights of workers, namely, the right to join trade unions, collective bargaining, and representation withdrawal of labour, maternity, and post-natal leave.⁹⁵
- The constitution prohibited holding any person in slavery or servitude.⁹⁶
- The Uganda constitution specified age limit of employment in hazardous work at not less than sixteen year of age while the children's Act also prohibits harmful employment for children and empowers local councils to safeguard children and promote their welfare within their areas.⁹⁷

Having discussed above, during the research it shown that the constitution of the republic of Uganda mandated employers to provide safety and health measures to their employees by allowing them to engage in collective bargaining, specifying age limit for hazardous work, working under safe and satisfactory condition and I clean and healthy environment.

Therefore, since it is the supreme law in Uganda meant that employers were to comply with its provisions hence its effectiveness.

3.1.2 LABOUR UNION ACT 2006

- The labour Union Act repeal the Trade Union Act 2000 and with the requirement of a minimum of 1,000 employees, representing 51percent of the workforce in order to form a union.

⁹⁵ Article 40 of the 1995 Constitution of the Republic of Uganda

⁹⁶ Article 25 of the 1995 Constitution of the Republic of Uganda

⁹⁷ Section 10 children Act

- It provided that workers have a right to join any labour union of their choice and an employee is not supposed to interfere with that freedom.⁹⁸ Where an employee is dissatisfied with employer's actions under⁹⁹ may bring an action to the industrial court.¹⁰⁰

This showed that employers were compelled to encourage and allow their employees to join any labour union of their choice in which they can take any dispute in case of any disagreement between the employer and employee.

Currently in Uganda, I found out that the biggest numbers of employees were under the informal sector, casual workers, and the increased level of unemployment; employers refuse their employees to join labour union to the extent that they are threatened to lose their jobs if they attempted. The mere fact that it provides freedom to join an association (Labour union) some people used it and were able to fight for their rights which are being denied at their workplace.

3.1.3 EMPLOYMENT ACT 2006

The Employment Act has provided for the rights of the workers such as the right to rest and work in good conditions and these include:

- Prevented employment of children below 18 years.¹⁰¹ Generally, a contract of service cannot be made with persons who are below 18 years of age. Any employer employing young persons in any industrial undertaking is required to

⁹⁸ Section 7 of the labour union Act No. 7 2006

⁹⁹ Section 5 of the labour union Act No.7 2006

¹⁰⁰ Section 6 of the labour union Act No. 7 2006

¹⁰¹ Section 47 of the employment Act 2006

keep a separate register for such young person's showing their age and conditions and nature of their employment.

- Prohibited the employment of persons below sixteen years underground unless they are under apprenticeship training.¹⁰²
- It prohibited hazardous employment.¹⁰³
- It also provided for fixing a minimum age for admission to employment¹⁰⁴ as well as regulating working hours and proper working conditions in which it goes further to provide for penalties for enforcement.¹⁰⁵

Since the act provides that employers must provide proper working condition to their employees in which it gone further and provided for penalties in case of they violate the laws.

3.1.4 THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT) ACT

- It established the industrial court in which any labour dispute can be resolved. It brings labour services closure to the people through which a labour officer is given powers to resolve labour disputes.

3.1.5 THE WORKERS COMPENSATION ACT NO 8 OF 2000

This is a new law and replaces the old Workman's Compensation Act of 1964. Section 15 provides for the following:

¹⁰² Section 51 of the Employment Act 2006

¹⁰³ Section 54 of the Employment Act 2006

¹⁰⁴ Article 32 of the 1995 Constitution of the Republic of Uganda

¹⁰⁵ Article 32 (2) (a) and (b) of the 1995 Constitution of the Republic of Uganda

- It provided for compensation of workers for injuries suffered in course of their employment. It deals with matters for example persons entitled to compensation, notice of accident and insurance.
- Generally, an employee was entitled to compensation for any personal injury from an accident or disease arising out of and in the course of his or her employment even if the injury or disease resulted from the negligence of the employee.
- The Employer was immediately required to report to the Labour Officer of the area the accident causing injury or death of a worker. It is an offence to fail to report an accident. (A written report of the accident is made using a standard form - The Labour Department LD. Form 31 - otherwise the original report may be made by telephone or telegram as the urgency demands).
- Employers were obliged to insure and keep themselves insured against any liability, which they may incur to any of their employees under the Act. It is an offence to fail to insure against such liability.
- Under this Act, compensation was made automatic. The compensation is to be paid by the employer where the worker was injured because of his or her own mistake or not.

3.2 INTERNATIONAL INSTRUMENTS.

3.2.0 INTRODUCTION

Uganda has gone ahead to standards by ratifying the key International Labour Convention and enacting relevant legislation to transform the convention into municipal. This has ensured that all Ugandans enjoy their rights and opportunities to access education, health services, good working conditions, shelter, clothing, and security among others.

3.2.1 THE INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS (1966)

The convention provided that state parties are required to undertake enhancement of the rights to form and join the trade union of his/her choice subject to the rules of the organization concerned for promotion and protection of his economic and social interests.¹⁰⁶

The International Convention of Economic, social and cultural rights which provided for rights to work in which the enjoyment is for every person and must be just and favorable conditions of work in which protection of young persons from economic and social exploitation.¹⁰⁷

With labour union in place it is expected that workers can have a collective voice to their safety and health rights when bargain is undertaken on their behalf with the employers however the case has remained different in Uganda where by labour unions

¹⁰⁶ Article 8 (1) (a) of the ICESCR

¹⁰⁷ Article 7 of the ICESCR

have remained silent to the suffering and exploitation of workers social and health standards.

3.2.2 INTERNATIONAL LABOUR ORGANIZATION

Uganda has also ratified the International Labour Organization convention 102 social security minimum standards.

It provided for employment protection injury benefits, invalidity, old age, and survivors.

It also provided for labour rights, employment, social protect for vulnerable situations and social dialog.¹⁰⁸

No restriction should be placed on the existence of this right other than those prescribed by law and which are necessary in a democratic society I the interests on national security or public order or for protection of the rights and freedom of others organized¹⁰⁹ between employees and employers.

3.2.3 THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS.

The convention prohibited holding others in slavery or in any form of servitude. That no one shall be held in slavery, all forms of slave trade in all forms shall be prohibited, and neither should anyone be forced to form to perform compulsory labour.¹¹⁰

It empowered everyone with a right to hold opinions without reference.¹¹¹

¹⁰⁸ 2/2001: 39, ILO June 1999

¹⁰⁹ Ibid

¹¹⁰ Article 18 of the ICCPR

¹¹¹ Article 19 (1) of the ICCPR

3.2.4 UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

The universal declaration provided that the government should secure citizens with social security as realized through national both national and international cooperation in respect to resources and how each state organizes economic, social and cultural rights as indispensable for an individual's dignity and free development of personality.¹¹²

It also provided that everyone have the right to work, free choice of employment, just and favorable working conditions and to protect against unemployment.¹¹³

It provided for employees' right to form and join trade union for the protection of their interests.¹¹⁴

Therefore, the declaration ensured that each employee is afforded necessary security at his or her work place because it puts the obligation on the state.

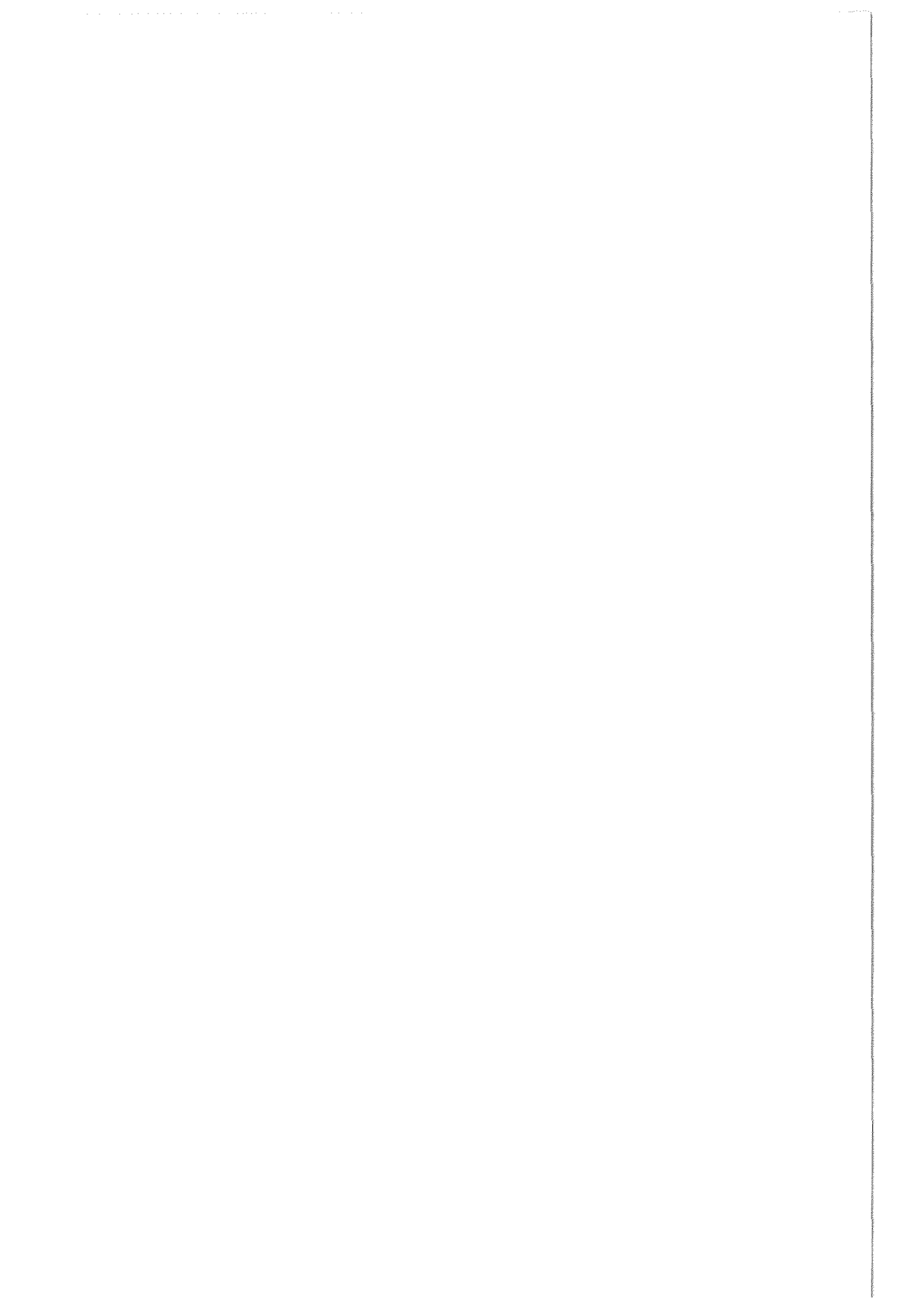
3.3 CONCLUSION

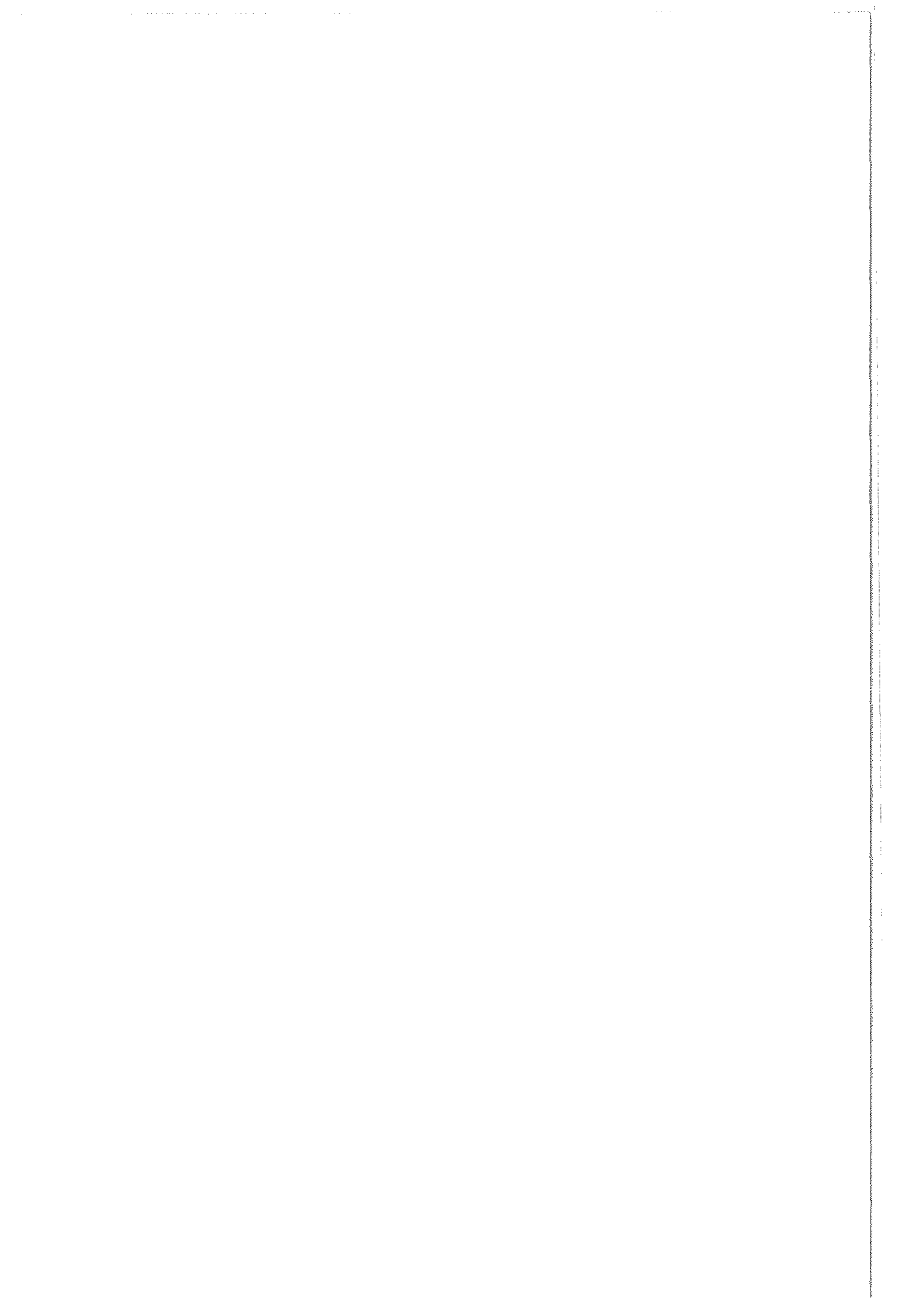
In conclusion, Uganda has come up and subsidiary made laws and ratified international conventions, which have been used concurrently with the OSHA to ensure that there is maximum protection of workers at their work place as discussed above.

¹¹² Article 22 of the universal declaration of human rights

¹¹³ Article 23 (1) Ibid

¹¹⁴ Ibid 23 (4)





CHAPTER FOUR:

CHALLENGES FACED IN IMPLEMENTATION OF THE OCCUPATION SAFETY AND HEALTH ACT IN PROTECTING EMPLOYEES IN UGANDA.

4.0 INTRODUCTION

This Chapter covers challenges faced in the implementation of new the Occupational Safety and Health law in Uganda.

It was generally agreed that the current legal framework on labour laws was very conducive to proper industrial relations in this country. The majority of the respondents affirmed that the three social partners faced Uganda's labour laws were the best in Eastern Africa, however, their implementation with a number of challenges from organizational to operational. One vivid observation is that the legal environment is conducive to tripartism and social dialogue, though the reality was different. The study noted that there are a number of challenges to the implementation of new labour laws as indicated below not in order of their priority.

4.1 INADEQUATE FACILITATION OF LABOUR OFFICERS

No mechanisms were put in place to effect implementation of the Health and safety law. According to the survey findings, the District labour officers who are supposed to implement the labour laws are highly constrained in terms of financial resources and other forms of support. Because of the latter, these officers were not adequately and frequently appraised on the actual situation on the ground, especially in areas that are rather remote from their workstations.

Some Districts lacked labour officers, and above all, labour officers are employees of Districts

Therefore, it was difficult to enforce the law under such conditions.

The labour officers on their part mentioned the challenges they faced in implementing the law as follows:

- District leaders did not consider labour a priority issue. For instance, the majority of Districts had only managed to employ one out of three labour officers required¹¹⁵.
- Inadequate staffing;
- No or inadequate facilitation in terms of equipment like computers or organized transport like cars and/or motorcycles;
- Political interference at some level and;
- Uncooperative union leaders who unfairly accused DLO of poor service delivery with total disregard of the unfavorable working conditions under which they operated.

4.2 NON-RECOGNITION OF LABOUR UNIONS

- Non-Recognition of unions was among the biggest challenges faced by labour unions in Uganda where by most privatized enterprises had refused to recognize unions in spite of new provisions that removed the need to have 51 percent of workers in workplace consent to join the union.

This was greatly attributed to ignorance by both workers and employers.

- The study further noted that most informal private employers did not wish their workers to join labour unions with the fear that unions might start demanding for

¹¹⁵At every District (with a municipality status), there must be a labour officer at town council level, a senior District labour officer and a labour officer. Out of the six Districts under study it is only Mbarara and Kampala that do have labour officers at the Municipal level.

improved working conditions leading to higher operational costs. One union leader quoted some of the words commonly used by employers to intimidate workers from joining labour unions as follows: *"You first become employees before you become a member of the union, if you think you give preference to the union, we (employers) shall withdraw and leave you to the union."* At every District (with a municipality status), there must be a labour officer at town council level, a senior District labour officer and a labour officer. Out of the six Districts under study, it is only Mbarara and Kampala that do have labour officers at the Municipal level.

- **Has the removal of the 1000 members' restriction permitted growth of trade unionism?**¹¹⁶

Response n=1032	NOTU n=14	COFTU
• Yes	21 %	100 %
• No.	50 %	0 %
• Not Fully	29 %	0 %
• Total	100 %	100 %

4.3 NON-FUNCTIONING OF THE INDUSTRIAL COURT

- The Industrial Court "shall arbitrate on labour disputes...and adjudicate upon questions of law ... [and] shall dispose of the labour disputes ... without undue delay."¹¹⁷

It was also seen as the highest and final body in the process of settlement of labour disputes. Under the new arrangement of providing efficiency and expeditiously

¹¹⁶ Source: Survey by ULRC, 2010

¹¹⁷ Labour Dispute (Arbitration and Settlement) Act 2006 Sections 8 (1) (a-b) and (2).

disposing of cases, the Industrial Court was raised to High Court¹¹⁸ status and any appeal made "to the Court of Appeal [will] only [be] on a point of law, or to determine whether the Industrial Court had jurisdiction over the matter."¹¹⁹ Despite the good provisions and the good intentions upon which this court was established.

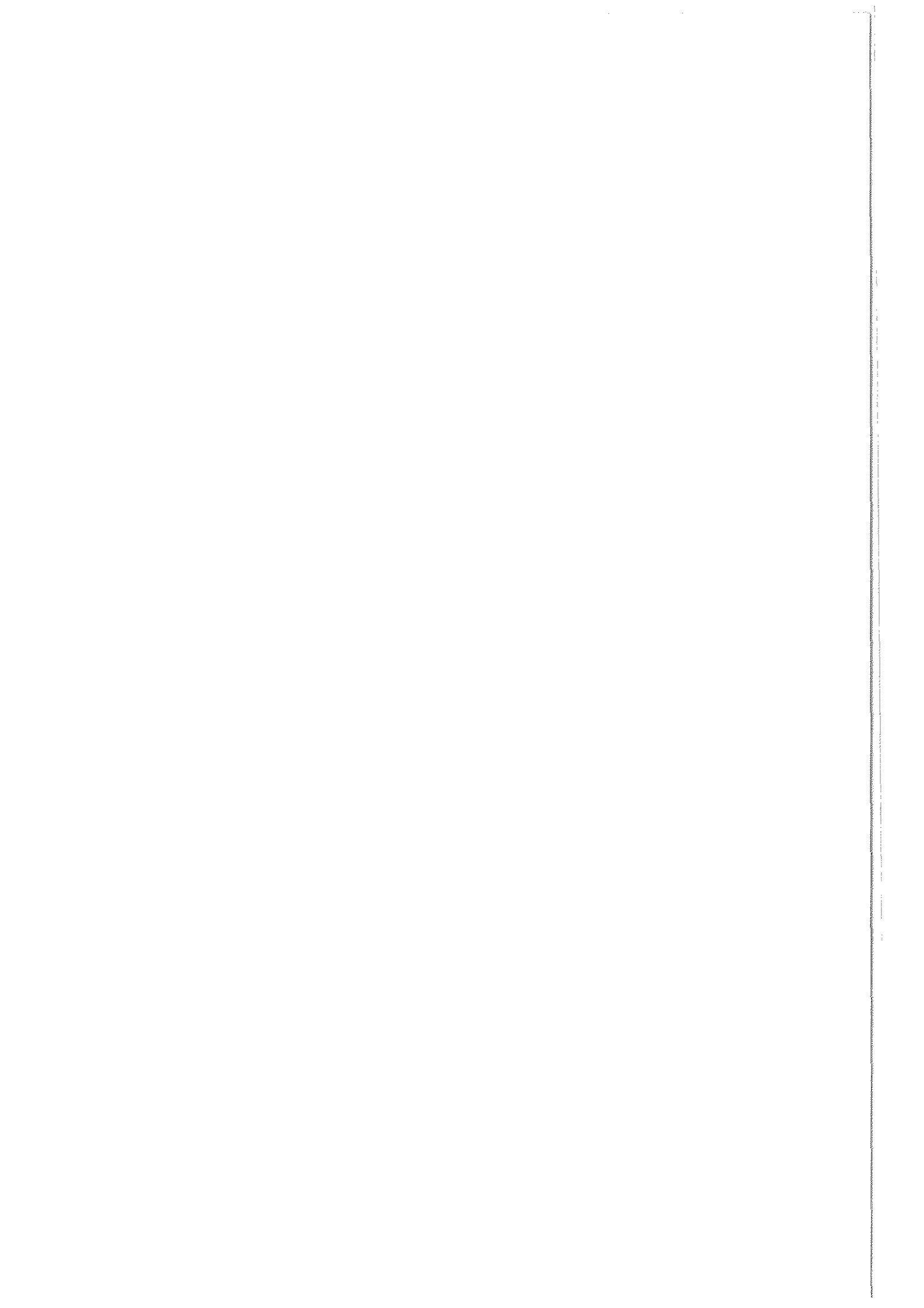
- None functioning of the Industrial Court seems to be greatly responsible for noncompliance to the Occupational Safety and Health laws. It is true that the new Labour Disputes (Arbitration and Settlement) Act empowers labour officers to handle and conclude labour disputes, but in case of a deadlock where the matter would have to be referred to the Industrial Court¹²⁰, nothing could be done under the prevailing circumstances.
- The Industrial Court was not in operation since 2006 when its President died. In an informal interview with the acting labour commissioner, he mentioned, "the Industrial Court could not function because of a confusing title given to its head."¹²¹ Therefore, until Section 10 and others with the title "Chief Judge" are repealed, the Industrial Court might never function.

¹¹⁸ One of the implications under this arrangement is that it will be getting its funding directly from the consolidated fund and not under the Ministry of Gender, Labour, and Social Development, as was previously the case.

¹¹⁹ Section 22 of Labour Disputes Act 2006.

¹²⁰ Section 5(1)(b) of the Labour Disputes (Arbitration and Settlement) Act 2006 states in parts that, "...the labour officer shall...refer the dispute to the Industrial Court",

¹²¹ The labour commissioner mentioned that the Judicial Services Commission was challenging the title "Chief Judge" as it conflicts with initials of Chief Justice and hence there was a need to amend Section 10 of Labour Disputes Act 2006. This was seen as one of the reasons for the delay in appointment of members of the Industrial Court.



4.4. INFORMALIZATION OF LABOUR

- At the enterprise level, the ability of unions to organize effectively within the informal sector was seriously hampered by several measures were taken by employers in a bid to reduce overheads and make production factors adjustable. This was done by reducing the core of permanent workers and increasing the proportion of temporary and casual employees. Therefore, most employers -be it in the formal or informal sector contributed greatly to casualization and in formalization of labour by aiming at reducing expenses at the cost of permanent employment.¹²²

- The new Employment Act 2006 defines **casual labour** or 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".

Theoretically, this was supposed to be labour that is employed irregularly, from time to time as and when work is available legally; the casual worker's contract is a daily contract. From the point of view of the employer, this was cheap labour, labour without any rights apart from payment of wages at the end of the day.

Casual labour can be hired and fired at will. Employers therefore by employing casual and temporary workers, avoid implementing safety and health measures some workers are not aware of the OSHA a the finding showed the following.

¹²² *ibid.*

Do you have Knowledge on Occupational Safety and Health (OSH)?¹²³

Response	No of Employees	Percentage
Yes	10	30 %
No	20	70 %
Total	30	100 %

4.5. LACK OF CAPACITY TO ENFORCE THE LAW

- Throughout the engagement with the majority of respondents, it was mentioned that Government as the watchdog of implementation of such laws had not shown serious commitment in this regard.

This was confirmed by the fact that budgetary allocation to the Ministry for Gender, Labour and Social Development compared with other Ministries like Works and Transport, and Security is extremely low despite the large portfolio the MGLSD is supposed to be handling (all youth concerns especially employment placement and skills development, issues to do with women, people with disability, the aged and children).

- The MGLSD cannot handle all the needs under its jurisdiction. It has the largest number of State Ministers (four in number) and a full Minister yet is the least funded. Looking at the National Budget Framework Paper FY 2009/10-2013/14, it received a very low budget allocation with 0.4 per cent compared with Works and Transport, and Security's 18.5 per cent and 8.1 per cent respectively in the 2008/09 budget allocation.¹²⁴

¹²³ Source ULRC Survey, 2010

¹²⁴ This sector is in charge of Gender, Labour and Social Development

4.6. DUAL RECOGNITION

- Employers mentioned that the greatest challenge they faced while dealing with unions was 'dual recognition' of labour unions. This results from provisions regarding FOA, where more than one union can recruit and organize workers from one enterprise.

This brought in confusion in the sense that an employer will have to deal with more than one union, which is time consuming and may breed disharmony among workers of the same enterprise subsequently affecting their production line.

Employers said that the matter was increasing and that Trade Union Federations were not guiding their affiliates on where to organize to avoid collusion.

- Labour unions leaders, on the above matter said that they had addressed this issue in the submission of their views on labour regulations to the MGLSD. One of their views was that the union that was found in the workplace at the time of enactment of the new labour laws should be the only recognized union.¹²⁵

However, by December 2010 such proposals had not been finalized by the MGLSD.

4.7. UNEMPLOYMENT

- Uganda's labour force was currently estimated to be 12 million persons and is projected to reach 19 million by 2015 basing on the growth rate of 3.4 per cent per annum.¹²⁶ Young men and women constitute the largest single block of our

¹²⁵ Interview with employees as provided in the questionnaire

¹²⁶ (UBOS UNHS 2003).

country's labour force. The youth, in the 15-29 age bracket, constitute over 95 per cent of the 400,000 labour market entrants annually.¹²⁷ Only 15 per cent (1.6 million) of the total workforce (10.8 million) is employed for wages of which 4.6 percent are permanent employees and 11.6 per cent are temporary.¹²⁸ As much as 70 per cent of the labour force is self-employed or employed as unpaid family workers in the agricultural sector.

- Informal employment constituted 72 per cent of the total employment (National Employment Policy for Uganda 2010:7). The youth's share of suffering unemployment is increasing (42 per cent in 1997; 58 per cent in 2003; 65 per cent in 2006; and 50 per cent in 2010).

Therefore because of the high levels of unemployment, "people were willing to work under any terms and conditions provided by employers."¹²⁹

This made enforcement of minimum labour standards difficult since people are willing to offer their labour at any cost.

4.8 CONCLUSION

Although there is a specific law that addresses occupational safety and health at any workplace in Uganda, violation of workers safety and health is still rampant and is taking place in impunity. This therefore necessitates that the identified gaps be addressed as change in catch phrase language of which employers are able to find defenses for reasonably being impracticable to certain demands or requirements.

¹²⁷(UBOS UNHS 2003).

¹²⁸ Supra.

¹²⁹ Direct interviews with District labour officer for Jinja.



CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSIONS

5.0 INTRODUCTION

This study examined the Occupational Safety and Healthy Act and other National and international laws that protect employees in Uganda and a number of conclusions have been made from the above study.

5.1 RECOMMENDATIONS

Having found the following challenges which were still existing in terms of enforcing the rights and freedoms enshrined in the new Occupational safety and health Act and other legislations that calls for workers, employers, and the MGLSD to devise strategies towards implementation of the labour laws.

The challenges include the inadequate facilitation to labour officers, non-recognition of labour unions, non-functioning of the industrial court, dual recognition of labour unions on the side of

Employers, in formalization of labour and ignorance of the law by both workers and employers.

In view of the above, recommendations are drawn below to the Government (to a large extent the Ministry of Gender, Labour, and Social Development), employers, and workers on what should be done to ensure that new labour laws are effectively implemented.

THEREFORE, I RECOMMEND THE GOVERNMENT TO TAKE THE FOLLOWING MEASURES:

5.1.0 GOVERNMENT

5.1.1 APPOINT MORE DISTRICT LABOUR OFFICERS

The Labour administration has been decentralized to local levels but there are currently only 36 labour officers in the country therefore this calls for the appointment of more labour officers to cover all the 120 or more Districts in this country. It should also be noted that according to the new labour laws, new roles have been given to labour officers, for instance handling labour disputes at the local level and powers to prosecute.

Labour officers also need to be trained to adequately carry out their new roles and in order to fulfill all the above, more funding to this Ministry may serve the purpose. Besides funding, Government should recentralize labour administration in order to conform to ILO convention 150 on labour administration. Once labour has been decentralized, it will serve a better arrangement in terms of deployment (in case there are fewer labour officers, as is the case currently), accountability, and better management.

5.1.2 FUNCTIONING OF THE INDUSTRIAL COURT

The Industrial Court is not functioning because of confusion brought about by the new title i.e., chief judge whose initials CJ clash with those of the Chief Justice (CJ). It is thus recommended that the MGLSD should request parliament to urgently expedite the amendment of this title, Chief Judge, to an appropriate title. Additionally, the labour

unions should put pressure on their representatives in parliament to move a private members bill if government, through the MGSLD does not immediately come up with an amendment bill.

In the meantime, workers through their unions or national federations, employers through their umbrella bodies and partners both within and outside the country should raise their voices concerning the non-functioning of the IC and should demand its functioning as soon as possible.

5.1.3 CONCLUDING OF LABOUR REGULATIONS

According to employers, the greatest challenge they faced in the implementation of the new labour laws was 'dual recognition'. This was because of more than one union recruiting and organizing employees from same enterprise/sector.

The MGLSD should therefore urgently come up with labour regulations to guide labour unions in their organization campaigns. During the interviews, it was learnt that labour union

Leaders had already submitted their comments in response to proposals developed by MGLSD towards labour regulations and it is upon this basis that the study recommends quick adoption of these labour regulations.

5.1.4 INCREASE FUNDING TO THE MINISTRY

The various departments responsible for either inspection with the view of enforcing minimum labour conditions or training with the aim of skills development should be well facilitated to meet the desired goals. Trade unions together with Ministry officials should

use the ILO concepts on decent work and the social floor about social dialogue and social protection to lobby for more funding of this Ministry.

They should make their case that provision of safe and better terms and conditions of service in workplaces as well as protection against basic life risks can lead to economic growth and not necessarily the other way round as some decision makers seem to believe.

They should further submit that people have fallen and stayed in poverty because of absence of minimum labour standards, the lack of a decent working environment, as well as the lack of social protection. For all of the above to be realized, labour officials and trade unions need to position themselves in a more visible way at all levels of resource allocation i.e. before and during the budget allocation.

The Ministry officials, employers, trade unions, and CSOs ought to do a lot of lobbying to convince Parliament (through the budget allocation committee) of the importance of such a Ministry as compared with other Ministries in view of the enormous role it plays. For instance, it handles all youth concerns especially employment placement and skills development among others. It also handles issues to do with women, people with disability, the aged and children. This cohort of youth and women mentioned above constitutes a large percentage of employees especially in the informal sector.

5.1.5 STRENGTHENING OF OSH DEPARTMENT

Given the importance of this matter, training and sensitization need to be intensified to safeguard the lives of ignorant workers. Government through its OSH department should take the lead and employers and trade unions should play a supplementary role.

Considering what the law was established for vis-à-vis the numerous occurrences of occupational accidents and unhealthy working environment in the construction and commercial agricultural sectors respectively Government ought to take up this matter with urgency.

Only by doing so will the law become relevant before the workers.

5.1.6 ELIMINATION OF CHILD LABOUR

The study noted that there is still a high prevalence of child labour in both formal and informal sectors though higher in the latter. The following recommendations are therefore being proposed for implementation in order to fight the vice:

Awareness creation on the issue of child labour among the public through education.

A national and massive awareness campaign on child labour where parents are reminded of their obligations to take children to school, teachers to offer quality education and Government to ensure that universal primary and secondary education absorbs all the children.

Programmes should be put in place to ensure that children acquire basic education while at the same time their parents/guardians have a source of income.

The Universal Primary and Secondary Education should have a specific strategy for incorporating children withdrawn from the worst forms of child labour.

5.2 I RECOMMEND EMPLOYERS TO DO THE FOLLOWING

5.2.1 RECOGNITION OF LABOUR UNIONS

The survey reveals that a large number of private employers both in formal and informal sectors did not recognize labour unions. In view of this, the Federation of

Uganda Employers in collaboration with labour unions should sensitize its members on the need to respect the new labour laws specifically the right of workers to form and join labour unions of their choice as stipulated in the 1995 Constitution of the country.

5.2.2 HIV/AIDS

The study noted that there are still cases of discrimination based on someone's HIV status. The three social partners, therefore, should intensify their campaign in sensitizing employees and management about HIV/AIDS with regard to the contents and implication of the new provision in the law¹³⁰.

5.3 I RECOMMEND WORKERS TO TAKE UP THE FOLLOWING MEASURES

5.3.1 APPLYING INTERNATIONAL SOLIDARITY

It is important to note that the international community played a big role in the amendment of the labour laws. For instance, bodies like ILO, ITUC, CTUC, and FES put in much time and financial resources towards the amendment of the old labour laws. It is on this basis that the study highly recommends that:

Workers' representatives should call upon such bodies to assist in the implementation of the new labour laws. This seems important because workers' struggles have rarely been won with national solidarity alone.

International solidarity has in the past played a very recognizable role in workers' struggles.

¹³⁰See Employment Act 2006 S. 6 (3)

5.3.2 MEDIA CAMPAIGN TO POPULARIZE AND WIDEN DEBATE ON THE NEW LABOUR LAWS

The challenges of labour implementation are many and labour unions may find it difficult to find a solution alone. It is therefore recommended that labour union leaders through their federations should start/increase using the media to popularize not only their federations and unions but also to make known their position and alternative solutions to the socio-economic challenges that affect Ugandans.

This therefore calls for labour unions to develop a communication strategy to guide them in effective communication to the public.

5.3.3 WORKING CLOSELY WITH THE FEDERATION OF EMPLOYERS (FUE)

The labour movement needs to strengthen its co-operation with the Federation of Uganda Employers (FUE). For instance, workers and employers should negotiate directly without third party intervention. The current trend is that employers are increasingly engaging lawyers to settle labour disputes instead of using labour specialized personnel like human resource managers and union leaders.

This practice of using lawyers may not be a good industrial relations practice. According to industrial relations theory, direct engagement between workers and employers often best addresses the problem both parties face.

5.3.4 STRENGTHENING ORGANIZATIONAL CAPACITY

NOTU and COFTU need to build their capacities to serve their affiliates. For instance, by assisting them in the training of shop stewards or on recruitment and organizing (especially of young workers and women). It is also strongly suggested that the two national federations need and must work together in the protection and promotion of

workers' rights. No single federation can manage this enormous task independently. For instance, NOTU can share with COFTU copies of the "Popular Version" they made on the new labour laws to avoid duplication of the same work and wastage of workers' resources. Likewise, COFTU can allow NOTU to utilize its training Centre for all its educational and training activities and make good use of its legal aid project, which is meant to assist workers seeking justice.

COFTU is managing a National Labour Institute (NALI) for labour education and skills training of various categories of workers and the community. The two federations can also share other educational materials that have been developed over the years.

5.3.5 ORGANIZING IN THE FORMAL SECTOR AND POSSIBILITY OF MERGING

Since the law is very clear and applies to all workers, organizing in both formal and the informal sector should now be a top priority. Caution however has to be taken in view of minimizing conflicts when carrying out this cause. It is hereby recommended that unions should adopt a sectorial approach while recruiting other than the current industrial approach, which might lead to clashes among union members.

In fact they should start considering merging most of the affiliates to come up with a few but formidable and economically viable unions.

5.3.6 ORGANIZING THE INFORMAL SECTOR

The need to organize the informal sector is not only necessary but is a must for the trade unions. "[Labour] unions should not only be seen to protect rights of a small

section of workers and leave out the informal sector where working conditions are very unfavorable¹³¹.

While venturing into this sector, however, unions should take caution in view of the dissenting views espoused by those already organizing the same but through associations. In an interview Menhya Alex¹³², the Executive Director of Foundation for Advancement of Small Entrepreneurs and Rural Technology (FASERT) had this to say about trade unions' venture into organizing the informal sector, "In the informal sector, we do not need trade unions, because there is no employer-employee relationship. Workers here do not need collective bargaining; they need skills, which can readily be got by

forming associations. For instance, motorcyclists commonly known as Boda-boda cyclists should form associations and not trade unions because there are no skills got by joining trade unions. Trade unions should only go in to sensitize workers on their rights."

That notwithstanding, labour unions should overlook such obstacles and proceed to organize workers in the informal sector, and should not miss an enormous opportunity to increase their membership¹³³. They should first analyze the obstacles they face like giving their institutions a new outlook that would be appealing especially to youth and women.

¹³¹ See a research paper by Rose Nassanga (1998) on 'Trade unions and informal sector: the case of Uganda

¹³² Alex Menhya was also the former Executive Director of The Uganda National Federation of Informal Sector

Associations.

¹³³ Strength of any labour union largely depends on number of members recruited.

5.3.7 EDUCATION OF NEGOTIATORS

Before management will have any trust in union negotiators, the union negotiators will have to exhibit high knowledge on the subject they are handling. Union leaders demonstrating can only do this an understanding of their business, its strengths, and perhaps its difficulties. Many union negotiators lack professional conduct and the ability to explain labour union issues.

This seems more pronounced on the side of newly formed unions that were interviewed. As such, the process of negotiations has been seen to take more time than necessary. Labour unions are therefore encouraged to set education and training of negotiators as a top priority on topics like Company Performance Analysis (CPAs), to enable them have some knowledge on the situation under which employers operate before they go for collective bargaining.

5.4 CONCLUSION

The government has played an active role to promote occupation safety and health Act at workplace by introducing Occupational Safety and Health Act to supplement other National and international ratified instruments this largely improved the right to labour union recognition, the right to register a labour union, the right to labour union affiliation, and the right to labour union expansion in terms of organizing workers in the country.

However, in regard to safety and health **section 118**¹³⁴ superseded other acts of parliament which instead seem to be its additional other than diminution. Despite of all the positive steps taken, violation of employees' safety and health is still rampant in the

¹³⁴ OSHA

country especially under private sector in manufacturing, fishing, agriculture and construction sectors where foreign investors manage the projects. This is possible due to the poor inspection mechanism which may rise from man power shortages.

The implementation of OSHA has to some extent minimized the occupational risks at the workplace while, risks are ever increasing given the advancements of the world thus workers necessitate work protection as the primary resource and for occupational safety and health to be promoted the issue of employer- employee relationship needs to be addressed to eliminate practices leading to exploitation of employees while at work place.

REFERENCES

TEXT BOOKS

- Barya, John Jean (2001), Trade Unions and the Struggle for Associational Space in Uganda: The 1993 Trade Union Law and Article 40 of the Constitution, Working Paper No 63, Kampala, Center for Basic Research Publication, March 2001.
- Barya J.J (2007), Freedom of Association and Uganda's New Labour Laws: A Critical Analysis of the State of Workers' Organizational Rights, HUR�PEC Working paper No. 4.
- ILO (1996), Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, Fourth (Revised) Edition.
- ILO (2006), Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, Fifth (Revised) Edition.
- MGLSD (2003), Social Development Sector PEAP Review Paper, Revised Version, Kampala, October 2003.
- MGLSD (2010), the National Employment Policy for Uganda, November 2010, ISBN.
- Nassanga Rose (1998), Trade unions and the Informal Sector: A case of Uganda, research paper in partial fulfillment of the requirements for obtaining the degree of Master of Arts in development studies, employment and labour, ISS, The Hague.
- Nick Krafft (2008), No Investor Left Behind: Uganda's Economic Policy and Its Impacts on Trade Union. NOTU (2004), Training Manual on Labour Laws and Reform,

developed by ILO-Strengthening Labour Relations in East Africa (SLAREA) Project
RAF/00/M05/USA, RAF/02/58M/USA.

- Ssekaana Musa (1998), Adequacy of Labour Laws in the Employer and Employee Relationship in Uganda.

REPORTS

- CTUC (1999), Implementation of Core Labour Standards in Uganda: Report by Mary Stacey, UK Legal Expert, following a visit to Uganda, 8-24 November 1999.
- ILO-NOTU (1998), History of Trade Unions in Uganda, Workers' Education Assistance.
- ILO (2000), Termination of Employment Digest. A legislative review, Geneva, International Labour Office
- ILO/SLAREA (2004), Compilation of Labour Law Cases In Uganda.
- Lwanga-Lukwago, James (1997), Structural Reforms and Labor Redeployment in Uganda: Losers and Winners, the Hague.
- NOTU (1999), Membership Profile of the Labour Movement in Uganda.59
- NOTU (2000), Labour Day Speech
- NOTU (2002), Uganda, A Rejoinder to the Policy and Strategy Framework for Labour Regulation by The Deregulation Project, n.p, Kampala, Uganda, October 2002.
- NOTU (2003), Statement to Parliament on the Industrial Action at Apparel Tri-Star at Bugolobi, By Workers Representatives in Parliament on 6, November 2003.

- NOTU (2004), Memorandum submitted by NOTU To His Excellency the President of the Republic of Uganda, Yoweri K. Museveni as way Forward to Handling of Labour Relations in the Country, 2004.
- Peter Cullen (2003), Regulatory Best Practice, Labour Economics, and Labour Law-How Labour can influence the issues. Presented for Labour Leaders and Friends of Labour, 2-3 October 2003.
- UBOS (2003), Report on the Labour Force Survey: Uganda National Household survey 2002/2003.
- UBOS (2006), Report on the Labour Market Conditions in Uganda.
- Uganda Law Reform Commission, Commercial Law Project: Analysis by the Uganda Law Reform Commission of Draft Final Report by Reid and Priest Team not dated

QUESTIONNAIRE

NAME *Mirembe* AGE *29*

GENDER *f* OCCUPATION *TV producer*

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME... Nambuya Mary AGE... 34
GENDER... Female OCCUPATION... Chemist

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME N. Senekwa Mous : AGE 38

GENDER Male OCCUPATION Mechanical Engineer .

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes

No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes

No

Does your employer allow you to join labour unions?

Yes

No

QUESTIONNAIRE

NAME *Baligaysi* AGE *40*

GENDER *Female* OCCUPATION *Supervisor*

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME *Olwenya* AGE *48*

GENDER *Male* OCCUPATION *Electrical Engineer*

I am Baligasisa Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME *Sueribe* AGE *31*

GENDER *Male* OCCUPATION *Mechanical Engineer* .

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes

No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes

No

Does your employer allow you to join labour unions?

Yes

No

QUESTIONNAIRE

NAME Semaya - Al-Bachir AGE 32
GENDER Female OCCUPATION waitress

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME... *Kyomwene* AGE... *40*

GENDER... *Female* OCCUPATION... *Accountant*

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes

No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes

No

Does your employer allow you to join labour unions?

Yes

No

QUESTIONNAIRE

NAME.. Kayima Julia AGE.. 25
GENDER.. male OCCUPATION.. SECURITY GUARD ..

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME... *Isabonye* AGE... *35*
GENDER... *Male* OCCUPATION... *Cleaner*

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No *not one labour union*

QUESTIONNAIRE

NAME.....Melissa.....AGE.....23.....
GENDER.....Female.....OCCUPATION.....Lawyer.....

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME.. Sengendo AGE..... 30

GENDER..... Male OCCUPATION..... PROFESSOR

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes , No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME..... Edona AGE..... 40
GENDER..... f OCCUPATION..... teacher

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME Morris AGE 18
GENDER Male OCCUPATION pharmacist

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes

No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes

No

Does your employer allow you to join labour unions?

Yes

No

QUESTIONNAIRE

NAME Baligasima Anna Fred AGE 21 years old
GENDER M OCCUPATION law student

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

QUESTIONNAIRE

NAME Juliette rose Obath AGE 22

GENDER female OCCUPATION primary school teacher

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes No

Does your employer allow you to join labour unions?

Yes No

* I think the government has done a good job but it's the implementers with the problem.

QUESTIONNAIRE

NAME Baligasi Jovan AGE 31

GENDER male OCCUPATION Final Products

I am Baligasi Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Do you have any knowledge of Occupational safety and Health Act?

Yes

No

Are you interested in knowing more about the occupational health and safety at workplace?

Yes

No

Does your employer allow you to join labour unions?

Yes

No

QUESTIONNAIRE

NAME... *Immaculate Nasonga* ... AGE... *35*

GENDER... *Female* OCCUPATION... *Employee MGLSD*

I am Baligasisa Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of your valuable time to answer this simple questionnaire this information will remain confidential.

Are there any laws that protect workers from occupational health and safety hazards?

Yes

No

If yes specify-

Occupational Safety and Health Act, Employment Act 2006, Labour Unions Act, Labour Dispute (Settlement and Arbitration) Act and other international laws

Has government made an effort to ensure that workers are protected from occupational Health and safety at their workplace?

Yes

No

Are there any challenges faced by the Ministry in ensuring that Occupational health and safety is implemented at workplace?

Yes

No

If Yes specify

The major challenge faced by the MGLSD is lack of enough funding from government.

Is there anything you have done about the challenges faced?

Yes

No

If yes specify

The MGLSD is requesting government to increase funding to the government ministry in order to enable ^{labour} workers and ministry effectively implement the occupational Health and Health Act.

QUESTIONNAIRE

NAME..... *Anna* AGE..... *20*

GENDER..... *Female* OCCUPATION..... *Employee*..... *MASB*

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Are there any laws that protect workers from occupational health and safety hazards?

Yes

No

If yes specify-

The Occupational Health and safety Act 2006, Employment Act, Labor court Act, and other international laws

Has government made an effort to ensure that workers are protected from occupational Health and safety at their workplace?

Yes

No

Are there any challenges faced by the Ministry in ensuring that Occupational health and safety is implemented at workplace?

Yes

No

If Yes specify

One major challenge here is finance in way that there are no adequate funds to facilitate the implementation

Is there anything you have done about the challenges faced?

Yes

No

If yes specify

We are making an effort to appeal to government as we are finding

QUESTIONNAIRE

NAME... Isaac Mugerusa : AGE... 40 :

GENDER... Male OCCUPATION... Labour officer :

I am Baligasisa Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Are there any laws that protect workers from occupational health and safety hazards?

Yes

No

If yes specify-

Occupational Health and Safety Act No 9 2006,
Employment Act 2006, Labour dispute (settlement and
arbitration) Act, Trade Unions and other international law.

Has government made an effort to ensure that workers are protected from occupational Health and safety at their workplace?

Yes

No

Are there any challenges faced by the Ministry in ensuring that Occupational health and safety is implemented at workplace?

Yes

No

If Yes specify

lack of enough funding to the ministry of Gender
labour and social development, Unawareness of the
labour laws by the public

Is there anything you have done about the challenges faced?

Yes

No

If yes specify

We are trying to request the government to
increase funding in the ministry in the upcoming budget
of 2017-2018.

QUESTIONNAIRE

NAME... ASIMUKU IVAM AGE... 42

GENDER... MALE OCCUPATION Employee M.G.S.A

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Are there any laws that protect workers from occupational health and safety hazards?

Yes

No

If yes specify-

Occupational Health and Safety Act, Employment Act, Labour Unions Act, Labour dispute Settlement and Arbitration Act and other international laws.

Has government made an effort to ensure that workers are protected from occupational Health and safety at their workplace?

Yes

No

Are there any challenges faced by the Ministry in ensuring that Occupational health and safety is implemented at workplace?

Yes

No

If Yes specify

The main problem faced is funding given to the ministry, it is so little that it cannot effectively facilitate labour officers.

Is there anything you have done about the challenges faced?

Yes

No

If yes specify

We are trying to appeal to government to increase funding to the ministry.

QUESTIONNAIRE

NAME Mutebi agail : AGE 35

GENDER Female : OCCUPATION Inspector :

I am Baligasima Anna a fourth year law student at Kampala International University carrying out a research entitled the effectiveness of the Occupational health and safety in protecting employees in Uganda a case study of Kampala.

Please spare a few minutes of you valuable time to answer this simple questionnaire this information will remain confidential.

Are there any laws that protect workers from occupational health and safety hazards?

Yes

No

If yes specify-

Occupational Safety and Health Act No 9 2006, Labour
Dispute (Settlement and Arbitration) Act, Labour Union
Act, Employment Act

Has government made an effort to ensure that workers are protected from occupational Health and safety at their workplace?

Yes

No

Are there any challenges faced by the Ministry in ensuring that Occupational health and safety is implemented at workplace?

Yes

No

If Yes specify

Lack of funding from Government to the ministry to ensure
that occupational Health and Safety is implemented

Is there anything you have done about the challenges faced?

Yes

No

If yes specify

The ministry is requesting the government to increase
it budget in the upcoming 2017 - 2018 financial year
budget