

**STATUTORY INSTRUMENTS**

**SUPPLEMENT No. 11**

**20th April, 2012**

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**STATUTORY INSTRUMENTS 2012 No. 17.**

**THE EMPLOYMENT (EMPLOYMENT OF CHILDREN) REGULATIONS,**

**2012.**

**ARRANGEMENT OF REGULATIONS.**

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## STATUTORY INSTRUMENTS 2012 No. 17.

The Employment (Employment of Children) Regulations, 2012.

(Under sections 32, and 97 of the Employment Act, 2006, Act No.6 of 2006)

In exercise of the powers conferred upon the Minister responsible for labour by sections 32, and 97 of the Employment Act, 2006 these Regulations are made this 28th day of April, 2011.

### Part I—Preliminary

1. Title.

These Regulations may be cited as the Employment (Employment of Children) Regulations, 2012.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Employment Act, 2006, Act No. 6 of 2006;

“child” means a person below the age of eighteen years;

“hazardous work” means work, which by its nature or circumstances in which it is performed, is likely to harm the health, safety or morals of a child and includes circumstances where—

- a. a child is exposed to dangerous machinery, equipment and tools;
- b. a child carries heavy loads beyond their capacity;
- c. a child works in unhealthy environments that expose them to hazardous substances, infectious diseases, excessive noise, temperature or vibrations;
- d. a child is exposed to harassment or physical, psychological or sexual abuse;
- e. a child works underground, in water, or at heights;
- f. a child is unreasonably confined to the premises of the employers; or
- g. a child works under strenuous conditions such as work for long hours;

“light work” means work, which is—

- a. not harmful to a child’s health;
- b. not harmful to a child’s development;
- c. not prejudicial to a child’s attendance at school;
- d. not prejudicial to a child’s participation in vocational training; and
- e. not in excess of fourteen hours per week;

“the worst forms of child labour” means—

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of a child, debt bondage, serfdom, forced or compulsory labour, including—
  - i. a child who works to pay off a loan or other obligation incurred by the family;
  - ii. a child trafficked by organised networks, bought and sold within and across national borders;
    - (ii) a child trafficked for prostitution, begging, soliciting and for work in places such as construction sites, shops, factories and domestic service; and
    - (iv) a child being forced to participate in armed conflicts and hostilities;

- b. the use, procurement or offering of a child for prostitution, production of pornography or pornographic performances and the use of the internet to spread child pornography;
- c. the use, procurement or offering of a child for illicit activities, including the production and trafficking of drugs; and
- d. work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of a child.

Part II—Restrictions on Employment of Child.

3. Employment of child.

A child under the age of fourteen years shall not be employed in any business undertaking or workplace, except—

- a. for light work carried out under the supervision of an adult;  
and
- b. where the work does not exceed fourteen hours per week.

4. Activities that may be considered to be light.

Activities that may be considered to be light include—

- (a) sewing;
- (b) attending to and serving guests;
- (c) sweeping, cleaning the floor and organising the house;
- (d) cleaning and polishing shoes;
- (e) washing clothes;
- (f) cleaning places where animals are kept;
- (g) making purchases in the market or shops;
- (h) looking for firewood;
- (i) cleaning the toilet and bathroom;
- (j) helping out in the garden; and
- (k) preparing family meals.

5. Unsuitable and hazardous work.

A child shall not be employed to do work which is injurious, dangerous, hazardous or in the worst forms of child labour.

6. The national list of hazardous work.

The list prescribed in the First Schedule shall be the designated list of hazardous work not permitted for employment of a child.

7. Employers to display list of hazardous work not permitted for employment of a child.

All employers shall display the national list of hazardous work not permitted for employment of a child at their premises.

8. Apprenticeship.

A child from the age of twelve to seventeen years engaged in educational training and apprenticeship programmes which are on the list of hazardous work shall first be approved by a Commissioner before they can take part in such work.

9. Permits for apprenticeship programmes and artistic performances.

1. An employer who wishes to engage a child in an apprenticeship or artistic performance shall apply to the Commissioner in the form prescribed in the Second Schedule.
2. The Labour Commissioner shall issue permits restricting the age, number of hours of work and conditions in which work in apprenticeship and artistic performances is allowed as prescribed in the Third Schedule.

10. Hours of Work.

A child aged between fifteen and eighteen years who has completed his or her education or does not attend school, may work up to seven hours a day but shall not exceed thirty five hours per week.

11. Overtime.

Overtime work is prohibited for a child aged between fifteen to seventeen years.

12. Night work.

A child shall not be employed at night between the hours of 7.00 p.m and 7.00 a.m.

13. Medical examination.

1. A child shall undergo a medical examination before engaging in any job.
2. The medical examination shall be done after every six months.

3. A child who undergoes a medical examination under subregulation (1) shall be issued with a medical certificate in the form prescribed in the Fourth Schedule.

14. Authorisation by the Commissioner.

1. An employer shall before engaging a child aged between fifteen to seventeen years in employment, obtain authorisation from the Commissioner.
2. The Commissioner shall before granting authorisation in subregulation (1) verify—
  - a. age of the child;
  - b. parental permission;
  - c. prior instruction and training in the job the child is to be engaged in;
  - d. availability and use of protective clothing; and
  - e. a medical certificate.

15. Register.

An employer engaging a child between the age of fifteen to seventeen years in employment shall keep a register in the form prescribed in the Fifth Schedule.

16. Duties of a labour officer.

1. A labour officer in exercising the powers prescribed for in sections 10 and 11 of the Act shall notify an employer who is found employing child in dangerous and unsuitable work to discontinue that employment.
2. A labour officer shall ensure that the list of hazardous work not permitted for employment of child is displayed by all employers at their premises.
3. A labour officer shall prepare a quarterly report on employment of children and young persons and submit it to the Commissioner for labour and shall give a copy to the Chief Administrative Officer of the district.

17. Procedure for settlement of complaints by a labour officer.

1. A complaint concerning employment of a child in dangerous, exploitative and harmful work shall be lodged with the labour officer.
2. The settlement of the complaint shall follow the same procedure as provided for under the Employment Regulations 2012.

18. Appeal to the Industrial Court.

An appeal to the Industrial Court concerning employment of a child in unsuitable, harmful or exploitative work shall follow the same procedure as provided for in the Labour Disputes (Arbitration and Settlement) (Industrial Court Procedure) Rules, 2012.

### 19. Offence and penalty.

A person who obstructs a labour officer in the exercise of the power conferred by these Regulations commits an offence and is liable on conviction to a fine not exceeding six currency points or imprisonment not exceeding three months or both.

### FIRST SCHEDULE

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### Regulation 6

List of hazardous occupations and activities not permitted for employment of children

Industrial Sectors	Sub sector	Age	Activities	Hazards	Possible consequences <sup>1</sup>
Agriculture Industry Tobacco Manufacture	Tobacco	Children in the age group 12-14	Preparing land, growing, planting	Long hours of work (more than fourteen hours a week)	Fatigue Respiratory diseases
		Children in the age group 15-17	Harvesting and marketing of tobacco	Exposure to tobacco fumes Exposure to pesticides	Long term health problems
Tea		All children below the age of 18	Growing of tea Harvesting of tea	Long hours of work (more than forty three hours a week)	Fatigue
				Carrying heavy loads (twenty five kilogrammes)	Musculoskeletal injuries
Rice		All children below the age of 18	Preparing land, growing, planting, harvesting and marketing rice	Long hours of work (more than forty three hours a week) Cold Temperatures Working without protective devices	Fatigue Exposure to poisonous snakes Water diseases

Carrying heavy loads  
 (twenty five kilogrammes)  
 Musculoskeletal  
 injuries

'Any other activities that may deny children the right to education by preventing their attendance at school are considered harmful (Section 32 (2) of the Employment Act, 2006, Act No. 6 of 2006)  
 Consequences of denial of education might include limited cognitive development, lack of basic literacy/numeracy skills, and limited opportunities for future productive employment.

Sugar Cane	All children below 18	Growing, planting, and harvesting sugar cane	Using dangerous tools and machinery	Cuts and wounds
		Transporting sugar cane	Working as tumey boys for tractors	Deaths and fractures of limbs
			Noise and vibration Exposure to dust	Loss of hearing Respiratory diseases
Maize milling	All children below 18	Grinding, processing and marketing maize	Long hours of work (forty three hours a week)	Fatigue
			Exposure to extreme temperatures Heavy loads (twenty five kilogrammes)	Musculoskeletal injuries
Subsistence farming	Children in the age group 12-14		Long hours (more than fourteen hours a week)	
			Carrying heavy loads (twenty five kilogrammes)	Fatigue

			Animal attacks	Fatigue
Animal herding	Children in the age group 12-14	Looking after cattle and other animals	Long hours (more than fourteen hours)	Psychological stress Injury from animal attack
	Children in the age group 12-14	Smoking fish	Isolation Exposure to fumes and smoke	Bums
Fishing	All Children below 18	Paddling boats/canoes Loading boats/canoes Fishing	Exposure to fire Long hours (more than forty three hours per week) Work at night	Death from drowning Water-borne diseases Fatigue
Domestic work	Children in the age group 12-14	Cooking with fire Washing Cars Child minding Laundry Work	Handling sharp instruments Working with machinery and tools Working long hours (more than fourteen hours per day) Isolated from family Exposure to fire and hot objects  Sexual harassment/abuse Inadequate food Heavy Loads (twenty five kilogrammes)	Cuts and wounds Fatigue  Emotional/psychological stress or trauma Unwanted pregnancies Risk of contracting HIV/AIDS Stunted physical development Musculoskeletal injuries

		Brick making	
	Baking Bricks	Working as Porters	Exposure to dust, fire and excessive heat Working long hours (more than fourteen hours a week)
Construction	Building and road works	Children in the age group 12-14  All children below the age of 18	Operating lifting machine driven by mechanical power  Giving signals to the operator of such machine
			Carrying heavy loads (twenty five kilogrammes)  Dangerous Heights and depths Exposure to displacement of loads
			Fatigue  Musculoskeletal injury  Cuts and wounds  Falls and death Accidents
Mining	Stone and Sand Quarries	All children below the age of 18	Sand harvesting  Crushing stones at quarries
			Working long hours (more than forty three hours per week)  Carrying heavy loads (twenty five kilogrammes)
			Fatigue  Musculoskeletal injury  Cuts and wounds  Respiratory diseases Accidents
			Exposure to dust Falling rocks or objects Excessive noise/vibration Working at excavations Working at heights or below ground
			Loss of hearing Deaths

			Cleaning toilets and sewage in markets	Unsanitary conditions	
	Market		Hawking Street vending Begging Scavenging	Exposure to physical and sexual abuse	Cuts and wounds
Urban informal sector	Street Activities	All children below the age of 18	Engine repairs	Exposure to drugs, fuel	Emotional/psychological stress
	Motor Garages and Metal work		Welding	Traffic accidents	Drug addiction
			Grinding of metals or articles	Working long hours (forty three hours per week)	Injuries
			Cutting of metals	Working at night	Fatigue
	Carpentry			Handling electrical apparatus	Loss of self-esteem
	Workshops		Carrying, cutting and treatment of wood	Working without protective gear/goggles	Accidents, death
			Making furniture	Exposure to chemicals	Chest diseases
				Exposure to glare	Eye injuries
					Cuts
Entertainment	Hotels/bars/restaurants	All children	Waitresses and attendants	Heavy loads (twenty five kilogrammes)	Musculoskeletal
	Casinos	Video parlours	below the age of 18	Exposure to unprotected machinery	injury
	Wedding Ceremonies (for commercial purposes)	Children in the age group 12-14	Dancers	Handling of dangerous tools	
					Emotional/psychological stress
					Sexually transmitted diseases (including HIV/AIDS)
					Cuts and wounds
					Impaired moral development Loss

of dignity/ self-esteem

Regulation 9(1)

**APPLICATION FOR PERMIT FOR APPRENTICESHIP PROGRAMMES AND ARTISTIC PERFORMANCES**

**LABOUR COMMISSIONER**

I (We) ..... located at ..... wish to

apply for a permit for apprenticeship / artistic performances for the attached list of children<sup>[11]</sup> who are undergoing training/ participating in artistic performance to learn an occupation for        (months)

Name, Address and Telephone

Signature

Date

Regulation 9(2)

(SEAL)

**PERMIT FOR APPRENTICESHIP PROGRAMMES AND ARTISTIC PERFORMANCES**

To: .....

..... located at ..... is hereby

authorized to carry out apprenticeship programmes/artistic performances for the listed categories of children.

This permit shall be subject to restrictions and prescribed conditions as stipulated in the Regulations for Employment of Children

Dated this..... day of....., 20.....

**COMMISSIONER FOR LABOUR**

Regulation 13(3)

**MEDICAL CERTIFICATE**

I ..... certify that I have this ..... day of

..... 20..... medically examined the employee(s) named in the

attached list and have found him/her/them free from infectious or contagious diseases and  
medically fit to proceed to work as

..... (as specified opposite his/her/their name(s) and  
numbers.

Medical Officer

Date

Name of Prospective Employee	Age	Sex	Prospective Employer	Nature of Work	Date of Engagement
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Regulation 15

**REGISTER OF EMPLOYMENT OF YOUNG PERSONS**

Name of the child parents	Name of the child parents	Date of birth/age	Sex	Home address	Nature of work and pay	Name of employer	Location and address of employer	Work schedule	School attended
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GABRIEL OPIO,

Minister of Gender, Labour and Social Development.

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[1]

The list of children should be made in a matrix showing the age, gender, date of engagement, occupation, trade, expected completion, work schedule, names of the parent and home address