

**LABOUR DISCRIMINATION IN UGANDA. A CASE STUDY OF UGANDA
POLICE FORCE.**

BY

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DECLARATION

I Owakubariho Caleb here by declare that this is my original work and has never been presented to any other educational institution for the award of any degree or certificate.

Signature DATE 29/10/2016.....

(STUDENT)

APPROVAL

This is to certify that this research proposal has been under my supervision and is now ready for submission to the school of law Diploma Department of Kampala International University for examination with my approval.

MR. OBURU MORIS

Signature



date

29/10/2016

(SUPERVISOR)

DEDICATION

I dedicate this research to my parents who have endeavored to make sure that I study up to this stage. I also dedicate this research to my brothers and sisters who were with me for long during my studies.

ACKNOWLEDGEMENT

In the preface, I would thank the Almighty God who has given me the life and wisdom to reach where I am today. He has made all things possible in my life and this is enough to praise his mighty name.

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Lastly I acknowledge the support that was given to me by my classmates especially in making it possible to complete the course in time.

LIST OF ABBREVIATIONS

UBOS Uganda Bureau of Statistics.

DLO District Labour Officer

MGLSD Ministry of Gender Labour and Social Development

NDP National Development Plan

EPR Employment to Population Rate

U.S United States

UK United Kingdom

EU European Union

WB World Bank

SPC Special Police Constable

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ABSTRACT.

The researcher will be interested in investigating the labour discrimination in Uganda while focusing on police force as the area of interest. This was because of the emerging issues concerning labour and labour rights which are sensitive in the Uganda employment sector and one of the critical but often ignored concepts is that concerned with labour discrimination. Uganda is characterized by labour discrimination both in social, economic and political spheres of society. In the labor economy, discrimination continues to prevail in terms of recruitment and appointments, wage determination, promotion, gender inequality and workplace violence among others. The researcher is necessary since there is a need for a unified conceptual framework for gender inequality and discrimination in the police force and routine information to increase understanding of prevalent types, forms, and health systems consequences. The study will employ mixed qualitative and quantitative methods to address discrimination from several angles and better triangulate data. The population of study will include the Uganda Police force, the Ministry of Public Service, officials from the Ministry of Labour and economic development the formal sector and sections of the public. The officials of the police force will be both senior and junior officers of the police force engaged in labour-management and concerned offices. The study will employ information about this topic and the information will be obtained from previous scholarly materials, written articles, journal entries, newspaper articles, police publications, and labor-related booklets will be the main sources of literature connected with the problem. Conclusion and recommendations will depend upon the researcher's findings and which will have been critically analysed to obtain the real meaning of the information. The recommendations will be made to police force, public service, ministry of gender labour and social development.

CHAPTER ONE

1.0 Introduction

Issues concerning labour and labour rights are sensitive in the Uganda employment sector and one of the critical but often ignored concepts is that concerned with labour discrimination. In Uganda, discrimination takes many forms and is almost in every aspect of society; sectors and departments, the public and private, formal and informal. This is manifested in the nature of job recruitments and allocations, work-place employment and treatment, harassment and dismissals among others. These proceed along factors including gender/sexual, tribal/ethnic/ religious, and other affiliations like age, educational background and in most instances what has been referred to as the “technical know-how”. This paper therefore examines the dilemma surrounding the discrimination of labour in Uganda with a case study of the Uganda Police Force.

1.1 Background to the study

Uganda is characterized by labour discrimination both in social, economic and political spheres of society. In the labor economy, discrimination continues to prevail in terms of recruitment and appointments, wage determination, promotion, gender inequality and workplace violence among others. With one of the youngest and fastest growing populations in Africa, many young people enter the labour market each year. Due to the limited job creation in the formal sector most end up in informal employment or become underemployed. Existing policies continue focusing on creating job seekers instead of job creators.¹ This is coupled by the meagre wages earned among public service key of who are the police force. There is no legal minimum wage yet the conditions of work are at the weakest. It however should also be observed that, while some nits are poorly employed, some sections such as the Anti-Riot, VVIP, Anti-Terrorism nits of the police continue to enjoy favorable treatment

¹ Uganda Labour Market Profile 2014, P.2

compared to their counterparts in the special police constable SPC, traffic police fire department among others who languish in poor conditions.

As opposed to the need for equal opportunity and nondiscrimination which amounts to the offering of employment, pay, or promotion to all, without discrimination as to sex, race, color, disability, and so forth², discrimination in employment and occupation has continued and is now rampant. It is common practice to have individuals placed in a subordinate or disadvantaged position in the workplace or labour market because of individual characteristics (race, religion, sex, political opinion, national extraction, social origin, or other attribute) that bear no relation to the person's competencies or the inherent requirements of the job.³ Occupational segregation has also become an enduring form of workforce inequality and discrimination whereby workers are treated differently in terms of conduct, approach, discipline, and treatment.⁴ The discrimination also suffices in wage discrimination where the gender factor arises as women earn little than the men, for instance, an increase in the percentage of women in an occupation has a large downward effect on its wage rank.

² Constance Newman. Time to address gender discrimination and inequality in the health workforce

³ Seidenberg D: Interview with Richard Anker on occupational segregation, living wages, and international poverty lines. 2006, <http://www.peri.umass.edu/395/>

⁴ Id

1.2 Statement of the problem

Discrimination is exhibited in various sectors of the economy and the labour industry has been prone to the same challenge. Records available show dissatisfaction in job and employment placements, recruitments, promotion, workplace management, discipline, attitude and treatment of the different workers at the same stations of duty. This is the reason why analysts have termed the effect as “technical know-who” which means that a person needs to know someone in the department in order to secure a favorable job opportunity. This has left a segment of the labour force at a disadvantage especially those who know how but don’t know who. The impact is widely felt amongst the formal sector where many see top secret high paying jobs. The public service which is the main employer of the labour market has thus become the source of the evil of discrimination. It should nonetheless be noted that there are currently no/little measures in place to address the inequality between the different disadvantaged groups. This paper therefore contributes to the growing literature addressing the issue of discrimination in Uganda.

1.3 Objectives of the Study

The main objective of the study is

- To examine the challenges faced in the Implementation of new Labour Laws in Uganda.
- To explore the existence and nature of labor market discrimination in Uganda.
- To examine the nature of discrimination in the Public Service and Police Force of Uganda.

1.4 Hypothesis

This study answers the main question as to whether there is labor discrimination in Uganda.

1.5 Scope of the study

The study will be conducted in the Ugandan labour market, with specific emphasis on the Uganda Police Force. It will tackle and address the major challenges that continue to infest the management of labor especially among the formal sector, with emphasis to the Police force, which is a representation of the Public Service of Uganda.

The study will highlight the major disparities and critical areas regarding discrimination in the police force. The discussed areas include gender-based discrimination, promotion and recruitment, workplace and wage discrimination.

1.6 Significance of the study

It is crucial to have a merit-based labor force for not only does it enunciate competition but also proponent's production as every worker is best at what he does. The inequalities created also lead to unnecessary government expenditure as unnecessary workers an employed man of whom are incompetetent. The failure to address the problem also leaves no corrective policies in place as the magnitude of the problem remains unknown and there are no recommendations hence the need for this study. This study therefore, is very significant to policy makers and labour activists as well enhance of national patriotism and confidence in the Uganda Police as a force.

The study creates a reflection of the patterns of vertical occupational segregation found in Uganda's larger civil service sector⁵, where discrimination

⁵ Ministry of Public Service (Kampala, Uganda): Circular Standing Instructions Number 2 of 2011: Guidelines for Gender Mainstreaming in Human Resource Management (section 3.3) 2011, <http://www.publicservice.go.ug/public/Gender%20mainstreaming%20Guidelines-%20May%2017th%20Final%20Final.pdf>

is manifested along gender-based, wage-based, and tribal lines. It is studies related to this that have helped create guidelines for mainstreaming of human resources management at decentralized levels to raise awareness of these issues with concerned authorities. Henceforth, leaders have to reconsider the evil of discrimination and inequality as part of their governance functions.

The study will help alignment of the workforce, operating in the professional education and employment systems in which officers are recruited, trained, hired, remunerated, promoted, and retained - or lost. It will systemize the police labour system and avoid any types of workplace discrimination that appear to be at work.⁶ This is because it will systematically explore the extent of occupational segregation and the wage gap, along with other forms of discrimination, perceptions of equal opportunity, and prevailing stereotypes of men and women in the health workforce in relation to recruitment, job assignment, promotion, geographical distribution, and retention. Discrimination can be difficult to measure due to differing perceptions, measurement approaches, unwillingness to publicly acknowledge or report it, and lack of information substantiating it.

1.7 Methodology

There is a need for a unified conceptual framework for gender inequality and discrimination in the health workforce and routine information to increase understanding of prevalent types, forms, and health systems consequences. Hence, the study will employ mixed qualitative and quantitative methods to address discrimination from several angles and better triangulate data. A national-level multimethod study of the Uganda Police structure and system will be executed. This will entail both qualitative and quantitative methods to avail the required data. To achieve this, Focus group discussions, written surveys using random sampling, key informant interviews, and document

⁶ Newman C, Ng C, Jacque-Margolis S: *Technical Brief Number 7. Strengthening the health worker pipeline through gender-transformative strategies*. 2012, Washington, DC: Capacity Plus/Intra Health International

reviews to identify factors affecting labor discrimination in the Uganda Police, work expectations, and career paths will be employed.

Data will also be garnered from the main participant and engagement groups through interaction mainly through questionnaires which will be sent to the various officers with feedback answers that provide a vital and quality information for the study. Focus group Discussions (FGDs) will also be conducted where groups of persons will meet with the researcher and share information about their experiences providing quality first hand data for the study. All these they methods will propound the circumstances and unveil the dilemma regarding labor discrimination in the Uganda Police.

1.8 Target Population

The study will be conducted through interaction with h the main stakeholders to this research. Eye among these is the Uganda Police force, the Ministry of Public Service, the formal sector and sections of the public. These include officials of the ministry, senior and junior officers of the police force engaged in labour-management and concerned offices as well sampled police officers and constables. Retired officers that provide relevant information will also be engaged in the quest for data for the study.

1.8 Literature Review

The study will employ information about this topic. Both qualitative and quantitative means will be employed to achieve this objective. Previous scholarly materials, written articles, journal entries, newspaper articles, police publications, and labor-related booklets will be the main sources of literature connected with the problem. In addition, the internet will be a viable source for the unprinted information as well as any criticisms about the police force, particularly from the media. All these will be carefully studied to enable the study dissect the problem at hand and present a balanced approach/solution.

CHAPTER TWO.

2.0 Introduction.

This chapter will examine the challenges faced in implementation of new labour laws in Uganda under the Employment Act, 2006 section 5, about Forced labour force.... No person shall use or assist any other person, in using forced or compulsory labour.

(a) any work or service extracted by virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of Uganda;

(c) any work or service extracted from any person as a consequence of a conviction by a court of law, provided that the work or service is carried out under the supervision and control of a public authority and that the person is not hired out to or placed at the disposal of a private individual, company or association... and will be supported by the attributes such as inadequate facilitation of labour officers, non-recognition of labour unions, non-functioning of the Industrial Court, in formalization of labour. lack of capacity to enforce the law that is throughout the engagement with the majority people in government as the watchdog of implementation of such laws that has not shown serious commitment in this regard and unemployment where the labour force is 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 (UBOS 2003).

2.1 Challenges Faced in the Implementation of new Labour Laws in Uganda.

This section covers challenges faced in the implementation of new labour laws in Uganda. As it is generally agreed that the current legal framework on labour laws was very conducive to proper industrial relations in this country though they seem not to be working properly. The majority of the people affirm that

Uganda's labour laws were the best in Eastern Africa, however, their implementation was faced with a number of challenges from organizational to operational by the three social partners. One vivid observation is that the legal environment is conducive to tripartism and social dialogue, though the reality was different evidenced by the information below.

Inadequate facilitation of labour officers

No mechanisms have been put in place to effect implementation of the new labour laws. According to the previous researches carried out, 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 are not adequately and frequently appraised on the actual situation on the ground, especially in areas that are rather remote from their work stations. In addition, some Districts lack labour officers, and above all, labour officers are employees of Districts and therefore find it difficult to enforce the law under such conditions. The labour officers on their part suffer from the following challenges in implementing the law;

(i) District Leaders such as the Chief administrative officer, District Chairperson and Councillors do not consider labour a priority issue. For instance the majority of Districts have only managed to employ one out of three labour officers required⁷.

(ii) Inadequate staffing;

(iii) No or inadequate facilitation in terms of equipment like computers or organized transport like cars and/or motorcycles;

⁷ 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.

(iv) Political interference at some level and;

(v) Uncooperative union leaders who unfairly accused DLO of poor service delivery with total disregard of the unfavourable working conditions under which they operated.

Non-Recognition of labour unions

Non-Recognition of unions was among the biggest challenges faced by labour unions in this country. Most privatized enterprises refuse 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. Most informal private employers do not wish their workers to join labour unions with the fear that unions might start demanding for 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.”

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.”⁸ It is 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 disposing of cases, the Industrial Court was raised

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

to High Court⁹ 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."¹⁰ Despite the good provisions and the good intentions upon which this court was established, non-functioning of the Industrial Court seems to be greatly responsible for noncompliance to the new labour 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 Court¹¹, nothing could be done under the prevailing circumstances. The acting labour commissioner, states that "the Industrial Court could not function because of a confusing title given to its head as well as inadequate support staff like the process servers, court clerks, which have not been approved in the ministry of Public Service structure."¹² Therefore, until Section 10 and others with the title "Chief Judge" are repealed, the Industrial Court might never function. According to information given in the course of this study, the MGLSD is in the process of repealing section 10 and other sections of the Labour Disputes (Arbitration and Settlement) Act 2006 to find a suitable title for the head of the Industrial Court. The continuing delay is being attributed to lack of both logistics and human resources.

Informalization of labour

At the enterprise level, the ability of unions to organize effectively within the informal sector has been seriously hampered by several measures that have been taken by employers in a bid to reduce overheads and make production

⁹ 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.

¹⁰ Section 22 of Labour Disputes Act 2006.

¹¹ 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",

¹² The labour commissioner mentioned that the title "Chief Judge" was being challenged by the Judicial Services Commission 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.

factors adjustable. This is 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 have contributed greatly to casualisation and informalization of labour by aiming at reducing expenses at the cost of permanent employment.

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 is supposed to be labour that is employed irregularly, from time to time and when work is available. Legally, the casual worker’s contract is a daily contract. From the point of view of the employer this is 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 labour law under the The Employment Act, 2006 (Act No. 6), that protects the Rights and Duties in Employment (weekly rest, working hours, annual leave, maternity and paternity leaves, sick pay, etc.) most especially on workers’ rights. This include giving written contracts or appointment letters, increasing working hours and also deny workers to join labour unions.

Lack of capacity to enforce the law

Throughout the country, it is clear that Government as the watchdog of implementation of such laws has 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 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).

Unemployment

Uganda's labour force is currently estimated to be 12 million persons and is projected to reach 19 million by 2016 basing on the growth rate of 3.4 per cent per annum (UBOS 2003). Young men and women constitute the largest single block of our 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 (UBOS 2003). Only 15 per cent (1.6 million) of the total workforce (10.8 million) is employed for wages of which 4.6 per cent are permanent employees and 11.6 per cent are temporary. 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 constitutes 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 2010.¹³)

Because of the high levels of unemployment, "people are willing to work under any terms and conditions provided by employers." This has made enforcement of minimum labour standards difficult since people are willing to offer their labour at any cost.

2.2 Nature of labour market discrimination in Uganda.

Uganda's labor market is characterized by high rates of population and labor force growth, stagnation in employment to population rate (EPR), low share of wage earners in the total work force but large share of the private sector in the paid employment. Uganda's paid employment sector has shown an increasing trend over time. It grew at the rate of 2.5% during the 1990s. However, the overall rate of growth in employment remains well below that of labor force (i.e. 2.7% between 1992 and 1999, 4.3% between 1999 and 2002, compared to labor force growth of 3% between 1992 and 1999 and 4.4% between 1999 and

¹³ National Development Plan (2010/11-2014/15).

2002 respectively). Consistent with income inequality, inequalities in wages have continued to rise. Wage inequality has remained fairly constant, but increased in urban areas and among female wage employees. It is argued that wage inequality is driven mostly by the within – social groupings inequalities relative to between social grouping inequality.¹⁴

Discrimination in labour market in Uganda is expressed in many forms and in public service there is discrimination action against the physically or cognitively less able in some form or other has been an integral part of almost every society throughout history in Uganda. Although it is undoubtedly true that the more extreme forms of negative discrimination which were synonymous with earlier epochs, such as violent persecution have largely disappeared, the fact remains that the quality of life experienced by the majority of handicapped people in modern society is considerably lower than that enjoyed by their able-bodied contemporaries. Moreover, it appears that as our society becomes evermore socially and technologically complex the numbers of people perceived as disabled is steadily increasing. Indeed one writer has estimated that there are over nine million handicapped people living in Uganda and there is little evidence to suggest that these figures are likely to decline in the foreseeable future and hence a need for research to discover the discrimination of labour in Uganda.

Gender is a source of worker discrimination to which the literature has paid much attention, in recent years. For most countries, the increase in female labor participation during the last decades has, in effect, dramatically changed the traditional *male breadwinner* family model where wives' earnings were just *pin money* playing a negligible role in the household budget. The consequences on household incomes of these changes are not clear *a priori*. The result depends on how the proportional increase in family incomes due to female

¹⁴ Okurut, *et al.*, 2006 Poverty and Labour Market Response in the context of Economic Reforms in Uganda, 1992-2002.)

earnings is distributed across households at different points of the income distribution (Gradin *et al.*, 2006).

In the 1980s empirical evidence in the U.S showed that wives' earnings contributed to the increase in inequality trends, given that employment and wage gains for wives of middle- and high-wage men were significantly larger than those for the rest (e.g., Juhn and Murphy, 1997). However, some more evidence for the U.S. in Daly and Valletta (2006) appears to conclude instead that wives' earnings in that country actually have offset household inequality increasing trends. Using UK data Harkness *et al.* (1997) has provided evidence on an equalizing effect of female earnings on the married couples' income distribution in a period when inequality and poverty in Britain registered a rising trend. These authors furthermore show that female earnings were significant in preventing poverty among married women in the UK but failed to do so in the case of single-mother families.

An extensive and growing literature in labor economics has emphasized that working women, in spite of their increasing success in entering the labor market and in reducing their wage gap, are still far from facing the same opportunities than men have¹⁵. For example, according to the OECD (2004) report, the average rate of female labor participation in the European Union has increased in 7 percentage points between 1990 and 2003 (from 54.5 to 61.3), and a similar trend has been observed in the United States, Canada, Australia and Japan. Note, however, that this increasing average trend hides remarkable differences in the levels of participation across European countries. While Nordic countries like Sweden, Norway, Finland or Denmark register over 70 percent of female participation, Southern European countries like Spain, Italy or Greece do not reach 55 percent. Indeed, even in countries displaying the greatest levels of gender equality, women still continue to encounter

¹⁵ Note that Blau (1998) reports a substantial reduction in several gender gaps for American women between 1970 and 1995, but despite of these reductions, significant gaps still remain.

difficulties for balancing work and family life (Gradin *et al*, 2006). They less often are promoted in their professional career or are unable to reach working conditions similar to those enjoyed by men. Therefore in developing countries like Uganda where gender inequality is high, studies on gender determination and discrimination are paramount.

Researchers have tried to evaluate and explain the existence of gender segregation and gender gaps in participation, wages and unemployment rates in several countries.¹⁶ Within these, it is the analysis of the gender wage gap that has received the most attention. In fact, the large number of results on gender wage gaps from a large list of countries allows us to conclude that differences in human capital accumulation between men and women cannot fully explain the empirically-observed gender pay differences, indicating that they must be a result of different returns to similar characteristics by gender. For instance, Arulampalam *et al.* (2005) have provided a recent study with a rich comparison of evidences across EU countries. Other additional evidence are provided by a study by Blau and Khan (2003) who analyzed the determinant factors of unexplained gender wage gaps across countries.

2.2.1 Gender discrimination

Gender discrimination is a prejudice based on a person's sex or gender. Sexism can affect any gender, but it is majority documented as affecting women and girls

Gender discrimination is a common civil rights violation that takes many forms, including sexual harassment, pregnancy discrimination, and unequal pay for women who do the same jobs as men. Unfortunately, most Uganda women are all too familiar with all of these inequalities. This section offers in-depth information on unlawful gender and sex discrimination in a number of settings -- including employment and education

Wage equations for genders, wage differentials and segregation have been studied intensively since the 1960s. Research has been carried out on

¹⁶ See Altonji and Blank (1999)

theoretical aspects, estimation methodologies, econometric issues and empirical estimation. The review of the literature shows that some group of economists use human capital theories to explain gender wage differentials and segregation, and another group emphasizing discrimination¹⁷. Clearly, different explanations for the source of gender differences lead to different policies for combating women's inferiority in the labor market. While human capital theories favor increasing investment in women's education, training and selection of occupational path, discriminative theories call for affirmative action, laws against discrimination, and the like. Rather than being competitive, these two theories are complementary. There are differences in human capital levels (mainly in experience and training) and discrimination is also prevalent (measured by different rates of return to human capital).

Blinder (1973) and Oaxaca (1973) were the first to suggest a methodology for estimating the contributions of human capital differences and of discrimination to gender (racial or ethnic) wage differentials. In deed, the decomposition method developed by Blinder (1973) and Oaxaca (1973) and generalized by Juhn, Murphy, and Pierce (1991), Neumark (1988), and Oaxaca and Ransom (1988, 1994), is a very popular descriptive tool, since it permits the decomposition of the difference in an outcome variable between two groups into a part that is explained by differences in the observed characteristics of these groups and a part that is due to differences in the estimated coefficients. The Blinder-Oaxaca decomposition has been used in numerous studies of wage-differentials between males and females or between different ethnic groups (Altonji and Black 1999). In these studies, the unexplained part of the decomposition is interpreted as discrimination (Bauer & Sinning, 2005).

Notwithstanding the above, the linkage between gender and labour markets has been a major issue in discussions of the role and effectiveness of policy

¹⁷ Neuman, S and Oaxaca, R. (2003). Estimating Labour Market Discrimination

intervention in developing countries¹⁸. However, much attention of studies linking gender and labour markets has been conducted in developed world. Developing countries have few empirical studies. For example, in case of Africa, there is very little known about the gender wage gap¹⁹. The reasons advanced in support of empirical wage gap studies in developed world relate to the increasing importance of affirmative action policies to close the income gap among groups (Gallardo, 2006) and of course the availability of data. Thus, the small numbers of studies particularly in Uganda mirrors the limited number of government policies currently in place to address the inequality between groups such as men and women and its impact on the incidence of poverty for disadvantaged groups. This paper therefore contributes to the growing literature addressing the issue of discrimination in developing countries.

2.2.3 Gender unemployment differentials

Almost all young people in low income countries are expected to have left schooling by the age of 24 thus, indulging in other activities such as paid work, domestic responsibilities and others forming households to raise their own families or a combination of all. Individualists argue that human beings should not attribute their joblessness to social class and gender notions, but instead on their individual failure. An analysis of gender differences in youth unemployment can be understood from World Bank Report of 2007. The report notes that in the recent past, there has been an increase in the female labour force participation which can be attributed to the increase in female educational attainment in all regions. But it also noted that the increasing levels of education never increased the LFPRs for young women. The reasons advanced varied however, for the educated women in Egypt, it was partly attributed to their preference to staying close to their households thus limiting

¹⁸ Jane Kabubo-Mariara.2003. Wage determination and the gender gap in Kenya: Any evidence of gender discrimination? AERC Research Paper 132.

¹⁹ Appleton, S., J. Hoddinott and P. Krishnan. 1999. "The gender wage gap in three African Countries".

their employment mobility. Lower levels of education were advanced for pushing the less educated young women either to the domestic labour or to subsistence agriculture (World Bank 2007).

The WB posits that there is a likelihood of the less educated young people to experience problems in getting paid work compared to their more skilled counterparts (World Bank 2007). But, in some poor countries like Uganda, educated young people are experiencing higher unemployment rates. Although the World Bank attributes young women's high unemployment rates partly to low education attainment, but the rates for educated young women in Uganda according to UBOS were high compared to the rates of the uneducated. With the introduction of equal opportunity and affirmative action in the education system particularly in Uganda, many young and old women have tried their best to acquire higher levels of education²⁰. However, the discourse of excess supply of educated people and rapid economic transformation in the contemporary world is what problematizes the social status of the qualifications issued by tertiary institutions. Kivinen and Ahola suggest that university credentials are now becoming insurance policies that cannot earn a graduate a paid job but minimizes the likelihood of joblessness.

2.2.4 Employment Preferences in Uganda.

There are perceptions held by college students both males and females on the organizational culture. According to Catanzaro et al., *„it was proposed that for all the three measures of organizational attractiveness (job pursuit intentions, organizational preference, and organizational choice) there would be a significant interaction between organizational culture...‘* (Catanzaro et al. 2010: 656). It is alleged that men would choose a competitive organizational culture whereas women would choose a supportive organizational culture (ibid). In the process, such preference has to affect the job searches based on gender. For example,

The unemployment rate in this paper is the proportion of the unemployed expressed as a percentage of the comparable labor force – UBOS 2012.

having a preference for supportive organizational culture would lead to some young women foregoing opportunities in the competitive organizations because it is perceived by them that supportive organizations have a preference between work and family life. In the context of Uganda however, the interviewed YWGs' interests were contrary to the quoted literature. Most of them had interest in competitive organizations though they could not handle the circumstances of job locations. For instance one employer from organization 7, stated that though would like to work „*posting them to our upcountry branches becomes a challenge because they fear to leave their young families; others just don't like to leave Kampala*“. To a certain extent I agree with the individualists that under such circumstances, the unemployed young people are choosing to remain jobless due to their conservativeness of not wanting to change their attitude towards a given situation.

2.4 Court cases on labour discrimination.

Darity and Mason ²¹summarize the court cases on discrimination, in which employers were found guilty and huge awards were rewarded for plaintiffs. They argue that such cases establish the existence of discrimination. The plaintiffs were women or non-whites²². Some examples are the following: In 1997, the allegations for the Publix Super Markets were “gender biases in on the job training, promotion, tenure and layoff policies; wage discrimination; occupational segregation; hostile work environment” allegations for Texaco were “racially discriminatory hiring, promotion and salary policies” ²³The six black workers, who were the plaintiffs, gave the taped racist comments of the white corporate officials as evidence ²⁴In 1983, the General Motors Corporation was sued both for gender and racial discrimination (the Christian Science Monitor, . In 1993, the Shoney International was accused of “racial bias in

²¹ Darity and Mason [1998]

²² St. Petersburg Times, 1997; Inter Press Service, 1996; The Chicago Tribune, 1997; The New York Times, 1993; the Christian Science Monitor, 1983; Los Angeles Times, 1996

²³ Inter Press Service, 1996; The Chicago Tribune, 1997, pp. 77.

²⁴ Inter Press Service, 1996; The Chicago Tribune, 1997.

promotion, tenure, and layoff policies; wage discrimination; hostile work environment”.

2.5 Tastes for labour discrimination

The Nobel Prize-winning economist Gary Becker claimed the markets punish the companies that discriminate because it is costly²⁵. His argument is as the following: The profitability of the company that discriminates is decreased, and the loss is "directly proportional to how much the employer's decision was based on prejudice, rather than on merit²⁶." Indeed, choosing a worker with lower performance (in comparison to salary) causes losses proportional to the difference in performance. Similarly, the customers who discriminate against certain kinds of workers in favor of less effective have to pay more for their services, in the average²⁷. If a company discriminates, it typically loses profitability and market share to the companies that do not discriminate, unless the state limits free competition protecting the discriminators. However, there is a counter-argument against Becker's claim²⁸. As Becker conceptualized, discrimination is the personal prejudice or a "taste" associated with a specific group, originally formulated to explain employment discrimination based on race²⁹. The theory is based on the idea that markets punish the discriminator in the long run as discrimination is costly in the long run for the discriminator.

²⁵ William A. (1994). *"The Color Line: Racial Norms and Discrimination in Urban Labor Markets*

²⁶ Blau, Francine D.; Ferber, Marianne A.; Winkler, Anne E. (2010). "Differences in Occupations and Earnings

²⁷ Sundstrom, William A. (1994). *"The Color Line: Racial Norms and Discrimination in Urban Labor Markets, 1910–1950". Journal of Economic History.*

²⁸ Elson, Diane (1999). "Labor markets as gendered institutions: equality, efficiency and empowerment issues".
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CHAPTER THREE.

3.0 Introduction.

This chapter discusses the discrimination that exists in public and private sector that recruit workers. The forms of discrimination in police force will also be examined in this chapter including hiring by means of the golden standard to measure unequal treatment in the labour market, i.e. correspondence experiments, employment relations in Uganda governed by the Employment Act of 2006, discrimination based on disability especially police force denying those are deemed to be blind, deaf or autism and pervasive levels of ethnic labour market discrimination found in Uganda and finally the legal frame work on discrimination.

3.1 Discrimination in public and private sector in Uganda.

The public service policy on employment has centred on creating an enabling environment for private sector to play the leading role in economic growth and employment generation forgetting the discrimination nature in government departments. Since 1980s the government has also pursued a number of policies geared to attracting foreign investors. The private sector is expected to create new jobs and pay better wages, thereby leading to welfare advancements. However, while employment opportunities in the private sector have continued to grow, the real wages fell in the last years when the number of persons living in poverty rose and rate of private sector investment is still low³⁰. This presents a challenge given the higher contribution of this sector in wage employment. New dimensions are needed in employment policy to address the prevailing distortions.

3.2 Forms of discrimination in Uganda police force.

3.2.1 Discrimination by region.

³⁰ Okurut, *et al.*, 2006 discrimination in wages

During the past years and even the present, hiring discrimination was measured by means of the golden standard to measure unequal treatment in the labour market, i.e. correspondence experiments³¹. Within these experiments, fictitious job applications that only differ in one characteristic, are sent to real vacancies. By monitoring the subsequent call-back from employers, unequal treatment based on this characteristic can be measured and can be given a causal interpretation. The applicants from western Uganda are usually considered in recruitment compared to their counter-parts in other regions. The recruitment is usually filled by people from Kiruhura commonly referred to as people with "long noses". The parliamentary debates have been on since NRM came to power but the debate on this matter has not yielded much since the problem has persisted and the only solution is expected to be obtained after the change of leadership.

3.2.2 Discrimination by Ethnicity.

Pervasive levels of ethnic labour market discrimination are found in Uganda and very common in Uganda police. Job candidates with foreign names especially from Rwanda are found to get 54% to 72% high job interview invitations compared to equal candidates with native names and the worst happens when the name is not in Runyankole or Rufumbira. Interestingly, ethnic discrimination is lower among the high-educated and in larger firms. In addition, unequal treatment is found to be heterogeneous by the labour market tightness in the occupation: compared to foreigners, candidates with a native sounding name are equally often invited to a job interview if they apply for occupations for which vacancies are difficult to fill, but they have to send twice as many applications for occupations for which labor market tightness is low³². Recent research shows that ethnic discrimination is nowadays driven by governments' concern that Rwandeese and Banyankole-Bakiiga as well as

³¹ Susan; Laurie Larwood (1998). *"Gender Discrimination and the Workplace: An Examination of Rational Bias Theory"*.

³² Wanyete 2003 un acceptable recruitment modes prevail without ethical review

Bafumbira can not let the government collapse and yet they are major beneficiaries and the president is from their side (region)³³.

3.2.3 Disability

In 2014, a large correspondence experiment was conducted in Uganda. Four applications of graduates, identical except that one revealed a disability (blindness, deafness or autism), were both sent out to 768 vacancies for which the disabled candidates could be expected to be as productive as their non-disabled counterparts, based on the vacancy information but not recruited to police force. In addition, the research randomly disclose the entitlement to a substantial wage subsidy in the applications of the disabled candidates. Disabled candidates usually have 47% lower chance to receive a positive reaction from the Uganda police recruitment side compared with the non-disabled candidates. Potentially due to the fear of the red tape, disclosing a wage subsidy does not affect the employment opportunities of disabled candidates.

3.2.4 Gender and Sexual Orientation

While overall no severe levels of discrimination based on female gender is found in Uganda police, unequal treatment is still measured in particular situations, for instance when candidates apply for candidates considering that they work at functional level in Uganda police, few ladies succeed. Discrimination based on sexual orientation varies by country. Revealing a hetro sexual orientation (by means of mentioning movements and character) lowers employment opportunities in Uganda police but has, overall, no negative effect in performance and yet considered to be serious to the extent that its one of the things that are tested when some is to join police.

³³ ² Daily Monitor Newspaper February 9th 2011 by Edgar Batte, "Employees wary of unstable recruits"

³ <http://www.uneca.org/era2005/chap5.pdf>

The occurring discrimination is against the constitution of the Republic of Uganda that states that (2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

Section 48 (2) of the (European Economic Area) refers to Section 50 (2) (a) to (c) and permits compensation as well as damages to be awarded for unfair discrimination. Damages however is limited to the Basic Conditions of Employment Act threshold, which currently stands at R205 433.30 per annum: Section 50 (2) (c) permits an order directing an employer to take steps to prevent the same unfair discrimination or a similar practice occurring in the future in respect of other employees. Case law has held that damages would connote a monetary award for patrimonial loss, the actual or potential monetary loss, examples would include past and future medical expenses, past and future loss of income, loss of support etc. Compensation connotes a monetary award for non patrimonial loss including solatium. These are illiquid claims, not immediately capable of determination including claims of pain and suffering, loss of dignity, trauma, disfigurement; humiliation, etc. It is conceivable that cases of unfair discrimination may involve actual loss for the claimant as well as loss for injured feelings. The purpose of an award of damages for patrimonial loss by means of monetary award, is to place the claimant in the financial position he or she would have been in, had the discrimination not happened. In the case of compensation for non-patrimonial loss, the purpose is to redress the insult, injury, humiliation or dignity that was hurt due to the unfair discrimination. The order must be appropriate and 'just and equitable' in the circumstances. The Labour Appeal Court has awarded up to R50 000 for solatium (injury to one's dignity and feelings) and this is over and above compensation for patrimonial losses. **(South African Airways (Pty) Ltd v V and Another (CA9/13, C420/2006) ZALAC 27)**

It is thus integral that companies have a proper sexual harassment policy in place and that this policy is aligned with the current Amended Code on Sexual Harassment in the Workplace. The policy must be distributed to all employees and relevant employees must undergo proper training in order to deal with complaints of sexual harassment. Failing which, the employer may run the risk of being found liable of improper management of claims of discrimination in the workplace and that can be a costly lesson to learn.

3.3 Recommendations:

Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice. There should be continuing co-operation between the competent authorities, representatives of employers and workers. This promotes employment and other vocational guidance, vocational training and placement services by methods such as--

- (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
- (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
- (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

government agencies should apply non-discriminatory employment policies in all their activities such as hiring and firing of staff, selection of volunteers and vendors as well as definitions of what is considered unacceptable, and the consequences of any breaches.

(d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;

(e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;

(f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3.4 Conclusion

This work has been engaged in finding out the relationship between employee satisfaction and performance on one the hand, and equality in the work place on the other. the first task however was to find out the meaning of gender roles and its implications in the workplace taking the uganda police force as the case stud

Subsequent to studying the current situation of Uganda, the issue of equality in the workplace is still a concept well documented however with little practical application. Women face a large amount of discrimination not only in their public lives, which is inclusive of the workplace, but also in their private lives

in the home. All these factors which have been consolidated over centuries' worth of cultural beliefs and practices have had one major impact on women; women not only face discrimination, but also tackling this problem is given less practical attention.

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