

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2021 No. 47.

**THE EMPLOYMENT (RECRUITMENT OF UGANDAN MIGRANT
WORKERS) REGULATIONS, 2021.**

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STATUTORY INSTRUMENTS

2021 No. 47.

The Employment (Recruitment of Migrant Workers) Regulations, 2021.

(Under section 97 of the Employment Act, 2006)

IN EXERCISE of the powers conferred on the Minister responsible for labour by section 97 of the Employment Act, these Regulations are made this 10th day of May, 2021.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Employment (Recruitment of Migrant Workers) Regulations, 2021.

2. Objective

The objective of these Regulations is —

- (a) to regulate the recruitment and placement of migrant workers by providing a mechanism for regulating the activities of recruitment agencies; and
- (b) to uphold the dignity and rights of migrant workers by prescribing the appropriate terms and conditions of their employment.

3. Interpretation

In these Regulations unless the context otherwise requires—

“claim” means a claim for compensation or benefits arising from an employer-employee relationship or for any personal injury, illness or death, within the terms and conditions of employment of a migrant worker;

“currency point” has the value assigned to it in the Schedule to this Act;

“derogatory record” means information such as illegal recruitment, falsification of documents, illegal solicitation of money or conviction for crimes involving moral turpitude;

“exploitation” means forced labour, sexual abuse, use of a person in illegal activities, servitude and child labour or non-fulfilment of the terms of the contract of a migrant worker;

“foreign recruitment agency” means an agency based outside Uganda which is accredited by a Ugandan Mission abroad, to recruit Ugandans to work abroad;

“job order” means written communication from a foreign recruitment agency to a recruitment agency indicating the number of Ugandan workers required for specified jobs abroad and their skills and the wages to be paid to the migrant workers;

“manpower pool” means a databank of a recruitment agency, of potential migrant workers;

“Ministry” means the Ministry responsible for labour;

“migrant worker” means a Ugandan citizen who is to be engaged, or is engaged in remunerated employment abroad;

“placement fees” means an amount of money charged by a recruitment agency from a worker for recruitment and placement services;

“recruitment agency” means a company licenced by the Ministry to recruit migrant workers for employment abroad;

“recruitment and placement” means canvassing, contracting, transporting, utilising, hiring, or procuring workers, and includes referrals, contract services and advertising for employment for migrant workers, whether for profit or not;

“trade test” means a test of a person’s proficiency in a particular trade or occupation.

PART II—LICENSING OF RECRUITMENT AGENCIES

4. Licensing of recruitment agencies

A person who wishes to transact business as a recruitment agency in Uganda shall apply to the Ministry for a licence.

5. Recruitment agencies to be companies

(1) A person to be granted a licence to operate as a recruitment agency under these Regulations shall be a company incorporated under the Companies Act, 2012.

(2) All the shareholders and the directors of a company referred to in subregulation (1) shall be Ugandans.

(3) The company shall have a minimum authorised capital of fifty million Uganda shillings and—

- (a) where the company has been in existence for a year or less, the company shall have an account balance of not less than ten million Uganda shillings; and
- (b) where the company has been in existence for more than one year, the company shall have a verified financial statement, income tax returns for the preceding one year and an account balance of not less than ten million Uganda shillings.

6. Eligibility to be licenced as recruitment agencies

The following are not eligible to be licenced as recruitment agencies—

- (a) travel agencies or sales agencies of airline companies;
- (b) companies whose directors or shareholders are engaged in the business of operating travel agencies;
- (c) political, religious or cultural organisations;
- (d) companies that have been declared insolvent; and
- (e) companies whose directors have a criminal record related to illegal recruitment or trafficking in persons.

7. Application for licence

(1) A company proposing to transact or carry on business as a recruitment agency shall apply in writing, to the Ministry for a licence.

(2) An application shall be accompanied by a non - refundable application fee of one hundred thousand Uganda shillings.

(3) An application shall contain the following information—

- (a) the name and address, including the email address of the prospective recruitment agency;
- (b) the names of the employees to be involved in the recruitment and placement and their particulars, including the dates of their appointment, their bio-data and for each employee, two passport size photographs; and
- (c) the names, addresses, nationality and occupation of the directors and the shareholders of the company.

(4) An applicant shall, prior to submission of the application, publish the application made under subregulation (3), in a newspaper of wide circulation.

- (5) An applicant shall attach to the application the following—
- (a) a certified copy of the certificate of incorporation;
 - (b) a certified copy of the memorandum and articles of association;
 - (c) a bank guarantee of one hundred million shillings;
 - (d) evidence of payment of the application fee;
 - (e) for each director and shareholder, the individual tax returns and bank statement, for the past year;
 - (f) proof of publication of the application;
 - (g) a certificate of attendance of a representative of the applicant of a pre-licencing seminar conducted by the Ministry;
 - (h) documentary evidence to confirm—
 - (i) that the company has a minimum capital of fifty million Uganda shillings; and
 - (ii) that the company has an account balance of not less than ten million Uganda shillings; and
 - (i) clearance of the directors, shareholders and employees of the recruitment agency by the Criminal Investigation Department and any other security agency as the Ministry may determine.
- (6) In addition to the requirements specified in this regulation, an applicant for a licence shall provide a verified undertaking stating that the applicant shall—
- (a) provide to the migrant workers, pre-departure orientation on recruitment policies and procedures, terms and conditions of employment and other relevant information;

- (b) where applicable, confirm that any migrant worker recruited or deployed by the recruitment agency is qualified and holds the documents necessary for the job concerned;
- (c) confirm that the contract of employment signed by a migrant worker is in accordance with the standard employment contract and other applicable laws, regulations and collective bargaining agreements;
- (d) inform or cause a migrant worker to be informed of his or her rights and duties under his or her contract of employment and the articles of the agreement before or during the process of engagement;
- (e) make arrangements for a migrant worker to examine his or her contract of employment before he or she signs the contract and avail the migrant worker a copy of the contract after he or she signs the contract;
- (f) be fully responsible for all claims and liabilities which may arise as result of the use of the licence;
- (g) guarantee compliance with the applicable international labour standards;
- (h) assume full responsibility for all the acts of its officials, employees and representatives, done in relation to recruitment and placement; and
- (i) deploy at least fifty migrant workers within one year of issuance of the licence.

(7) Where the applicant does not provide all the required information or where the Ministry seeks any clarification, the Ministry shall require an applicant to provide the information or clarification, as the case may be.

8. Factors to be considered for grant of licence

(1) The Ministry shall, in considering an application for a licence—

- (a) analyse the financial history and status of the applicant;
- (b) analyse the proposed management system of the applicant, for competence and integrity;
- (c) analyse the capital structure of the applicant, for adequacy;
- (d) determine that the directors, shareholders or employees do not have a criminal record; and
- (e) take into account any other matter, which the Ministry may regard as relevant to the application.

(2) The Ministry shall, before granting a license to the applicant, inspect the office premises of the applicant, for suitability.

9. Processing of applications

The Ministry shall consider an application, within forty-five days of receipt of the application.

10. Grant of licence

(1) The Ministry may grant a licence to the applicant where the Ministry is satisfied that the application complies with the requirements of these Regulations.

(2) A licence shall only be granted upon payment of a fee of two million Uganda Shillings.

(3) The licence granted in subregulation (1) shall indicate the name and address of the recruitment agency and the conditions, if any, attached to the licence.

(4) The licence granted under this regulation shall be valid for two years from the date of issue.

(5) A license is not transferrable.

11. Refusal to grant licence

(1) The Ministry may refuse to grant a licence—

- (a) to a company that has a derogatory record held by the Internal Security Organisation or the Ministry;
- (b) to a company whose shareholders, directors or employees are guilty of carrying out illegal recruitment of a migrant worker; or
- (c) to a company whose directors or shareholders were involved with a recruitment agency whose licence was previously revoked by the Ministry for contravention of these Regulations.

(2) Where the Ministry refuses to grant a licence, it shall, in writing, state the reasons for the refusal to grant the licence.

12. Renewal of licence

(1) A recruitment agency that wishes to renew its licence shall apply to the Ministry for renewal of the licence, before the expiry of the licence.

(2) The application in subregulation (1) shall be supported by—

- (a) a bank guarantee of one hundred million Uganda shillings;
- (b) the audited financial statements of the recruitment agency for the last accounting year and the tax returns of the recruitment agency and of the directors and the shareholders of the recruitment agency;
- (c) evidence of clearance by the Criminal Investigation Department of the directors and shareholders;

- (d) a statement of the shareholding of the recruitment agency, certified by a registrar of companies; and
- (e) any other requirements as may be requested by the Ministry.

(3) The Ministry shall only process an application where all the documents required under subregulation (2) are submitted.

(4) Where an application is submitted and the licence expires before the licence is renewed, the recruitment agency shall continue to operate until the licence is renewed.

(5) Notwithstanding subregulation (1), a recruitment agency, may apply to renew its licence within thirty days after the expiry of the licence, and where a recruitment agency does so, it shall pay a fine of two million Uganda shillings.

13. Suspension of licence

(1) The Ministry may suspend the licence of a recruitment agency where—

- (a) the Ministry receives information that there is exploitation of a migrant worker and conducts investigations to verify the information, and determines that the continued operation of the recruitment agency may lead to further exploitation of the migrant worker; or
- (b) a recruitment agency contravenes these Regulations.

(2) The Ministry shall before suspension of the licence, give the recruitment agency notice of the suspension and grant the holder of the licence an opportunity to be heard.

- (3) The notice in subregulation (2) shall state—
 - (a) the reason for the proposed suspension;

- (b) any corrective action required to be taken to avoid suspension of the licence; and
- (c) the time within which the corrective action is to be taken.

(4) Where the licence of a recruiting agency is suspended, the recruiting agency shall return to the migrant worker or to the Ministry, all the documents submitted and the fees or charges paid by the migrant worker.

(5) Where a licence of a recruitment agency is suspended, the Ministry shall put a notice at the entrance of the premises showing that the licence is suspended and shall publish the suspension in at least one newspaper of wide circulation in the area where the recruitment agency is located.

14. Revocation of licence

(1) The Ministry may, revoke the licence of a recruitment agency where a recruitment agency—

- (a) contravenes these Regulations;
- (b) does not carry on business of recruitment of migrant workers for a period of six months or more;
- (c) engages in acts of misrepresentation, in relation to the recruitment and placement of migrant workers, such as the publication or advertisement of deceptive notices or information or the submission to the Ministry of documents which are fraudulent or contain false information;
- (d) induces or attempts to induce an already employed migrant worker to transfer from, or to leave his or her employment for another employment unless the transfer is designed to relieve the worker from oppressive terms and conditions of employment;

- (e) influences or attempts to influence any person or entity not to employ any migrant worker who applies for employment through the recruitment agency;
- (f) substitutes or alters employment contracts and other documents approved and verified by the Ministry without the approval of the Ministry;
- (g) falsifies or alters travel documents for a migrant worker;
- (h) coerces a migrant worker to accept prejudicial arrangements in exchange for certain benefits that rightfully belong to the migrant worker;
- (i) withholds the salary of a migrant worker or his or her remittances, without justifiable reasons;
- (j) engages in acts of misrepresentation for purposes of securing a renewal of its licence;
- (k) engages in the recruitment or placement of migrant workers in jobs which are harmful to public health or morality; or
- (l) is suspended at least three times during the period of validity of its licence.

(2) The Ministry shall before revocation of the licence of a recruitment agency, give notice of the revocation, stating the reason for the revocation and shall grant the holder of the licence an opportunity to be heard.

(3) Where a licence of a recruitment agency is revoked, the Ministry shall put a notice at the entrance of the premises showing that the licence has been revoked and shall publish the revocation in at least one newspaper of wide circulation in the area where the recruitment agency is located.

(4) Where the licence of a recruiting agency is revoked, the recruiting agency shall return to the migrant worker or the Ministry, all the documents submitted and the fees or charges paid by the migrant worker.

PART III—INSPECTION

15. Inspection

(1) The Ministry or a person authorised by the Ministry, in writing, shall, during working hours, with or without prior notice, inspect the premises, documents and equipment of the recruitment agency and the premises where the pre - orientation seminars are conducted.

(2) Notwithstanding subregulation (1), the Ministry may upon receipt of a complaint or a report of violation of these Regulations, conduct periodic or spot inspections, at any hour of the day or night and inspect the premises, documents and the equipment of the recruitment agency and the premises where the pre- orientation seminars are conducted.

(3) Where a recruitment agency changes the location of its office or establishes a branch, as the case may be, the Ministry shall, inspect the proposed premises, before the change of location or establishment of a branch.

16. Powers of Ministry and person authorised to inspect

The Ministry or any other person authorised by the Ministry, in writing, under regulation 15 (1) may—

- (a) request for the necessary documents, for purposes of assessing the recruitment process, the human resource record or the financial status of the recruitment agency;
- (b) close the premises of a recruitment agency where it is determined that the recruitment agency violated the provisions of these Regulations; and

- (c) give such directions necessary for compliance with the requirements of these Regulations.

PART IV—FOREIGN RECRUITMENT AGENCY

17. Application by foreign recruitment agency for accreditation

(1) A foreign recruitment agency that wishes to recruit Ugandan migrant workers shall do so through a recruitment agency.

(2) A foreign recruitment agency referred to in subregulation (1) shall apply to the Uganda Mission responsible for the country where the foreign recruitment agency is located, for accreditation.

(3) A foreign recruitment agency applying for accreditation shall submit to the Uganda Mission, the following—

- (a) the English translation of the documents of incorporation of the foreign recruitment agency;
- (b) a valid trade licence of the foreign recruitment agency, or its equivalent;
- (c) the labour licence of the foreign recruitment agency, or its equivalent;
- (d) the names and contacts of the officials of the foreign recruitment agency;
- (e) the physical address and contacts of the foreign recruitment agency;
- (f) the physical address of the accommodation centres where the migrant workers are accommodated on arrival or where the migrant workers in distress are accommodated;
- (g) proof of availability of a complaints handling mechanism including the personnel and the office premises; and

- (h) the name and contact of the complaints handling officer of the foreign recruitment agency, who shall preferably be a Ugandan.

(4) The Uganda Mission shall prior to accreditation, inspect the premises of the foreign recruitment agency and the accommodation centres referred to in subregulation (3)(f).

(5) The accreditation of a foreign recruitment agency shall be valid for two years and may be renewed upon inspection of the premises and the accommodation centres of the foreign recruitment agency by the Uganda Mission.

18. Accreditation not transferrable

A foreign recruitment agency shall not transfer its accreditation to another foreign recruitment agency or to any other company.

19. Revocation of accreditation of foreign recruitment agency

The Uganda Mission may revoke the accreditation of the foreign recruitment agency, where the foreign recruitment agency—

- (a) does not carry on business of recruitment of migrant workers for a period of six months or more;
- (b) contravenes regulation 18;
- (c) charges, imposes or accepts directly or indirectly any amount of money, goods, services, fee or bond for any purpose, before obtaining employment for a migrant worker;
- (d) charges fees higher or contrary to the fees prescribed under these Regulations;
- (e) obstructs or attempts to obstruct inspection by the Uganda Mission; or
- (f) publishes or causes to be published in Uganda, a job order in violation of these Regulations.

PART V—RECRUITMENT AND PLACEMENT OF
MIGRANT WORKERS

20. Advertisement for vacancies

- (1) A recruitment agency may advertise for—
 - (a) vacancies for an approved job order; or
 - (b) purposes of creating a manpower pool.
- (2) The Ministry shall approve an advert before the advert is released.
- (3) The subsequent publication of an advert which was previously approved and advertised or of a portion of the advert, in another form of press or media release, shall not require the approval of the Ministry, where the subsequent publication is done within a period of one month from the date of approval by the Ministry.
- (4) For purposes of this regulation and regulations 21 and 22, a press or media release, whether in print, on radio or on television, shall be considered as an advert.

21. Advertisement for vacancies for approved job order

- (1) An advertisement for a job order shall indicate—
 - (a) the name, address and licence number of the recruitment agency;
 - (b) the levels of competence, skill and knowledge and the required categories and qualification standards;
 - (c) the number of available vacancies;
 - (d) the name and accreditation number of the foreign recruitment agency and the work site;

- (e) the date of approval of the job order by the Ministry;
- (f) for each vacancy, the proposed salary;
- (g) the countries of placement of the migrant workers;
- (h) for each vacancy, the duration of the contract; and
- (i) the applicable fees or charges.

(2) For the purposes of an advertisement for a job order under subregulation (1), foreign recruitment agency that seeks to recruit migrant workers, shall present a job order to the recruitment agency.

(3) A job order referred to in subregulation (2) shall prior to being presented to the recruitment agency for advertising, be submitted by the foreign recruitment agency that seeks to recruit migrant workers to the Uganda Mission responsible for the country where a foreign recruitment agency is located, for verification.

(4) The job order shall prior to verification, be authenticated by the relevant authority of the country where the foreign recruitment agency is located.

(5) A foreign recruitment agency that presents a job order for verification shall pay a fee of thirty US dollars, to the Ministry, for every vacancy on the job order.

(6) The recruitment agency shall prior to advertising, submit for approval, the job order to the Ministry for approval.

(7) A job order submitted under subregulation (6) shall be accompanied by the following—

- (a) a power of attorney and a copy of the service agreement between the foreign recruitment agency and the recruitment agency;

- (b) a template of an employment contract;
- (c) proof of availability of accommodation space for the migrant workers who arrive in the country of the foreign recruitment agency;
- (d) proof of payment of thirty US dollars per vacancy on the job order to the Ministry; and
- (e) any other documents the Ministry may deem necessary.

(8) The employment contract in subregulation (7) (b) shall indicate that a migrant worker is entitled to the following —

- (a) wages for regular working hours and overtime pay for services rendered beyond regular working hours;
- (b) medical treatment;
- (c) in case of termination of the contract or of the services of the migrant worker, that the termination shall be for a just cause;
- (d) in case of injury sustained at the work place and for protection against any hazard that may be caused by war, that the migrant worker shall be entitled to compensation; and
- (e) in case of death, that the remains of the migrant worker and his or her property shall be repatriated to the point of hire, and that where this is not possible, that the repatriation shall be made upon arrangement with the next-of-kin of the migrant worker and the nearest Ugandan Mission to a place agreed upon.

22. Advertisement for a manpower pool

(1) An advertisement for a manpower pool shall indicate that the advertisement is for purposes of creating a manpower pool and shall include the following—

- (a) the name, address and licence number of the recruitment agency; and
- (b) the required skills and qualifications.

(2) For the avoidance of doubt a recruitment agency shall not for purposes of an advert for a manpower pool, charge or collect any fees from an applicant.

23. Clearance of migrant workers

(1) A recruitment agency that wishes to place migrant workers abroad shall seek clearance from the Ministry by submitting the following—

- (a) for each migrant worker, a certificate of good conduct from Interpol;
- (b) a pre-departure orientation training report;
- (c) the approved job order;
- (d) for each worker, a copy of his or her passport;
- (e) a copy of the contract of employment;

(2) Where the migrant worker is a vacationer, the recruitment agency shall seek clearance from the Ministry by submitting the following—

- (a) a copy of the work or employment visa of the vacationer;
- (b) the passport page with the entry stamp of the vacationer;
- (c) a letter from the employer indicating that the candidate is on vacation;
- (d) the clearance letter previously issued by the Ministry;

- (e) where necessary, the academic documents of the vacationer; and
- (f) any other documents the Ministry may require.

24. Trade test

(1) Where a recruitment agency secures placement for a migrant worker, the recruitment agency shall present the migrant worker to the Directorate of Industrial Training for a trade test.

(2) The Directorate of Industrial Training shall conduct trade tests for the migrant workers based on the line category a foreign recruitment agency requests for in a job order.

PART VI—FEES AND CHARGES

25. Fees payable by foreign recruitment agency

(1) A foreign recruitment agency may pay the recruitment agency a fee to cover services rendered in the recruitment and deployment of migrant workers, including the costs of the documentation and placement of the migrant workers.

(2) Where a recruitment agency is paid fees under subregulation (1), the recruitment agency shall not charge any migrant worker any fee.

(3) Where a foreign recruitment agency seeks to recruit domestic workers, the foreign recruitment agency shall cover all the costs for recruitment and placement of each domestic worker.

26. Fees chargeable from migrant workers

(1) A recruitment agency may charge a migrant worker a fee not exceeding twenty thousand Uganda shillings for the administrative costs of the recruitment.

(2) Where the recruitment agency does not charge a migrant worker under subregulation (1), the recruitment agency may charge a migrant worker placement fees.

(3) The placement fees charged under subregulation (2), shall cover the costs for the placement of a migrant worker, including the costs for—

- (a) the trade or skill testing;
- (b) the pre - departure orientation seminar;
- (c) the medical examination and inoculation of the migrant worker;
- (d) acquiring a passport and processing the required visa; and
- (e) the notarization of documents.

(4) The placement fees shall be approved by the Ministry and shall only be collected from a migrant worker after he or she signs the employment contract.

(5) The recruitment agency shall issue a receipt to a migrant worker for the fees paid under this regulation.

27. Fees to be paid by recruitment agency

A recruitment agency shall pay to the Ministry for approval of a job order, two hundred thousand shillings for every job order, which shall be paid before approval of the job order and which shall be non-refundable.

PART VII— PRE-DEPARTURE ORIENTATION

28. Accreditation of pre-departure training institutions

(1) A company or an organisation that wishes to conduct pre-departure orientation shall make an application to the Ministry to be accredited as a pre-departure training institution.

(2) An application made under subregulation (1) shall be accompanied by an application fee of two hundred thousand Uganda shillings.

(3) The company or organisation that applies for accreditation under subregulation (1) shall attach to its application the following—

- (a) a copy of the certificate of incorporation of the company or organisation;
- (b) a copy of the memorandum and articles of association of the company or organisation;
- (c) a copy of the certificate of allotment of shares of the company or organisation;
- (d) the income returns for the directors and for the shareholders of the company or organisation;
- (e) documents indicating the nationality of the directors and shareholders;
- (f) evidence of the premises where the pre-departure orientation is to be conducted;
- (g) a list of the personnel of the company or organisation to conduct pre-departure orientation, who shall have the qualifications, skills and knowledge necessary for conducting pre-departure orientation.

(4) Where an application fulfils the requirements of subregulation (3), the Ministry shall within fifteen working days of receipt of an application under this regulation, accredit the company or organisation, as a pre-departure training institution.

29. Pre-departure orientation

(1) Pre-departure orientation shall only be conducted by a company or organisation accredited by the Ministry under regulation 28.

(2) Pre-departure orientation shall be conducted for a period of not less than fourteen days.

(3) A recruitment agency shall deploy the migrant worker within thirty days after the pre-departure orientation.

(4) The costs of pre-departure orientation shall form part of the fees paid under these Regulations.

(5) A pre-departure training institution shall submit to the Ministry for approval, a schedule of the pre-departure orientation to be conducted, at least seven days before the pre-departure orientation is conducted.

(6) The schedule referred to in subregulation (5) shall have the following information—

- (a) the name of the recruitment agency for which the pre-departure orientation is to be conducted;
- (b) the pre-departure orientation conducted in the previous month, if any;
- (c) the names of the facilitators to conduct the pre-departure orientation;
- (d) the names, ages, sex and countries of placement of the participants to attend the pre-departure orientation;
- (e) the venue, dates and duration of the pre-departure orientation; and
- (f) any other information as may be required by the Ministry.

(7) The pre-departure training institution shall only conduct orientation for migrant workers referred by recruitment agencies licensed under these Regulation and who possess all the required travel documents.

(8) A pre-departure training institution shall submit to the Ministry, monthly and quarterly reports of the pre-departure orientation conducted.

30. Suspension of accreditation of pre-departure training institution

The Ministry may suspend the accreditation of a pre-departure training institution where the institution—

- (a) does not conduct any orientation for a period of fourteen days;
- (b) submits false documents to the Ministry;
- (c) does not submit to the Ministry, a schedule of the training to be conducted or the monthly and quarterly reports of the pre-departure orientation conducted as required under regulation 29;
- (d) issues certificates to migrant workers who do not attend the pre-departure orientation seminar;
- (e) conducts pre-departure orientation for migrant workers who do not possess the required travel documents;
- (f) conducts pre-departure orientation for migrant workers from non-licenced recruitment agencies; or
- (g) conducts pre-departure orientation using personnel whose names were not submitted to the Authority under regulation 28 (3) (g).

31. Revocation of accreditation of pre-departure training institution

The Ministry may revoke the accreditation of a pre-departure training institution where the institution ceases to meet the standards of an accredited pre-departure training institution.

32 Name hires

A person who secures a contract for employment abroad on his or her own and who is not recruited or placed by a recruitment agency shall, before travel out of Uganda, seek clearance from the Ministry.

33. Complaints procedure

(1) A person who is aggrieved by any action or a decision of a recruitment agency, may file a complaint, in writing, with the Ministry.

(2) The Ministry shall on receipt of a complaint, summon the person who files the complaint and the recruitment agency against which the complaint is made and resolve the matter.

(3) Where the Ministry fails to resolve the matter, the under subregulation (2), the Ministry shall advise the complainant to seek redress from court.

(4) The bank guarantee submitted to the Authority in regulation 7 shall be used to clear any claims that may arise as a result of any complaint filed under these Regulations.

34. Appointment of agent

(1) A recruitment agency may, with the approval of the Ministry, appoint an agent or representative of the recruitment agency.

(2) The recruitment agency shall for purposes of approval in subregulation (1) submit to the Ministry the following—

- (a) the proposed appointment or a power of attorney;
- (b) clearance of the agent or representative from the Criminal Investigation Department; and
- (c) a verified statement of the recruitment agency indicating that the recruitment agency is responsible for the acts of the agent or representative done in connection with the recruitment and placement of migrant workers.

35. Transfer of shares or change of ownership

(1) A recruitment agency may transfer its shares, or change ownership.

(2) A recruitment agency that wishes to transfer its shares or to change ownership shall before the transfer or change of ownership, have the prospective shareholders or directors, as the case may be, cleared by the Ministry and the Criminal Investigation Department.

(3) Where the new shareholders or directors are not cleared by the Ministry and the Criminal Investigation Department before the transfer of shares or change of ownership of a recruitment agency, the licence of the recruitment agency shall be revoked.

(4) A recruitment agency may change the composition of the directors or shareholders of the recruitment agency and where a recruitment agency changes the composition of the directors or shareholders, it shall notify the Ministry of this within thirty days from the date of the change.

(5) For purposes of subregulation (4), the recruitment agency shall submit the minutes of proceedings in which the change of directors or shareholders was effected, which shall be certified by the Registrar of Companies and in case of election of new directors, the particular of those directors and evidence that the change was cleared by the Criminal Investigation Department.

(6) The Ministry shall not approve the appointment of directors or shareholders, who were previously directly involved in the contravention of these Regulations.

(7) Where a recruitment agency makes any change to its directors or shareholders, the recruitment agency shall publish the photos and names of the proposed directors and shareholders at least once newspaper of wide circulation in the area where the recruitment agency is located and shall a copy of the publication to the Ministry.

36. Notice of change of location of recruitment agency

(1) A recruitment agency may change the location of the office of the recruitment agency.

(2) A recruitment agency shall give notice to the Ministry of the change of the location of the office of the recruitment agency.

(3) The recruitment agency shall publish the address of its new office in a newspaper of wide circulation in the area where the new office is located.

37. Establishment of branches

(1) A recruitment agency may, with the approval of the Ministry, establish a branch of the recruitment agency.

(2) For the avoidance of doubt, a recruitment agency shall not establish a branch without the approval of the Ministry.

38. Offences and penalties

(1) A person that —

(a) operates as a recruitment agency without a licence issued by the Ministry;

(b) operates as a recruitment agency where the licence issued under these regulations expired, or is suspended or revoked;

(c) advertises jobs vacancies for a manpower pool without the approval of the Ministry;

(d) operates as a pre-departure training institution without accreditation by the Ministry;

(e) operates as a pre-departure training institution where its accreditation is suspended or revoked;

- (f) obstructs an inspecting officer from accessing the premises of a recruitment agency or of a pre-departure training institution or from carrying out his or her duties under these Regulations;
- (g) receives or charges fees in contravention of these Regulations;
- (h) misleads a migrant worker on the terms and conditions of service of the employment of the migrant worker;
- (i) substitutes a contract approved by the Ministry with another contract;
- (j) defaces, removes or obstructs a notice of suspension or revocation of the licence or closure of premises, placed by the Ministry at the premises of the recruitment agency;
- (k) damages the seal or any other material used by the Ministry to close the premises of the recruitment agency;
- (l) opens the premises of the recruitment agency which are closed by the Ministry, without the authority of the Ministry;
- (m) opens a branch of the recruitment agency without the approval of the Ministry; or
- (n) collects fees from a migrant worker but without valid reason fails to deploy the migrant worker abroad within one hundred and twenty days after clearance of the migrant worker by the Ministry,

commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one thousand currency points, or both.

(2) A recruitment agency that, without valid reason, fails to deploy a worker within a period of one hundred twenty days following receipt of the clearance of the migrant worker by the Ministry, shall in addition to the penalty in subregulation (1) have its licence suspended or revoked by the Ministry.

39. Transition

Any action or process commenced under the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 shall be continued and completed under these Regulations.

40. Revocation

The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 are revoked.

SCHEDULE

Regulation 3, 37

Currency point

A currency point is equivalent to twenty thousand Uganda shillings

Cross reference

The Companies Act, 2012

The Employment (Recruitment of Ugandan Migrant Workers Abroad)
Regulations, 2005

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