

Informality, Migrant Labour and Unpaid care work: The case of Uganda

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Outline



Contextual definitions

The Labour market
profile on informality,
migrant labour and
unpaid care work

The law

The Challenges

What is being done

Reflections on what
more needs to be
done

Conclusion

Informality

“economic activities by workers and economic units that are not covered or insufficiently covered by formal arrangements and are not criminal/ illicit activities” .(R204)

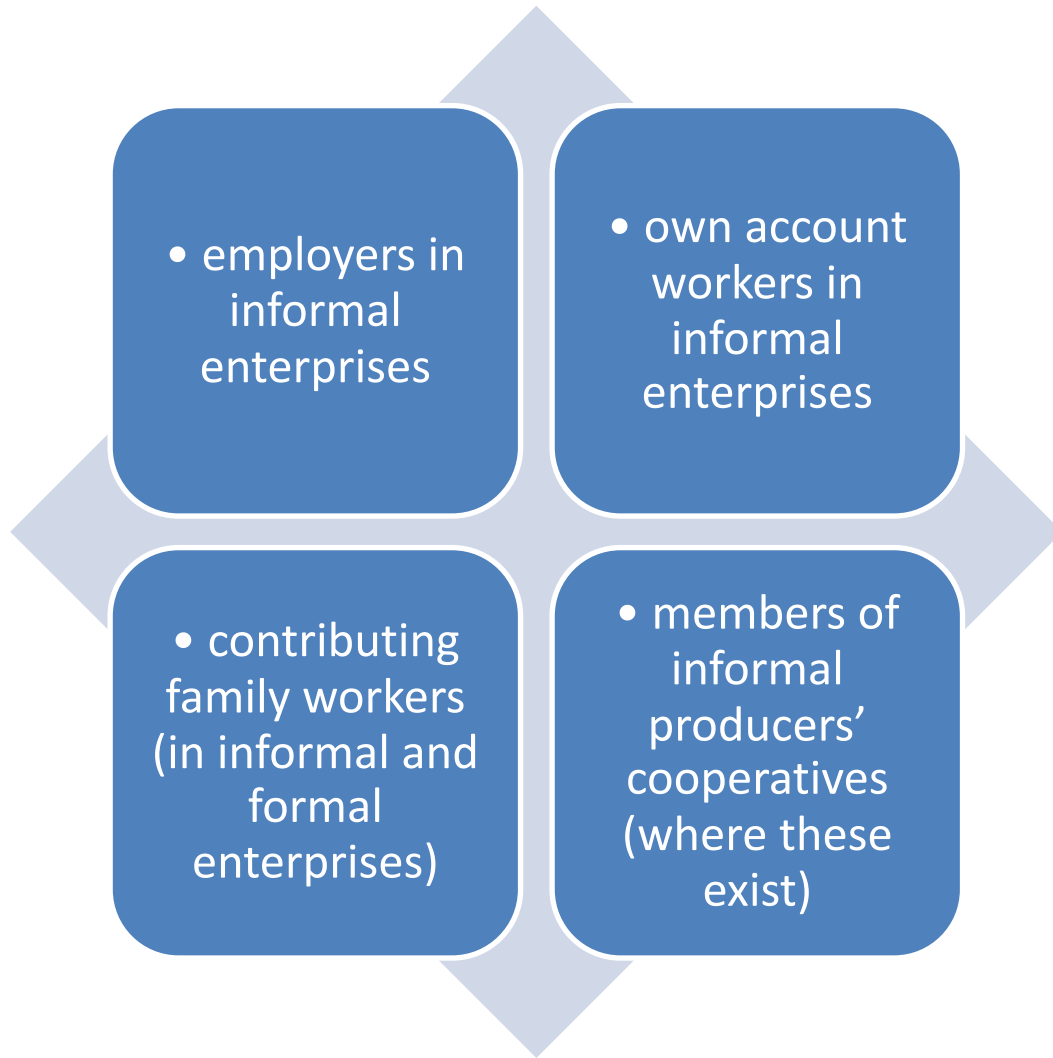
Economic Units are ;

“enterprises that: (i) employ workers (ii) are owned by individuals working on their own account (self-employed); (iii) cooperatives ,social and solidarity economy units(R204)



Workers in the Informal economy

- Informal self-employment



Informal wage employment

- employees of informal enterprises
- casual or day labourers
- temporary or part-time workers
- paid domestic workers
- contract workers
- unregistered or undeclared workers
- industrial outworkers (also called homeworkers)

Factors behind the growing informality

- high unemployment levels,
- presence of unskilled and semi-skilled workforce
- high flexibilisation of the Labour market,
- high costs of businesses registration
- high taxes
- inappropriate regulations
- The unattractive nature of the formal labour market (very low wages, poor working conditions and terms)



Migrant Labour

Movement for purpose of employment.

Migration may take the form of internal migration with in a country due to different reasons and external migration which involves the movement of workers from one country to another for employment.

Section 2 of Uganda's Employment Act , 2006 defines a migrant worker as ;

" A person who migrates from one country to another with a view of being employed other than on his own account, and includes any person regularly admitted as a migrant worker"

Unpaid care work

- " a critical yet largely unseen dimension of human well-being that provides essential domestic services within households, for other households and community members ". (UNDP(2009): Policy brief on gender equality and poverty reduction)
- The person doing care work does not receive any wages and the said work falls outside the production boundary in the system of National Accounts and is not counted in GDP calculations.



Labour Market
Profile on
Informality, migrant
Labour and unpaid
care work

89% of the total Labour Force in Uganda (Annual Labourforce Survey 2021)

Contributes more than 50% of Uganda's GDP(UBOS(2018): Uganda National Labour Force Survey 2016/17)

Women are more represented in the informal economy (Uganda National Labour Force Survey 2021)

Informal workers are in vulnerable employment (Uganda National Labour Force Survey 2016/17)

Labour Market
Profile on
Informality, migrant
Labour and unpaid
care work

Un paid care work constitutes 21% of the total Labour Force in Uganda (Annual Labour force 2021)

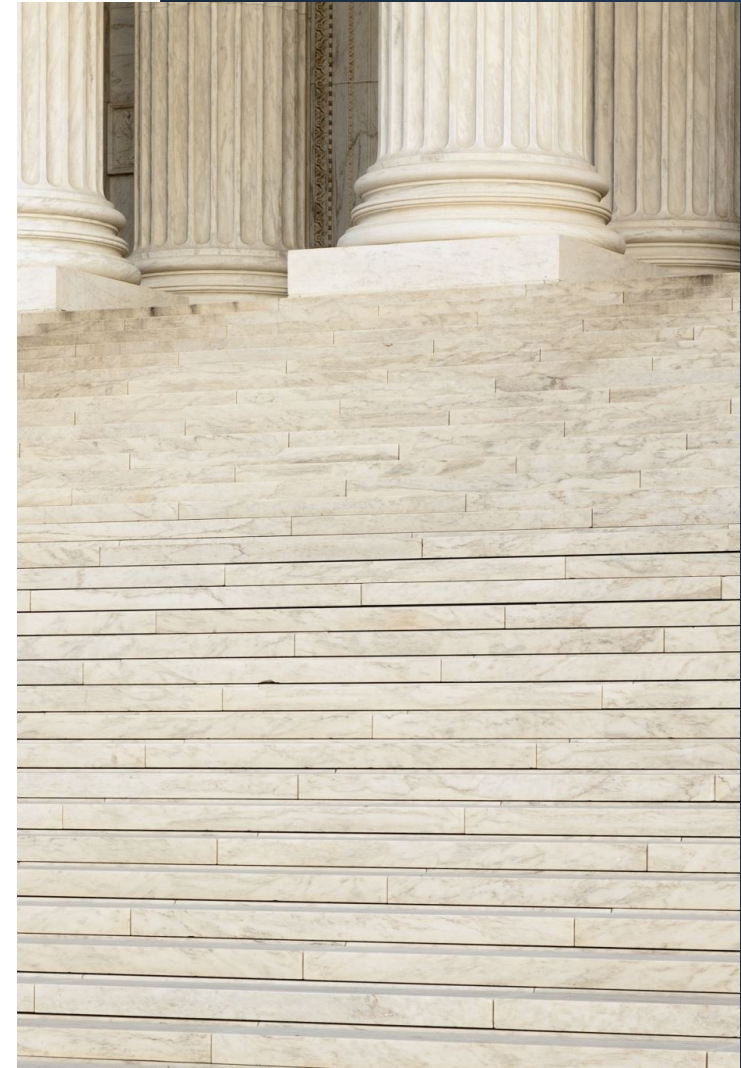
Unpaid workers spent on average 38 hours per week on unpaid work (22 hours in subsistence agriculture, 27 hrs in other unpaid work and 24 hrs on unpaid care work) (Annual labour force Survey 2021)

Over 60,229 Ugandans leave for employment in the middle east annually.

The law

International law

- Freedom of Association and the right to organize, representation and collective bargaining (Article 23(4) Universal declaration of Human rights (UDHR), ILO C-87, ILO C-98, e.t.c)
- The right to work (Article 23, UDHR, International Covenant on Economic, Social and Cultural Rights)
- The right to social protection (UDHR, ILO Convention on Social security e.t.c)



The law

- The right to safety and health at work (ILO C-155 and the ILO Promotional framework for occupational safety and health Convention, 2006 (C-187))
- Equality before the law and Freedom from Discrimination (ILO Convention 111 on Discrimination and Employment and occupation)

The law

National law (1995 Constitution of Uganda)

- Equality before the law and protection from discrimination
- Freedom of Association
- Collective bargaining
- The right to work
- Fair labour practices
- Inclusive development and social cohesion
- Affirmative action in favour of marginalised groups)

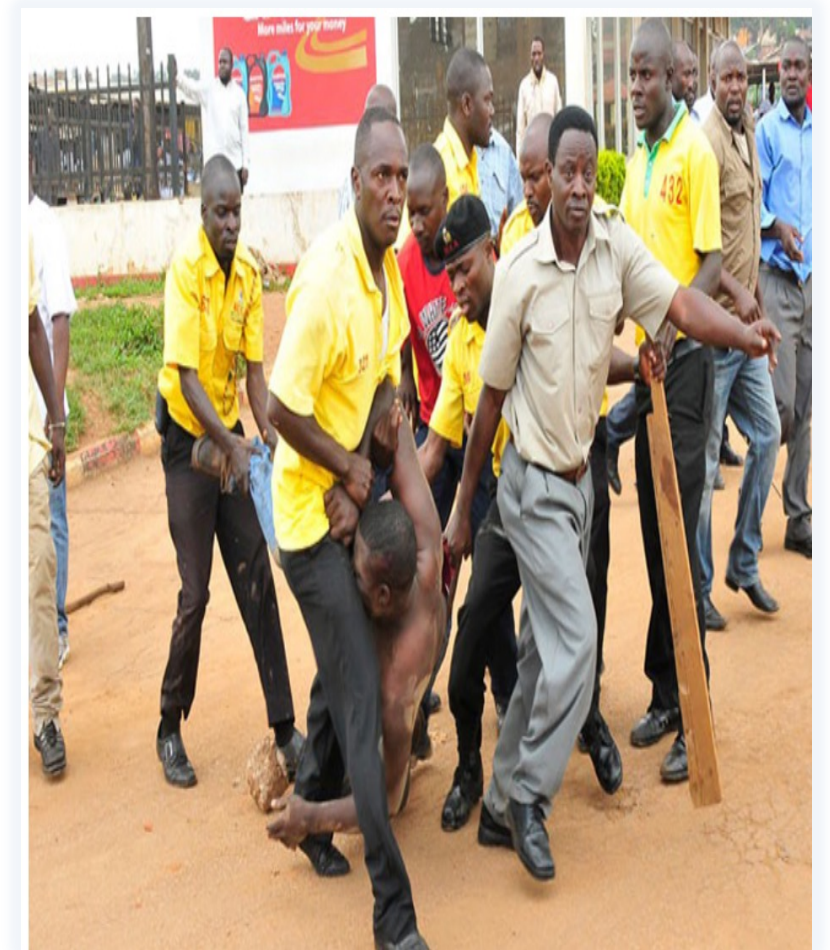


Gaps in the law

- Informal and migrant workers are explicitly and implicitly excluded from employment protection by the Labour legislations. (self employed workers excluded from the definition of a Labour union and enjoying the rights under the Employment Act)
- Unpaid care work is not yet recognised by any legal instrument

The challenges

- Exclusion from legal protection
- lack of access to social protection
- inadequate wages
- lack of access to credit
- denial of trade union rights
- violence and harassment
- occupational hazards and illnesses
- Lack of access to justice



What is being done

- ❑ Inclusion of informal workers in governance and tripartite structures
- ❑ Organizing and recruitment (ATGWU, NUTDOW, UMEAU,)
- ❑ Collective bargaining through signing Memorandum of Understanding (MOU's) with the Local Authorities
- ❑ Strategic Litigation(Voices for Labour & 3 others Vs Attorney General, Platform for vendors in Uganda & Anor Vs Attorney General &KCCA.
- ❑ Policy and legal reforms



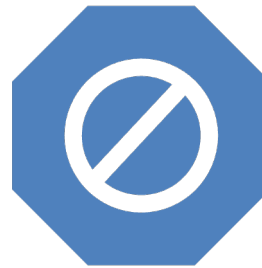
The wins so far



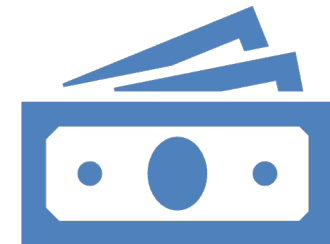
Ongoing legal reforms (Employment Amendment bill, 2022, Occupational safety and health Amendment bill, 2023 and the Labour Unions Amendment bill , 2023)



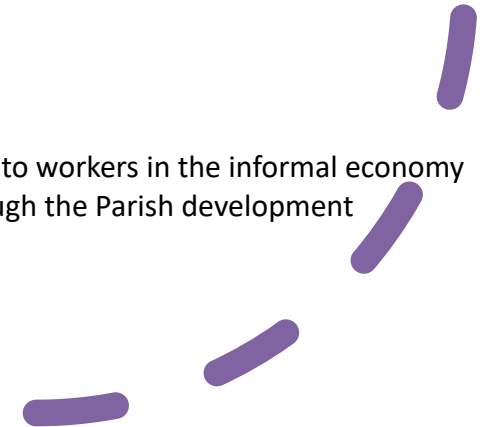
Introduction of body cameras to monitor the actions of their law enforcement officers by KCCA



KCCA has re- introduced a Street vendors ordinance bill, 2022



Micro grants to workers in the informal economy through the Parish development



Reflections on more interventions to address the challenges

- Union Constitutional amendments to include migrant workers in governance structures
- More comprehensive legal and policy reforms
- Advocacy and campaigns
- Data collection and monitoring
- Incentives , compliance and enforcement



Voices For Labour Goes To Court Over Vendor Evictions



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Ruth Namuyiga (R), Wambui Jacqueline from ILAW, Robinah Kagoye the ED Voices for Labour

Conclusion

- Informal, migrant and unpaid care workers contribute significantly to national development. However in law and practice, their rights still remain a myth.

