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(HANSARD)

OFFICIAL REPORT

FOURTH SESSION - THIRD MEETING

WEDNESDAY, 12 FEBRUARY 2025



PARLIAMENT OF UGANDA
IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

FOURTH SESSION - 12TH SITTING - THIRD MEETING

Wednesday, 12 February 2025

Parliament met at 1.59 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Among, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon's meeting. Yesterday, the Uganda National Examinations Board (UNEB) released results of the Uganda Certificate of Education (UCE). We would like to congratulate the candidates upon achieving this education milestone, and we wish all of them the best in their subsequent endeavours.

We also want to commend UNEB for the good work they have done. It has not been easy to transition from the old curriculum to the new one, and in the same breath, we would like to thank the Ministry of Education and Sports, parents and guardians of these candidates for prioritising education. There is need to prioritise education because once you have an educated nation, then you have a very good nation.

Honourable members, on Sunday, 16 February 2025, the country will be commemorating Archbishop Janani Luwum Day. It represents the day in 1977, when Archbishop Janani Luwum was killed. We appreciate His Excellency, the President, Yoweri Kaguta Museveni for recognising the role of our

national heroes such as Janani Luwum, whom we are celebrating on the 16th.

Let us use this day's commemoration to reflect on the values Janani Luwum stood for, notably personal liberty, human dignity, equity, and equality. We will, hopefully, receive a statement from the Government on this day's commemoration.

Honourable members, I will invoke Rule 25(1) of the Rules of Procedure of Parliament to vary the Order Paper to accommodate a motion by the Minister of Internal Affairs to withdraw the Forensic Evidence Bill, 2024, immediately after my communication.

Thank you – I knew that Hon. Ssewungu would stand up.

2.04

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Thank you, Madam Speaker for the good communication and I am happy that two of the Ministers for Education and Sports are here. We thank you for releasing the results.

However, it is very important that the new curriculum was supported; although we had issues here, we went on with it. But the biggest challenge now is parents not knowing what their children achieved, and that is about educating the masses.

We have seen every child got "Result 1". My wife is a nursery school teacher, and she said, "This time, the results are similar to the ones

we give our learners in nursery school because we also give them A, B...”

Madam Speaker, with the new curriculum results – and what I said yesterday – thank you, Hon. Muyingo; you were here. We need to know the grading system and there is no need to hide that.

Madam Speaker, we have taught before – but we have not seen the new curriculum for A-Level. The curriculum is not just introduced in any form. What are the A-Level students going to study after the results that were released yesterday?

Where are the books? The National Curriculum Development Centre (NCDC) is quiet; even the Ministry of Education and Sports is quiet and yet students are going for A-Level after this new curriculum.

What we are seeing in the public is that schools have developed a method of showing how well they performed. I have heard a school say, “Our children scored 600 As, 700 Bs and there was no C.”

They have developed another method of showing how they beat other areas. This is what we are trying to cure because we need to be educated on this. The parents and the public must know their children’s performance in terms of grading. Thank you.

THE SPEAKER: Thank you. Hon. Ssewungu – Shadow Minister. (*Laughter*) Can we hear from the Minister of Education and Sports because that must stop the discussion on education?

2.06

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (PRIMARY EDUCATION) (Dr Joyce Moriku): Thank you, Madam Speaker. First, I would like to thank you for your communication and for bringing up this matter very clearly and for congratulating UNEB, the Ministry of Education and Sports and the entire country.

Secondly, I thank you and the entire House for approving the new lower secondary curriculum. Ever since we rolled it out in 2020, much as COVID-19 interrupted us, we have managed to come to a conclusive end, and the results were released yesterday.

Allow me to say that this is a competence-based curriculum, and assessment is based on the level of competence our students attain. That is why we moved away from the traditional grading system to one that speaks volumes about the level of competence the learner attained over the years.

Thirdly, you recall that continuous progressive assessment constitutes 20 per cent over time. Then there is the summative assessment, which is 80 percent at the end of exams. This is what is done at the end of Year Four.

So, when this is put together, there is the new grading that you have seen; it is no longer distinction or credit “A, B, C...” but letters “A, B, C, D, E.” This one is translated into results according to the level: Result 1, Result 2, Result 3, and Result 4.

For example, Result 1 is for candidates who qualify to get a certificate, and Result 2 is for candidates who do not fulfil the conditions for the award of a certificate. For example, the minimum number of subjects to be taken is eight out of nine. Some of the candidates may not have taken the minimum eight subjects.

Secondly, some of the candidates may not have completed the project work, so these fall under the category of Result 2. Then, Result 3 are candidates who did not meet the minimum level of achievement of all the subjects. These are the ones who might have scored E because “E” is “Elementary.”

On the other hand, “A” is “Exceptional”, “B” is “Outstanding”, “C” is “Satisfactory” and “D” is “Basic”. So, we can have –

THE SPEAKER: Honourable minister, just a clarification.

DR MORIKU: Yes, Madam Speaker?

THE SPEAKER: When you say “A” is “Exceptional”, when you are marking, do you give marks and say maybe somebody who has got from 85 to 100 is the one who has got an “A” and a person who has maybe got from 74 to 84 is the one who has got “B”. Do you award marks when marking?

MR SSEWUNGU: Madam Speaker, we have a lot of business today, and it is as if the minister wants to teach us something that has come after the time they had. I would pray that she says that they are going to do something to educate the masses and parents on how the grading is carried out. Explaining “A”, “B” and whatever, is going to take much of our time. That was some bit of laziness on their side. Head teachers have time –

THE SPEAKER: Honourable members, we are the ones who approved that curriculum here. All that we need is to understand. I know a new idea is always not accepted easily. However, what we need to do is to understand the process so that we are able to explain to the people out there.

Honourable minister, we are going to give you time to come back and take us through it. We are the voice of the voiceless. We are the ones who can go and explain to our voters. Therefore, we will put it on the Order Paper, and then you come and explain to the House.

DR MORIKU: Madam Speaker, thank you so much. I agree and oblige with your directive. This is a continuous process. We need to bring a paper and I pledge to bring a paper next week to that effect. I thank you.

THE SPEAKER: Thank you. We shall have the paper on Tuesday. Yes, former Leader of the Opposition?

2.12

MS BETTY AOL (FDC, Woman Representative, Gulu City): Thank you, Madam Speaker. We are already faced with

many questions. Next week will be too far. How about, at least, answering some of the basic questions tomorrow? For example, you know that those days, even if they said “no repetition of classes”, at least someone, who had performed poorly could repeat. Now, a person who has failed – with “E”, “E”, “E”, “E” – where do we take that person? The person cannot repeat; they are not going to be given a chance. People are asking us such questions. How do we answer them?

THE SPEAKER: Hon. AOL, I have already made a ruling to that effect. Next week is not far. We have a lot of business, as Hon. Ssewungu has said.

2.13

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Madam Speaker, I hope that the minister sees the predicament we are grappling with now. As legislators, we are getting numerous calls from parents, students and teachers, who are not sure how this has been happening, yet it has taken about four years since its inception.

I would like to encourage the minister that, even as we wait for that statement here in Parliament – it is something that should have been ongoing already; if it has not, maybe it needs to start with immediacy. Can you bring the parents, teachers and students on board to know what, exactly, this is about? Parents are calling us, the teachers are calling us and they are wondering how the grading was done.

I was shocked because I should be the one calling a teacher to help me to understand. This means you have not brought the teachers, the parents and the students on board. I do not know where you have been for all these four years. If it has not been happening, it needs to start with immediacy.

Madam Speaker, even the statement that will come to Parliament - as much as we need it with immediacy, I think, is not adequate. Minister, you need to go to these schools. You need to interact with the parents, teachers and students for them to know what this new

curriculum is about. I am shocked that many parents, teachers and students are not aware. We need to fix this.

THE SPEAKER: Honourable minister, we will wait for the report on Tuesday but, at the same time, you also need to engage your teachers on the ground. You should have meetings with the teachers, the District Education Officers (DEOs), the Parents and Teachers' Association (PTA) meetings – so that people get to understand. (*Members rose*) - Honourable members, can you listen?

You need to give that information to the population, on how the grading process is done so that they come to understand it. If I am not being put – I am going to chase away those uncles and aunties of mine. This is so that people can understand: if I have “Result 2”, why am I not being given a certificate? Thank you.

DR MORIKU: Madam Speaker, I undertake to do that as soon as possible. Thank you.

THE SPEAKER: Thank you. Next – what is wrong with Hon. Kabanda? What has he done? I have a busy Order Paper.

MR SSEWUNGU: We raised an issue of contempt of Parliament yesterday, with Hon. Macho, about what happened with Hon. Kabanda –

THE SPEAKER: Hon. Ssewungu, I have not given you time. Please. Next item.

2.16

MR JONATHAN ODUR (UPC, Erute County South, Lira): Thank you, Madam Speaker. This is a follow-up on the commitment that was made on this Floor by the Ministry of Justice and Constitutional Affairs, represented by the Attorney-General, on the prisoners in detention. It was your order, Madam Speaker –

THE SPEAKER: To put it on the Order Paper.

MR ODUR: Yes, that the Attorney-General, who had requested for – in fact, he said that

in the next sitting, he would be available to provide that list here. However, up to today, we still have a long list of those people who are incarcerated – the different categories – and the Attorney-General is not moving this Parliament in the right direction.

Relatedly, Madam Speaker, this House was receiving briefings, every week, on the progress by the Executive on the implementation of the orders of the Supreme Court. It was an agreement, here, that we would be updated on the steps that they were taking. We would be happy to receive the latest update from the Attorney-General, given that we are reading so much.

I am sure you have learnt – I have learnt, too – that one of the principal prisoners, Dr Besigye, is indisposed. An explanation has been made that he is actually on a hunger strike. That does not speak well because this House made a pronouncement in regard to that matter and several others who are in Karamoja, Lira and the different prisons.

Would the Attorney-General honour that commitment that he made to this House that he would bring the complete list and the status of each and every person who is detained and the steps that they are taking to ensure that they access justice, Madam Speaker?

THE SPEAKER: Together with the one on the ruling of the Supreme Court. Can you give us that status update tomorrow?

2.18

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Thank you, Madam Speaker. I must confess that I did not clearly understand what was required because he seemed to raise two issues. There was an issue that came from the Committee on Human Rights about people in prolonged detention and the other issue was the enforcement of the Supreme Court judgment. Which one of the two is he asking for?

THE SPEAKER: He is asking for both.

MR KAFUZI: For both. Are you saying I can respond tomorrow or you want me to say something now? I need your guidance.

THE SPEAKER: Do you have the names with you? Deputy Attorney-General, can you do it tomorrow? I do not want you to be ambushed today.

MR KAFUZI: Thank you very much.

THE SPEAKER: Thank you. Next item.

MOTION BY THE MINISTER OF
INTERNAL AFFAIRS TO WITHDRAW
THE FORENSIC EVIDENCE BILL, 2024

THE SPEAKER: Honourable members, as I earlier on guided in my communication, I now want to invite the Minister of Internal Affairs to withdraw the Forensic Evidence Bill, 2024, that is currently before the Committee on Defence and Internal Affairs. Honourable minister.

2.20

THE MINISTER OF INTERNAL AFFAIRS (Gen. David Muhoozi): Madam Speaker, I beg to move under Rule 140 (1) of the Rules of Procedure to withdraw the Bill entitled, “The Forensic Evidence Bill, 2024.” I beg to move.

THE SPEAKER: Is the motion seconded? It is seconded by Hon. Kabanda, a Member representing the youth – on the NRM side, it is seconded by Hon. Esther, Hon. Ogwang, Hon. Kaducu, Hon. Chemaswet, Hon. Mugira, the chairperson of the Committee on Defence and Internal Affairs. Rt Hon. Prime Minister, are you not seconding the motion? *(Laughter)* It is also seconded by the Rt Hon. Prime Minister, Hon. Itungo, Hon. Olanya, Hon. Angura, Hon. Museveni, Hon. Isaac, Hon. Esenu, Hon. Peter, Hon. Tom, Hon. Isaac, Member for Kikuube, Hon. Joel, Hon. Faith, Hon. “Obama”, Hon. Gerald, Hon. Macho, Hon. Margaret, Hon. Emmanuel, Hon. Linda, Hon. Acuti. Hon. Katuntu, Hon. Nekesa, Hon. Alanyo, Hon. Milton, Hon. Yoweri Ssebikaali – Not Joel Ssenyonyi, the LOP. Plus, all the elders in the corner; the senior elders of this country. Thank you very much.

Honourable minister, would you like to tell us why you want to withdraw your Bill?

GEN. MUHOOZI: That Bill, as you recall, was tabled here for the first reading and it was referred to a committee. However, in the course of interaction with the committee and within our own consultations, we found that there are things that need to be aligned within the Bill but also which, if done, would substantially change it.

Therefore, the only recourse was to request that it be withdrawn and then brought back for reconsideration.

THE SPEAKER: Thank you very much. Honourable members, I now put the question that the Forensic Evidence Bill, 2024 be withdrawn from the House.

(Question put and agreed to.)

Bill, withdrawn.

THE SPEAKER: Honourable members, the Forensic Evidence Bill, 2024 stands withdrawn. Thank you.

LAYING OF REPORTS BY THE LEADER
OF THE OPPOSITION PURSUANT TO
RULE 35 OF THE RULES OF PROCEDURE

THE SPEAKER: Honourable members, yesterday, I guided that the Leader of the Opposition would table copies of his oversight reports pursuant to Rule 35 of the Rules of Procedure so we can refer them to the relevant committees.

I now invite the Leader of the Opposition, Hon. Joel Ssenyonyi, to come and lay the reports. Kindly, read for us the report and the institutions and then lay it on the Table.

2.24

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Thank you, Madam Speaker. I would like to lay a couple of brief reports I have read here but it is good that there is follow-up. As you guided, they will be sent to relevant committees.

The first report is an oversight report to Atiak Sugar Factory. That is the one that has so far been given Shs 553 billion. I beg to lay.

The second report is about an oversight visit I carried out together with shadow ministers to Dei BioPharma Ltd. That is the one that has so far been given Shs 723 billion. I beg to lay.

The third report is an oversight visit to Roko Construction Company. This is the one that has so far been given Shs 263 billion. I beg to lay.

The other report is an oversight visit to Inspire Africa Coffee Factory in Ntungamo District, which I read yesterday. The billions given are unknown so far, and that is captured in the report. Hopefully, Government will have occasion to clarify.

The final report is about an oversight visit to Busoga Subregion on the drastic fall of sugarcane prices. I beg to lay.

THE SPEAKER: Thank you, Leader of the Opposition. The reports are accordingly referred to the relevant parliamentary committees, ministries, departments and agencies for action and report back to this House. We are giving the relevant committees – because they are going to different committees. The word, “relevant” means that I will guide since I am going to write a letter to the different committees. Thank you.

BILLS SECOND READING

THE OCCUPATIONAL SAFETY AND HEALTH (AMENDMENT) BILL, 2023

THE SPEAKER: Honourable Minister of Gender, Labour and Social Development, would you move a motion?

2.27

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (LABOUR, EMPLOYMENT AND INDUSTRIAL RELATIONS) (Ms Esther Anyakun): Madam Speaker, the Occupational Safety and Health (Amendment) Bill, 2023

was read for the first time on 9 January 2024 and referred to the Committee on Gender, Labour and Social Development in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Bill before you was drafted within the approved policy context of employment, namely, the National Development Plan III through the human capital development programme, objectives of improving population health, safety, and management in order to reduce workplace injuries, incidents, and health hazards.

THE SPEAKER: Honourable minister, first move a motion and then you will give us the justification. Honourable minister, move a motion for the second reading of the –

MS ANYAKUN: Madam Speaker, I am moving a motion for the second reading –

THE SPEAKER: Please give us the name of the Bill.

MS ANYAKUN: Madam Speaker, the motion is for the Second Reading of the Occupational Safety and Health (Amendment) Bill, 2023 to be read for the second time.

THE SPEAKER: Honourable members, the minister is moving a motion for the Second Reading of the Occupational Safety and Health (Amendment) Bill, 2023. Is it seconded? It is seconded by “Obama”, Hon. Emmanuel, this entire other side, the Attorney-General, by Hon. Kania, Hon. David Muhoozi, the former Chief of Defence Forces (CDF), Hon. Ecweru, Hon. Kaducu, the Prime Minister, Hon. Kabanda, Hon. Alanyo, Hon. Nekesa, and the entire House.

Would you justify your motion?

Honourable members, can I have your attention? Do you think it is easy to stand there and speak? Yes.

MS ANYAKUN: Madam Speaker, let me stand up properly.

Madam Speaker, the Occupational Safety and Health (Amendment) Bill, 2023, was read for the first time on 9 January 2024, and referred to the Committee on Gender, Labour and Social Development, in accordance with Rule 129(1) of the Rules of Procedure of Parliament.

The Bill before you was drafted within the approved policy context on employment, namely, the National Development Plan (NDP) III, through the human capital development programme objective of improving population health, safety, and management.

In order to reduce workplace injuries, incidents, and health hazards, as well as the proposed national employment policy; fourth objective, to promote safety and health working environment.

Madam Speaker, the Occupational Safety and Health (Amendment) Bill, 2023 is intended to address the prevailing challenges registered under the current law on occupational safety and health.

The Occupational Safety and Health (Amendment) Bill, 2023, seeks to address the challenges and gaps through the five principles, which include:

1. Providing a clear process and responsibility for prosecution of offenders in courts of law.
2. Expand the scope of the law to cater for all workplaces.
3. Streamline powers of the minister responsible for labour, to make regulations.
4. Remove inconsistency from the law.
5. Harmonise with other laws.

Madam Speaker, since the approval of the principle of this Bill, in November 2021, and the first reading of the Bill on 9 January 2024, consultations have been conducted with various stakeholders, through the collective effort of the Committee on Gender, Labour and Social Development; the Attorney-General, and various stakeholders. The Bill has since been processed.

Madam Speaker, I would like, therefore, to invite you to consider the Occupational Safety and Health (Amendment) Bill, 2023. I thank you.

THE SPEAKER: Thank you so much. I now invite the chairperson of the Committee on Gender, Labour and Social Development, to present their report on the Bill.

2.34

THE CHAIRPERSON, COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Agnes Kunihira):

Thank you, Madam Speaker. I am here to present the report of the Committee on Gender, Labour and Social Development, on the Occupational Safety and Health (Amendment) Bill, 2023. I beg to lay the documents and report of the committee. I beg to lay the report on the benchmarking meeting of the committee. I also beg to lay the minutes of the committee while processing the Bill.

Madam Speaker, the Occupational Safety and Health (Amendment) Bill, 2023 was read for the first time on 9 January 2024, and referred to the Committee on Gender, Labour and Social Development, in accordance with Rule 129(1) of the Rules of Procedure of Parliament. The committee scrutinised the Bill in accordance with Rules 129(2)(3) and (4) of the Rules of Procedure, and is now ready to report.

Madam Speaker, allow me to clarify that the Occupational Safety and Health (Amendment) Bill, 2023, was tabled for the first reading, drafted following the old edition of laws of Uganda, that is the Sixth Edition, Occupational Safety and Health Act, 2006. The laws have since been revised. The committee processed the Bill as tabled to enable proper flow while considering the amendment on the Floor.

On that note, Madam Speaker, the provisions of the Bill will be revised with the correct references, in line with Section 8(2) of the Acts of Parliament Act, as per the revised Occupational Safety and Health (Amendment) Act, Cap.231, Seventh Edition.

Madam Speaker, allow me to skip some of the areas like the background, because the minister has already highlighted the intention of the Bill. I will skip the objective of the Bill, the defects and how the Bill addresses them.

On page 5, we are looking at the methodologies, and one of them was the meetings –

THE SPEAKER: Yes, Procedural matter?

MR KIBALYA: Thank you, Madam Speaker

–

THE SPEAKER: Before you raise your procedural matter, in the Public Gallery this afternoon, we have a group of student leaders from the Guild Representative Council of Makerere University. They are represented by Hon. Bashir Kazibwe and Hon. Shamim Malende. You are most welcome. Where are you? Students, stand up. Join me in welcoming them. *(Applause)*

They are here to observe the proceedings of this House. Thank you for coming to your House.

Again, in the Public Gallery this afternoon, we have a group of students from Madi Subregion, which includes Obongi, Moyo, and Adjumani, under the Madi Students' Union. They are represented by Hon. Jesca Ababiku, Hon. Tom Aza, and Hon. James Mamawi. They are here to witness the proceedings of this House. Thank you. Please stand up and we see you. Thank you so much for coming.

Yes, procedural matter?

MR KIBALYA: Thank you, Madam Speaker. We appreciate the communication of the minister and the chairperson. However, the chairperson has said that the minister highlighted – so she is skipping the defects. Yet the whole story about that Bill, is the defects because as we are listening, we must know the defects that informed the Bill and whether it has addressed the defects. Therefore, through your office, Madam Speaker, wouldn't it be procedurally right for the chairperson to tell us the defects that caused the Bill to be tabled,

then we listen and see whether they have cured them? Thank you.

THE SPEAKER: Honourable member, what the chairperson said is that the minister had already talked about the objects and the defects of the Bill. You heard her reading. I think you were not yet here. You have just come; the minister read the defects of the Bill, and the report is here. Yeah, it is a minister's problem that she is trying – You continue.

MS KUNIHIRA: Thank you, Madam Speaker. The defects are copied from the Bill as it is presented before Parliament.

THE SPEAKER: Do not waste your time. Go ahead.

MS KUNIHIRA: Madam Speaker, I was on Page 5, and I was giving the methodology. As you can see on that page, the meetings and the stakeholders are highlighted. We reviewed some documents; they are also highlighted. We had some field visits to some three companies; they are listed there. Then, we had a benchmarking visit. The committee sent a delegation for a benchmarking visit to Nairobi, Kenya, coordinated by Kenya's Central Organisation of Trade Unions. The delegation held meetings with staff.

THE SPEAKER: Honourable chairperson, the methodology, the meetings you had with the Minister of Gender, Labour and Social Development, Office of the Attorney-General, Federation of Uganda – it does not cost you much to tell us whom you met.

MS KUNIHIRA: Thank you, Madam Speaker. The committee met with and received written memoranda from the following:

1. The Ministry of Gender, Labour and Social Development;
2. The Office of the Attorney-General;
3. The Federation of Uganda Employers;
4. The Central Organisation of Free Trade Unions;
5. The National Organisations of Trade Unions;

6. The Platform for Labour Action;
7. The Uganda Small-Scale Industries Association; and
8. The Safety and Health Association of Uganda.

Then we also met Dr Ekwaro Obuku as an individual.

6.2 We reviewed documents like the Constitution of the Republic of Uganda, The Occupational Safety and Health Act, 2006, and The ILO Convention, 155.

6.3 We also had a field visit, where we visited Land Industries Uganda, Sino-Uganda Mbale Industrial Park, and Tembo Steel Uganda Limited. We also had a benchmarking visit. The committee sent a delegation for a benchmarking visit to Nairobi, Kenya, coordinated by Kenya's Central Organisation of Trade Unions. The delegation held meetings with staff of the Directorate of Occupational Safety and Health Services in the Ministry of Gender and Social Protection. The report has been laid on the Table.

7.0 General observations and recommendations:

7.1 Limited scope of the Bill in addressing the defects in the current OSH law.

The committee observed that whereas according to the memorandum of the Bill, the Bill intends to expand the scope of the application of the OSH law and provide for the changes at the workplace arising from the new dynamics and rapidly evolving sectors such as telecommunication and extractive industry, the Bill does not effectively address this defect.

For instance, the committee observed that the submissions of the Ministry of Gender, Labour and Social Development; Federation of Uganda Employers; Uganda National Association of the Community and Occupational Health, that whereas the Bill sought to provide a proposal on the new changes arising at the workplace from the new work dynamics, like new hazards

in the telecommunications and extractive industries, the Bill did not provide for internationally-recognised OSH standards and practices, like the obligations of an employer to call out safety and health risk assessment and health surveillance plans which evaluate health related hazards at the workplace and monitor the safety and health of workers.

Secondly, the Ministry of Gender, Labour and Social Development and Uganda's small-scale industries informed the committee of the need to regulate OSH practitioners, who are currently not being licensed under any law, and as a result, there is a lack of standardisation of OSH assessments and reports done at the workplaces.

In addition, the Federation of Uganda Employers noted that the current provision of first aid was archaic and did not provide for internationally-recognised practices like an employer to put in place a first aid assessment plan.

The committee recommends that the additional proposals should be adopted to form part of the Bill to enrich the intention of the Bill.

7.2 Compliance with occupational safety and health standards by enterprises

The committee assessed occupational safety and health status in selected factories during the consideration of the Bill and observed that whereas certain workplaces had put in place safety and health measures for their workers, in others, there were still gaps that needed to be addressed. The committee recommends that the Ministry of Gender, Labour and Social Development regularly follow up on issues of compliance and effective implementation of occupational safety and health laws and measures in all workplaces.

7.3 Absence of occupational health services for employees at the workplace

The committee observed that the current law does not have provisions obligating the employer to provide occupational health services for his

or her workers, like counselling, body fitness activities, stress management aimed at their wellness and mental health management. In many workplaces, long working hours and demanding job responsibilities have become the norm. The pressure to meet targets and the fear of job insecurity create an environment that fosters stress and anxiety in the workers, which can contribute to unhealthy lifestyles and mental health challenges.

The committee recommends that the amendment in the Bill, which seeks to impose an obligation on the employer to provide occupational health services, aimed at protecting the wellness of the workers at the workplace, be adopted.

7.4 Delayed operationalisation of occupational safety and health board

The committee noted that Section 10 of the OSH Act establishes the Occupational Safety and Health board, which is to give expert advice to the minister on matters concerning occupational safety and health and welfare in the work environment. However, 18 years later, the board has never been operationalised, which has resulted in two difficulties in executing key policy formulation.

The delegation to Kenya, while on a benchmarking visit, observed that the Ministry of Labour and Social Protection, under its Directorate of Occupational Safety and Health Services, has a fully-fledged training institution on OSH that is the National Institute of Occupational Safety and Health. Its mandate is awareness-creation on OSH, training of workers and employers in safety and health, and researching matters relating to occupational and safety health.

It was also further noted that Kenya has an established National Council for OSH, which functions to advise the Cabinet Secretary on OSH policy matters, and best practices on OSH, among others. The committee, therefore, recommends that the Ministry of Gender, Labour, and Social Development should fast-track the operationalisation of the OSH board.

7.5 OSH Management Information regarding numbers of OSH inspectors

According to the OSH Management Information System, a database developed by the Ministry of Gender, Labour and Social Development, there are 21 Government OSH inspectors, compared to the many registered workplaces, estimated to be over 8,000. According to the Ministry of Gender, Labour and Social Development, in 2024 alone, 1,572 workplaces were registered.

Therefore, the ratio of 21 officers to 8,000 workplaces is at 380 each individual, which is a heavy workload on the Occupational Safety and Health (OSH) department in the Ministry of Gender, Labour and Social Development. This kind of trajectory has led to delay in service delivery, non-compliance to OSH standards by many of the employers.

The committee recommends that the Ministry of Gender, Labour and Social Development recruits OSH officers, who should be evenly distributed across the district to ensure effective implementation of OSH laws and measures in workplaces.

Unregulated Private OSH Personal Safety and Health Practitioners

The committee noted, that currently, there is a large number of private OSH practitioners, carrying out OSH inspections and audits in the workplaces.

The private OSH practitioners are unregulated due to the absence of an enabling regulatory framework and this has led to many people carrying out OSH work that is unchecked, hence compromising OSH standards and practices and greatly exposing the workers to hazards.

The committee recommends that the proposal on regulation and licensing of OSH practitioners be adopted.

Madam Speaker, under 8.0, there are specific observations. We are looking at clause by

clause. I do not know if it will take a lot of time or we go direct to the clauses. If you allow, I can read.

THE SPEAKER: Thank you. – No, she is now going to the committee stage. She has finished reading the report. Do you want her to go to the committee stage?

MS KUNUHIRA: Madam Speaker, in the report, there are specific observations and recommendations but they touch on the amendments. Reading them would mean doing it twice because there is already one.

In conclusion, currently, there is a big work force due to high economic growth, increased industrial developments and new technologies in the country. This has also led to and increased new risks, challenges, hazards that affect the safety and health of workers at the workplaces.

The amendment of the current Occupational Safety and Health Act, 2006 seeks to strengthen safety and health measures and expand the application of the law.

The committee recommends that The Occupational Safety and Health (Amendment) Bill, 2023, be passed into law subject to the following proposed Amendment. I beg to report.

THE SPEAKER: Thank you. Honourable members – Hon. Aisha, I am going to allow you. When somebody is reading a report and we interrupt, it distorts what comes out in the *Hansard*. It is always good to allow somebody finish, then, you bring the procedural matter, so that whoever reads the *Hansard*, reads it in a way that flows.
Yes, procedural matter?

MS AISHA KABANDA: Thank you, Madam Speaker. The way the report is being read, she skipped very critical issues because at committee stage, she will only be reading the amendments and her justification.

She will not tell us the observations made. It is so important to us that the observations

they made come to record and they help us understand what they found in the field when they went out there.

Therefore, it is very important that we go through them, so that it does not bog down the debate at committee stage or we do not pass things that we will not have very well understood. I pray that she goes through the observations in those particular clauses where she recommends amendments. Thank you.

THE SPEAKER: Do you have a report with you?

MS AISHA KABANDA: Yes, I do have the report with me.

THE SPEAKER: Please, just check and let us go together. 8.1. – Yes, Hon. Ethel?

2.53

MS ETHEL NALUYIMA (NUP, Woman Representative, Wakiso): Thank you, Madam Speaker. I move that having received the report, we first make some inputs on what we would wish to be clarified on, then later on, we get to committee stage where we shall now be getting clause to clause, asking for clarification on that matter.

However, there are some general inquiries we would wish to move. My motion is that the House first gets some clarity –

THE SPEAKER: Debates the report?

MS NALUYIMA: ...over some matters of the report and we inquire from the minister and later we proceed.

THE SPEAKER: *Hajjat* is saying that we should also look at the recommendations that have been made, clause by clause. Yes, Member from Kumi Municipality?

2.55

MR SILAS AOGON (Independent, Kumi Municipality, Kumi): Madam Speaker. Now that this is an amendment Bill, normally, in my view, it is very, very important that we go through the entire report because you might find

that some of the issues are highly controversial and yet people need to understand them.

That is exactly what brings out the debate. Because we must fix what we want to fix here and by the time we go for committee stage, we are simply passing what we have already agreed upon.

In my view, it is proper that she completes the entire report; we understand it, so that we pass what we know. At committee stage, we may not have the time because we shall be reading out the clauses one by one and we shall pass what we may not understand a lot. Thank you.

THE SPEAKER: Hon. Jonah, not Jonathan.

2.57

MR JONATHAN EBWALU (Independent, Soroti West Division, Soroti City): Madam Speaker, the report is on our iPads. We have read it. If we have anything to amend or change, we go through the iPads.

THE SPEAKER: He is also called Hon. Jonah.

MR EBWALU: Hon. Aisha, I am called Jonah. Jonathan is here.

THE SPEAKER: Hon. Jonathan – Honourable members, the report that the committee gives, is basically to inform the debate. It is not part of the amendments. That is why the report is telling you that we visited so-and-so but not telling you that it is because we visited so-and-so and that is why we are making an amendment in the clause A,B,C,D.

Bring our ideas on the report that she has read and then we look at it clause by clause. Attorney-General, what do you think?

2.59

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Madam Speaker, I am in agreement with your guidance.

THE SPEAKER: Thank you.

MS NALUYIMA: Thank you, Madam Speaker. As we are discussing the report, could we know from the minister, where she is getting the challenge to operationalise the occupational safety and health board, because it is one of the gaps we are seeing in this matter. Thank you.

THE SPEAKER: Thank you. Yes, Hon. Isaac?

3.00

MR ISAAC OTIMGIW (NRM, Padyere County, Nebbi): Thank you, Madam Speaker. As we discuss the report, what was the committee's input in terms of mandatory training for workers?

In this occupational health hazard, we cannot only point fingers at the employers. I feel that the workers must also comply with mandatory annual training so that in case anything goes to court for compensation, that will be the first area to check. The report does not cover that area of compulsoriness in terms of the employees' adherence.

THE SPEAKER: Thank you. Honourable minister, take note of what is being asked. Hon. Jesca?

3.01

MS JESCA ABABIKU (NRM, Woman Representative, Adjumani): Thank you, Madam Speaker, for the opportunity. I need clarity on one of the key issues raised in the report, that is, the non-operationalisation of the board, yet we have just concluded our decision on rationalisation. I wish to know the effect of rationalisation on the comment of the committee.

3.01

MS AISHA KABANDA (NUP, Woman Representative, Butambala): Thank you, Madam Speaker. One of the biggest defects of the existing law is that it did not give due consideration to people that work from homes. I want to know, in the proposal that we have – over time, we are popularising cottage industries; people working from home and even those who serve us. Does the report –

and the proposed amendments – take into consideration people that get occupational hazards while working from our respective homes?

MS PAPARU: Thank you, Madam Speaker. I would like to seek clarification from the committee chairperson on the unregulated private occupational practitioners. I came across a private practitioner doing assessment on a small private business that I have. They came with a letter, purportedly, to have been given by the Ministry of Gender, Labour and Social Development. I want to understand who mandates these people to go and do the assessment. My thinking was that they report back to the ministry. This caught my attention. Who pre-qualifies these people, now that the report says that they are not regulated? Thank you.

3.02

MR SILAS AOGON (Independent, Kumi Municipality, Kumi): Madam Speaker, the day before yesterday, a retired army officer – okay, a private; I do not know whether they are also called “officers” – came to me in the constituency and reported the suffering that he went through when they had been mobilised to go for national duty in Somalia and the truck rolled along the way –

THE SPEAKER: Hon. Oboth? You start afresh.

MR AOGON: Yesterday but one, a retired Uganda People’s Defence Forces (UPDF) officer told me that he was recalled to service and they were meant to go to Somalia between 2020 and 2022. Unfortunately, along Tirinyi Road, the truck got involved in an accident. Many of them got injured. He was unfortunate because his arm got under the truck, which was rolling on the tarmac and it was nearly cut off. However, by God’s grace, doctors managed the situation. Today, he cannot even lift up a cup of water using that hand. This man was given Shs 3 million but, remember, he can no longer do any work that is meaningful. I have his document that I am going to submit to you after this.

Madam Speaker, the real issue that I want to bring out is that, in this report, I have not heard from the committee as to how many of these people – who suffered from these injustices of occupational nature – they have heard from. They are the ones who can tell you the real story. How many of them came before this committee so that they could tell the suffering that they have gone through?

I have also heard from a young girl who worked in an industrial area, that they have decided to lock her out. The Indians do not want to see her within their premises. Did you hear from such people, so that they could give you the real story that could help you to inform what we need to do in this law?

I now want to say that, one, we need to see how we can put, in this law, the aspect of ensuring that entities provide the budgets for occupational safety and health. That would be a good thing.

Number two, the issue of recruitment should be a command that comes through the law. We are not just going to recommend to the ministry for gender. If we are saying that every district should recruit – and I guess this is a Government Bill. If it is not, let the Government allow that we should recruit people who are going to do this.

What are the functions of the board, which is doing the occupational safety work? We should be able to do audits to see whether people are not flouting what is in the law. If they are flouting the law, we should withdraw their certificates –

THE SPEAKER: First of all, have you established that there is a board? The law that was done previously – I do not know what could have happened – says that the minister shall establish the board, through regulations. It did not give the number of the board members and the regulations were never brought to this House.

MRAOGON: Madam Speaker, those are some of the audits that this House should do because

that is our oversight work. Some people need to be arrested for failing to do what they are supposed to be doing. If you were supposed to establish a board, why did you fail to do that? That is the life of the citizens of this country. They need to survive. Somebody needs to be their voice.

If you are given work and you are not going to do it – there are many Members of Parliament here who can be ministers. Why aren't they recruiting them to those positions? Even myself, I can –

THE SPEAKER: Hon. Silas, instead of thinking of arresting ministers or whoever, in the rules that we shall go to after here, we have a provision where we are going to have subsidiary regulations. We will have a committee on subsidiary regulations, which shall follow up on the laws that we have passed.

MR AOGON: I think, Madam Speaker, you would have given a New Year's gift to this country if we did that – because it would solve many problems. I will be welcoming information after one submission –

THE SPEAKER: But you are taking a lot of time.

MR AOGON: This is the last one. My interest is actually in this subject. That is why I am taking a long time. When I look at the issue of the entities that are stubborn in terms of compensation, we must be able to input a section here, which provides that if an entity does not comply with the requirements of the law regarding occupational safety and health, then they should revoke the licence of that entity. That will put them on tenterhooks to deliver. Let me take the information from my sisters, starting from you.

THE SPEAKER: Hon. Kabanda and, then, hon. Bakkabulindi.

MR DAVID KABANDA: Thank you, Madam Speaker. The information I want to give to Hon. Silas is that what we are discussing is the Occupational Safety and Health (Amendment)

Bill. What he is raising falls under the Employment Act; so, it is different. We should not confuse the two.

MR AOGON: I thank you for that information –

THE SPEAKER: Hon. Bakkabulindi?

MR AOGON: Madam Speaker, he was giving me information.

THE SPEAKER: Hon. Bakkabulindi?

3.09

MR CHARLES BAKKABULINDI (NRM, Workers Representative): Thank you, Madam Speaker. I would like to thank my colleague for that concern. As he has rightly said, we are concerned with occupational safety and health. There is the Workers Compensation Act and there is the Employment Act. However, when we come to the Committee Stage, where we need amendments for remedies of the employer who has not complied with Occupational Health and Safety, you are going to hear them. Thank you.

MR SPEAKER: Thank you. Member for Ntungamo?

3.09

MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo): Thank you, Madam Speaker. In support of the recommendation by the committee that occupational health and safety be incorporated into law, I wish to remind all of us that we have employers who do not even have human resources departments. This means that by incorporating it there, all employers will make sure they have those departments.

People want counselling; people get jobs but they end up leaving them because of several challenges. Without such a department, where someone wants a job – the employer wants an employee but the employee cannot be retained. Yet, there is competition for good talents in the whole world. You lose employees because you are not catering for them.

Madam Speaker, that will make Uganda one of the best destinations for employees and we shall be able to maintain and attract talent from abroad. Thank you.

THE SPEAKER: Thank you. Can I hear from the minister first? Hon. Apolot, Member for Mubende and then Hon. Tom Aza.

3.10

MS CHRISTINE APOLOT (NRM, Woman Representative, Kumi): Thank you, Madam Speaker. Mine is on page 8, paragraph 2 which indicates that the recruitment agencies are only accredited and not licensed as demanded by the law.

When you look at the committee's recommendation, they concentrate on who should take the responsibility of providing the licences to such institutions.

Madam Speaker, I propose that since the law provides for it, any recruitment agency that does not have a licence should not be allowed to carry on with the duties and this is missing in the report. Thank you, Madam Speaker.

THE SPEAKER: Let me first get the chairperson's mind on that.

MS KUNIHIRA: Thank you, Madam Speaker. I think the honourable member has gone to the Employment (Amendment) Bill, which is not part of the Occupational Safety and Health (Amendment) Bill.

THE SPEAKER: Honourable members, we have the Employment (Amendment) Bill and the Occupational Safety and Health (Amendment) Bill; let us not mix them. Let us first look at this one.

MS KUNIHIRA: Madam Speaker, allow me to inform honourable members that this is an amendment Bill. The Occupational Safety and Health (Amendment) Act is very comprehensive with a lot of details, but we are handling an amendment Bill that had specific sections they wanted to amend, which is why we have responded.

However, if you go into the Occupational Safety and Health (Amendment) law, you will find all the details. Some of the issues that have been asked are to do with the work's compensation.

Madam Speaker, a Member also asked: Did we consult other people who have ever been affected by occupational safety and health at the workplace like accidents? You know the procedure of Parliament, Madam Speaker. The fact is, we advertised in the newspapers to call upon all people who wanted to submit and we listed those who responded and came. Therefore, we do not know those who are out there with issues.

Another thing that was raised is the training. Training is also provided for, which is why workplaces have joint committees of staff and management that oversee the activities concerning occupational safety and health at workplaces.

THE SPEAKER: Actually, Section 73 highlights the issues of the training.

MS KUNIHIRA: There is an honourable member who raised the issue of assessment of small workplaces. We mentioned that there are inspectors from the Ministry of Gender, Labour and Social Development. However, we also mentioned that there are those private practitioners out there doing the job. That is why we are saying because they are going to industries, they must work with the ministry. Therefore, we have made a new clause to regulate them so that even if they are doing their work, they do it in consultation with the Ministry of Gender, Labour and Social Development.

Madam Speaker, those are the areas that have been touched.

Members also talked about the "home workers". The law applies to every workplace. All labour laws apply to every workplace. Even if it is your maid who has a problem, the law covers them. They can approach any labour officer or Government.

THE SPEAKER: Dr Lulume?

3.14

DR LULUME BAYIGA (DP, Buikwe County South, Buikwe): Thank you, Madam Speaker. I seek the attention of the committee chairperson on whether they looked into other workplaces with safety hazards such as the district councils and subcounty councils where we see fights; people hitting each other and causing wounds –

THE SPEAKER: Parliament.

DR LULUME: Parliament is one of these places. While we are here in Parliament, who is responsible for us in case we get into trouble at the workplace? Has the committee addressed itself to these? Thank you.

MS AISHA KABANDA: Madam Speaker, in most workplaces, if somebody is coming to work and they get an accident, that person is supposed to be compensated under the workman's compensation. Those people are provided for. I am sure even at Parliament, if we got injured here, we are supposed to be taken care of.

However, Hon. Lulume has widened the space for people who are fighting against each other; those become criminal issues where you need to report to the Uganda Police Force.

THE SPEAKER: Thank you. Hon. Aza?

3.16

MR TOM AZA (NRM, West Moyo County, Moyo): Thank you, Madam Speaker, for the opportunity. West Nile has been invaded by illegal gold miners in Metal Hills, Terego, and Yumbe. More often than not, these people do not follow the occupational safety and health rules; no helmets and no gloves. They enter tunnels that have a lot of heat and when they come out, they fall sick yet they are not catered for. All this will be taken into consideration. Thank you.

THE SPEAKER: Are those people employed to do that, or do they do it willingly?

MR AZA: Madam Speaker, they are illegal gold miners. *(Laughter)*

THE SPEAKER: Honourable members, we need to move.

MS AISHA KABANDA: Thank you, Madam Speaker. I seek clarification from the minister, and I am happy she is coming up. Can she clarify to us what made it so difficult for them to operationalise the law that is in place, and give us comfort that the amendments that you are going to make will make it easy for her to operationalise the law that you are about to amend?

THE SPEAKER: Leader of the Opposition?

3.18

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Madam Speaker, I think we need the minister's commitment. For over 10 years, there have been no regulations. We do not know why. Yet, this is a critical requirement since it is one way of showing that you are committed to implementing these laws as a government.

Can we get a commitment? Otherwise, we think that this is a good law and there is even no minority report. I was consulting my honourable colleague, the Shadow Minister for Gender, Labour and Social Development and she told me, in the committee, they were moving in sync because these are matters that are for the good of everybody.

Therefore, now that we are committed to bettering this law, can we get a commitment from the minister that as soon as - I do not know - you will commit to us, the regulations get to come. Thank you.

THE SPEAKER: Thank you. Honourable minister? There was Mubende.

3.19

MS HOPE NAKAZIBWE (NRM, Woman Representative, Mubende): Thank you, Madam Speaker, for the opportunity. I want to thank the committee for the report but my

concern is that as we plan to set up a board that is going to cater for operational safety and health, at the top, we should also think about having health and safety officers in various workplaces. If we do not do that, then compliance will be very hard for all these things that we are doing. Thank you.

THE SPEAKER: True. Thank you.

MS ANYANKUN: Thank you, Madam Speaker. I will first answer the question about the challenges of operationalising the law. Honourable colleagues, the law focused on workplaces with not more than 20 workers. The amendment to this makes the law apply to all workplaces, and training is catered for under section 13 of the old law.

On the issue of the board, we know very well that before rationalisation, there were also those other boards that were supposed to be established, but for this particular one, we did not have the money to operationalise it and the advisory is not a standing board. Therefore, due to financial implications, we have not been able to have the board in place.

A Member asked about the person who suffers from injustice. The Workers Compensation Act addresses this issue.

The Occupational Safety and Health (OSH) is still centralised, especially for those who are asking why it is not decentralised. OSH is still decentralised. At the moment, we are using our labour officers to handle most of the disputes affecting staff of the local governments. Also, industry staff are delegated to work with the labour officers at the district level.

There was a question about the inspectors. I want to say that we have limited numbers; that is true. We know about the issue of the wage and we are currently not in position to have this but if we are given the opportunity, we will be able to have as many inspectors as possible. However, so far, we can only work with the ones we have in the major industrial regions.

THE SPEAKER: The issue of the regulations? Honourable minister, the Leader of the Opposition (LOP) wanted a commitment on the issue of the regulations. If we pass the law today, how fast can we have the regulations since in the last 10 years, we have not had one?

MS ANYAKUN: Madam Speaker, we commit that we shall have the regulations in place at least one year from now.

THE SPEAKER: Attorney-General, do we have something that we are trying to cure with this law?

3.22

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Madam Speaker, on the issue of regulations, I fear that you are jumping the gun but when it comes to discussing clause 118, on which our two sides have not agreed, our proposal was, among others, that a proposal for regulations can be sent to the sectoral committee to sieve it and make adjustments before it is passed, and that may require a particular time. Therefore, I was thinking that that particular area be discussed when we get to looking at clause 118 of the Bill.

THE SPEAKER: Honourable Deputy Attorney-General, what we are saying is that when we pass this law, do we expect regulations as soon as possible because it has been there?

MR KAFUUZI: Madam Speaker, I do not want to commit on behalf of my colleague, but this is what I can say because the honourable minister would have to work with the Attorney-General's Chambers. We should have this done, at most, within four months.

THE SPEAKER: What does clause 118 say?

MR KAFUUZI: Clause 118 talks about the minister establishing regulations and whether he is required to table them in Parliament for approval or not.

THE SPEAKER: Clause 118 of which law, this one?

MR KAFUZI: Yes, the Occupational Safety and Health (Amendment) Bill.

THE SPEAKER: We have not seen clause 118 unless you are talking about the one in the parent law.

MR KAFUZI: I am looking at the Bill. Clause 118 of the Bill, which is Section 119 of the Act. The numbering changed. Section 119 of the Act, which is clause 118 of the Bill.

THE SPEAKER: Honourable minister, we will give you three months to have the law in place because if you have a defect; you have a problem that you need to solve - immediately we pass the law and it is assented to, go and work on the regulations.

MS ANYAKUN: Much obliged, Madam Speaker.

THE SPEAKER: Thank you. The Leader of the Opposition (LOP) is asking: what you have committed to. How long will it take for you to bring the regulations?

MS ANYAKUN: Madam Speaker, we are committing that in three months we shall have the regulations in place. Thank you.

THE SPEAKER: Honourable members, if you agree with us and we pass that regulation on the legislative scrutiny, we are going to get Members to make a follow-up on these regulations and we are going to name them tomorrow.

I put the question that the Occupational Safety and Health (Amendment) Bill, 2023, be read for the second time.

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE OCCUPATIONAL SAFETY AND HEALTH (AMENDMENT) BILL, 2023

Clause 1

THE CHAIRPERSON: Committee chairperson?

3.26

THE CHAIRPERSON, COMMITTEE ON HEALTH (Ms Agnes Kunihira): Madam Chairperson, clause 1 is amended by inserting, immediately after paragraph (c), the following:

(d) by inserting the following new definitions in the appropriate alphabetical order -

THE CHAIRPERSON: Can we come back to that after - in case - on the interpretation?

MS AGNES KUNIHIRA: Okay.

THE CHAIRPERSON: Let us stand over clause 1 on interpretation.

Clause 1, stood over.

Clause 2

THE CHAIRPERSON: Clause 2, there is no amendment. I put the question that -

MR ODUR: Madam Chairperson, clause 2, which seeks to amend section 9, reads thus: *“An inspector may, in consultation with the Director of Public Prosecutions, prosecute, as the case may be before a court and any charge in formation, complaint or other proceedings arising under this Act or in the discharge of his or her duty.”*

My question on this is: the minister should clarify - what is the intention? Is the intention that before the inspector prosecutes, he must get permission from the Director of Public Prosecution (DPP)? What are they trying to cure here because this is about the prosecution's powers?

Secondly, in the mother Act, these powers were limited to prosecute before a Magistrate's Court. Then under subclause (2), it was also provided that you could not challenge when a charge was brought at the instance of the Inspector. So, why are you doing away with that provision and now making it wide for the Inspector, first, to go to any other court removing the limitation around the Magistrate's Court?

Also, the wording here shows that this provision of the DPP can be dispensed with because he is saying: "*The Inspector may in consultation...*" It leaves that discretion to the Inspector.

MS AGNES KUNIHIRA: Madam Chairperson, we have not got exactly what he has mentioned, maybe he can repeat it.

THE CHAIRPERSON: Attorney-General - did you understand? Where the law says that before the Inspector prosecutes, he must get permission from the DPP. However, the question is, what qualification is the Inspector? Does he have the powers to prosecute and how do you get the powers from the DPP for you to be able to – because when you read from the parent Act, Section 3 who an Inspector is; it says: "*The Appointment of Inspectors Subject to any written law relating to the appointment of a person to the specific service, there shall be appointed commissioner and any other inspectors as may be necessary for the purpose of this Act.*"

Therefore, an inspector will be appointed for the purpose of this Act. However, you are saying in the parent Act, Section 2, in the Bill, powers of an inspector to prosecute –

MR ODUR: Madam Chairperson, under the principal Act Section 9, the Inspectors have been given powers to prosecute and under subsection (1) an inspector may prosecute or conduct, as the case may be, before a Magistrate's Court, any charge, information, complaint or other proceedings arising under this Act or in the discharge of his or her duty.

Then, under subsection (2), it says: "*Where prosecution is brought at the instance of an*

inspector or prosecution is conducted by an inspector, an objection to the competency of the inspector to give evidence as a witness in the prosecution shall not be sustained."

Now, these two provisions are being dealt away with. They are being replaced with a new one as proposed in the Bill under clause 9.

However, what they are introducing - first, is that they seem to be interested in giving the DPP a role that was not under the previous law. However, the way it is worded here does not cure that because he is saying "The Inspector may in consultation..." meaning there is no obligation to go to the DPP.

I have a feeling that they wanted to cure that because when criminal proceedings under the law; Article 120, you know what the DPP does, it appears as if the intention was to bring the DPP to take away the powers that may have been abused by the inspectors so that the DPP has a role in the prosecution. However, the way it is worded here means that the Inspector can still prosecute without the DPP. That is the issue I would like to raise first.

Secondly, in the principal Act, the powers of the inspector were limited to prosecution in the Magistrate's Court. When you do away with that, you will have now given the inspector powers to prosecute in any court, including the Court Martial, by the way. If I may tell you. Is the intention that the inspector can charge me? – (*Interjections*) - no, it is still a court, I believe. So, is the intention that when I have not managed my workplace very well, and I have breached certain provisions, the inspector can say he will charge me in the Court Martial?

MR KAFUZI: Madam Chairperson, if I have understood Hon. Odur well, in the first instance, the proviso intends to let the inspector consult with the DPP because at any one time, you do not know the degree of the offence that arises. Some breaches may require the consent of the DPP. You know that there are offences that cannot be tried without the consent of the DPP.

Therefore, if you completely lock out the DPP and say that the inspector will prosecute without consulting the DPP, there will be a contradiction. I am just stating my understanding of this.

On the other one, permitting prosecution in any other court also goes on to say that there are some offences - because courts have jurisdiction - that may not be triable in a particular court in which the inspector has jurisdiction and can only do so in a higher court with jurisdiction. However, let us not mix that with the Court Martial, because the Supreme Court has made a declaration to that.

THE CHAIRPERSON: You know here it was only limited to Magistrates' Courts. Yes, Counsel - sorry honourable minister? *(Laughter)*

MR OBOTH: Madam Chairperson, even counsel is an earned reference. I am a Counsel. However, to support the Attorney-General, I wonder what Hon. Odur wants. The law, if it is drafted in such a way that gives latitude, the word "-may", unless you think that that discretion will be abused, which you could state. In the phrase "May in a consultation," what would the role of the DPP be? Would it be to sanction? You give the inspector the opportunity to determine, as the Attorney-General said, to determine the forum, the jurisdiction, and the offences.

Also, Hon. Odur, there would be no circumstances that the inspector envisaged in this Bill would have reference to the Court Martial because the offences under the Court Martial are prescribed and they do not relate to workplace offences.

THE CHAIRPERSON: Honourable members, the justification has been given. Hon. Odur, are you satisfied? At least, you are sure of one thing: it will not be the Court Martial, but it will be a competent court. We are trying not to limit it to the Magistrates Court because the gravity of the matter might be higher than what the Magistrates Court can handle.

MR ODUR: Madam Chairperson, one of the observations of the Justices of the Supreme Court is that when we come here, instead of clarifying certain situations, we leave them open. And in that judgment, the Court Martial has been recognised as a court. It is the jurisdiction that is in question; they did not say it is not. So, when you leave the word "court" here and court martial is a court, it can, and I wanted that to be on the record.

Secondly, if the Attorney-General could tell us which offences are here –

THE CHAIRPERSON: Assuming we say "a competent court" because that would depend, so, we just put: "before a competent court?"

MR ODUR: Madam Chairperson, I did not want to go into that argument because that court also in some - but the point I would like to raise is that if the intention here - if you read Article 120 carefully, my thinking and interpretation is that no criminal proceedings, including even those ones in the court martial, can be started without the involvement of the Directorate of Public Prosecution (DPP).

Here, if the intention is that you want to involve the DPP, I am uncomfortable with the word "may" because the DPP is the public guarantor of abuse by the Executive.

The Directorate of Public Prosecution was put there and said, "We shall be independent" so that in case the Executive has some excess and wants to abuse, the DPP is supposed to guarantee that by saying, "stop, do not charge or charge." Something like that.

THE CHAIRPERSON: Do you have an issue with "shall"?

MR KAFUZI: Madam Chairperson, I like the eloquence of my colleague, but allow me to say this. If you read the OSH, the Bill as it is, it is intended to create a mechanism to oversee and enforce safety within the health system.

In essence, it is creating a kind of pseudo-disciplinary committee. I do not want to be

quoted on those particular words but I am just figuratively speaking; a court within a health system, okay?

Meaning that there are certain things that can be handled within that health setup without necessarily referring them to the DPP. That is why they are saying – there are those that may be exaggerated and may require consent or consultation with the DPP. That is why we should use “may” and not “shall”.

MR BASALIRWA: Thank you. Madam Chairperson, this Parliament has made pieces of legislation where we have given prosecutor powers to different individuals without necessarily involving the DPP. We have done so, under the Wildlife Act and other pieces of legislation.

I am not so sure, learned Attorney-General, what you want to achieve here; I am not sure. Either you give full prosecutorial powers to inspectors, the way we have done with other pieces of legislation or –

THE CHAIRPERSON: Honourable member, let us not go generic. Let us look at what is specific here. Please read what the law is saying. Read clause 2.

MR BASALIRWA: Clause 2 says, “*Powers of the inspector to prosecute. An inspector may, in consultation with the Director of Public Prosecutions, prosecute, as the case may be, before a court, any charge, information, complaint, or other proceeding.*” Madam Chairperson –

THE CHAIRPERSON: “*...arising under the Act or in the discharge of his or her duty, as the case may be.*”

MR BASALIRWA: Yes! However, Madam Chairperson, what I am asking the Attorney-General to help clarify is what we want to achieve here because this House has set a precedent. So, we either give full prosecutorial powers to inspectors or require that they cannot prosecute before consultation with the DPP because this is neither here nor there and that is the problem.

What do we want to achieve? Because this provision here can be problematic. In fact, the discretion you were talking about is the one, which is subject to abuse.

Otherwise, on what basis, for example, would the inspector use to consult the DPP? That now, in this particular case, let me consult the DPP and in this one, let me not consult the DPP.

That is why we must be very clear and either give them full prosecutorial powers or, the way we have done with the other pieces of legislation, require that DPP sanctions or consults and we move.

MR KAFUZI: Madam Chairperson, I do not like insisting on matters a lot but on this one, I am calling upon my colleagues to understand my position. We cannot anticipate the kind of offences to be committed. For purposes of clarity, we can have certain aspects or perimeters put in the regulations.

Let me use a hypothetical example: a doctor who deliberately kills patients and injects them, - I am giving an example. - Are you going to say that you leave that to the inspector to prosecute, and that does not require the DPP?

The offences are light and heavy based on a particular case. That is why we should allow the regulations to stipulate, which kinds of offences will require the DPP and which kinds of offences can be prosecuted.

THE CHAIRPERSON: Honourable Attorney-General, they said “*...an inspector may, in consultation with the Director of Public Prosecutions, prosecute, as the case may be.*”. That is still discretionary. Even if we use the word “shall”, it will remain “*as the case may be.*”. What is hard? Don’t we have trust in our DPP? Yes, Counsel.

MR OBOTH: Madam Chairperson, with the text being projected up, there are key issues there. “*The inspector*” and then the provision for “*consultation with the DPP*”, and we all know the constitutional role of the DPP in relation to criminal prosecution. And then,

there is the phrase “*as the case may be*”. “*As the case may be*” also offers that it is on a case-by-case basis. It is not that the inspector will consult in all matters and at all times.

This is my understanding and looking at that provision as proposed there. I think it would be good that – I had provoked Hon. Jonathan Odur – he is also a bus owner – to tell us what would be the subject of his concern with the use of the word “may”.

However, in all fairness, this is a better way to frame that because you get an inspector, you do not want that inspector to overstep the mandate to prosecute criminal matters.

THE CHAIRPERSON: Hon. Oboth, you will start cherry picking on what he thinks he should consult about.

MR OBOOTH: Unless this House feels that that is not good, then you use the word “shall”. But if it is fair, you will use the word “may”.

THE CHAIRPERSON: Yes, let me first hear from the Workers MP.

MR BAKKABULINDI: Thank you very much, Madam Chairperson. I listened to my colleague and the Attorney-General, but I want to give you a background – and that is why I am coming in for the Occupational Safety and Health (Amendment) Bill, 2024. I hesitated at first.

When it comes to the regulations, which they say they shall bring very soon, experience has shown us, including for the National Social Security Fund (NSSF) law, that the Ministry of Gender has never brought regulations. Let us tie it now and finalise.

THE CHAIRPERSON: We are not in a market. What is your position, committee chairperson?

MS AGNES KUNIHIRA: Madam Chairperson, when we were interacting with the movers of the Bill, the reason they brought this out is that, on a number of occasions, they

had failed to win those cases. This is because sometimes they were wrongly presented to the courts. That is why they decided to amend and bring it, so that they are able to consult with the Director of Public Prosecution (DPP), and the cases –

THE CHAIRPERSON: Therefore, it is “shall”.

MS AGNES KUNIHIRA: So, I agree with the use of the word “shall”.

THE CHAIRPERSON: Thank you.

MR ODUR: Madam Chairperson, that is now clearer and I would propose that instead of the use of the word “consultation,” we use the words “consent of the DPP”, to cure what they are saying.

THE CHAIRPERSON: Committee chairperson?

MS AGNES KUNIHIRA: Madam Chairperson, “consent” will change the whole meaning. There are cases where – for example, the provision of drinking water at a workplace is a simple issue, that the inspector can handle. However, there are grave cases, like when the employers are negligent, and people are crushed by the machine. They are different. So, when you say “consent”, it means that every time, the inspector must seek consent. I think the word “Shall” is okay.

THE CHAIRPERSON: “Consultation” – let us – Hon. Asuman Basalirwa, why are you making noise?

MR KAFUZI: Madam Chairperson, it looks like I am defeated on this. I will begrudgingly concede to “shall” and “consent”.

THE CHAIRPERSON: Okay. I put the question that clause 2 be amended as proposed by Hon. Odur, and further amended by the Deputy Attorney-General.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

New clause

MS AGNES KUNIHIRA: Insertion of a new clause after clause 2.

The Bill is amended by inserting, immediately after clause 2, the following new clauses -
“Amendment of section 10 of the principal Act

Section 10 of the principal Act is amended by deleting subsection (3).”

Insertion of section 10A in the principal Act

The principal Act is amended by inserting immediately after section 10, the following -
“10A. Functions of the Board

The functions of the Board are:

- a) to advise the minister on matters concerning occupational safety and health;
- b) to advise the minister on the formulation and implementation of policies, plans, and programmes in occupational safety and health;
- c) to set standards and guidelines of practice for safety and health practitioners; and
- d) to perform any other function as may be necessary for the purposes of this Act.”

Justification

- i) Section 10(3) has been incorporated under the proposed section 10A, which provides for the functions of the board; and
- ii) To standardise and regulate the work of safety and health practitioners.

THE CHAIRPERSON: Minister?

MS ANYAKUN: Madam Speaker, I take note of and concede to the new amendments proposed after clause 2, to stipulate the functions of the Occupational Safety and Health Board to include regulations of the safety and health practitioners.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I concede.

THE CHAIRPERSON: I put the question that the proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, agreed to.

Clause 3

THE CHAIRPERSON: There are no amendments. Do you have an amendment to clause 3?

MSAISHAKABANDA: Madam Chairperson, the Bill seeks to repeal the words “as far as reasonably practicable”. I do not see its danger. If I may read, section 13 of the parent law says: “13(1) It is the responsibility of the employer - (a) to take, as far as is reasonably practicable, all measures for the protection of his or her workers and the general public from the dangerous aspects of the employer’s undertaking.”

I do not see the danger of “as far as is reasonably practicable...” because you take measures as far as it is reasonably practicable.

THE CHAIRPERSON: We do not want to compromise on hazards.

MS AISHA KABANDA: The way it stands now, in the law, is that it gives latitude to the courts to determine what is practicable in the circumstance, and what is not practicable. If we remove it, even what might not have been foreseen and every other circumstance would be blamed on the employer. I really do not see a problem with the way it stands.

THE CHAIRPERSON: Hon. Aisha Kabanda, the employer must ensure safety. For instance, if you are at a petrol station and there is fuel that has spilled and you say: “That is not my responsibility” yet that can cause a problem. So, you must ensure that there is safety. Do you get it?

MS AISHA KABANDA: Maybe, madam Chairperson, we could hear from the Attorney-General. Do we presuppose that the employer must be a demi-god that should foresee everything – because there are situations that might not be foreseen?

THE CHAIRPERSON: Hon. Aisha, hazards -

MR KAFUZI: Madam Speaker, the reason they are removing the words “as far as reasonably practicable” is to create strict liability on the employer. This is because the words “as far as reasonably practicable” give you leeway to say “I could not afford” or “I could not manage”. Therefore, they are squeezing you; no excuse.

THE CHAIRPERSON: I put the question that clause 3 stands part of the Bill.

(Question put and agreed to.)

Clause 3, agreed to.

Clause 4, agreed to.

New clause

MS AGNES KUNIHIRA: Insertion of a new clause after clause 4 -

The Bill is amended by inserting immediately after clause 4, the following -
“Amendment of section 15 of the principal Act

Section 15 of the principal Act is amended by substituting the words “safety representative” wherever the words appear, with the phrase, “safety and health representative”.

Justification

To include an aspect of health in the reference to the representatives of safety and health at workplaces who are currently referred to as safety representatives.

THE CHAIRPERSON: Attorney-General -

MR KAFUZI: I concede.

THE CHAIRPERSON: We concede.

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: Thank you. I put the question that the proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, agreed to.

Clause 5

MS KUNIHIRA AGNES: Clause 5: Amendment of section 16 of the principal Act - Clause 5 is amended -

(a) By inserting immediately before paragraph (a) the following:

(a) In the headnote, by inserting immediately after the word “safety” with the words, “and health”.

(b) In paragraph (a) in the proposed subsection (1), by inserting immediately after the word “safety”, the words “and health”.

(c) By substituting the paragraph (b) with the following:

“(b) by substituting for section “2” the following:

(2) The safety and health representative shall represent employees on the Safety and Health committee.

(d) by inserting immediately after paragraph (b) the following:

(c) In subsection (3), by substituting the words, “safety committee”, with the words, “safety and health committee”.

Justification

To include the aspect of health in reference to the Committee of Safety and Health at workplaces, which is currently referred to as the Safety Committee.

Insertion of new clauses after clause 5

The Bill is amended by inserting immediately after clause 5 the following clauses.

Insertion of section -

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: Madam Chairperson, we are in agreement.

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: That is consequential. I put the question that clause 5, be amended, as proposed.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

New clause

MS KUNIHIRA AGNES: Madam Chairperson, insertion of a clause after clause 5. The Bill is amended by inserting immediately after clause 5 the following clauses:

Insertion of Section 16A in the principal Act

The principal Act is amended by inserting, immediately after section 16, the following:

16A. Registration and licensing of safety and health practitioners

(1) The minister shall make regulations to provide for the registration and licensing of safety and health practitioners.

(2) A person shall not conduct a safety and health risk assessment, safety and health audit, or any other assessment or audit required under this Act unless the person is registered and licensed by the commissioner as a safety and health practitioner in accordance with this Act.

(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding 1,000 currency points or imprisonment for a term not exceeding two years or both.

MS ANYAKUN: Madam Chairperson, I take note and concede to the new amendment proposed in clause 5 to include the aspect of health in addition to the safety aspect. Thank you.

THE CHAIRPERSON: Attorney-General.

MR KAFUZI: We are in agreement.

THE CHAIRPERSON: I put the question - was this a continuation of that - the replacement, is it a new insertion?

MS KUNIHIRA: Madam Chairperson, this is a continuation. Replacement of Section 21 of the principal Act

Section 21 of the principal Act is substituted for the following:

21. Measures to monitor the health of workers
(1) An employer shall put in place measures for -

THE CHAIRPERSON: Continue - have you finished?

MS KUNIHIRA: ...an employer shall put in place measures for:

- (a) monitoring the health of workers;
- (b) management of workers exposed or likely to be exposed to occupational hazards;
- (c) prevention of the occurrence of occupational diseases and disease outbreaks.

(2) For the purposes of subsection (1), an employer shall have the duty to -

- (a) prepare and submit to the commissioner for approval a health surveillance plan for the employer's workplace;
- (b) inform a worker of any health hazards involved in his or her work and health arrangements that have been put in place to protect the worker.

- (c) carry out a pre-assignment medical examination on a worker where the assignment exposes the worker to danger.
 - (d) carry out medical examination upon termination of the assignment or employment of the worker where the assignment or employment exposed the worker to danger.
 - (e) carry out a periodical medical examination on a worker based on findings from the medical examination of a worker on the recommendations of the safety and health committee.
 - (f) put in place by the OHS.
- (3) For the avoidance of doubt, an employer shall bear the cost of the medical examinations required to be performed under this section.
- (4) For purposes of this section –

“health surveillance plan”, means a plan put in place by the employer to monitor and assess the health of workers who may be exposed to hazards in the course of employment;

“Mental health services” include assessment, diagnosis, treatment, care, counselling, or any intervention provided to the worker to promote the emotional, psychological, and cognitive well-being of the worker.

“Occupational health services” include disease outbreak, management, wellness programmes, rehabilitation of sick workers, mental health services, vaccination programs, promotional health services, and other services prescribed under this health surveillance plan, safety and health risk assessment report and any national health guidelines.

Notification of occupational accidents disease, and incidents.

- (i) An employer shall keep and maintain a record of an occupational accidents, occupational diseases, outbreaks and incidents.
- (ii) Where an occupational accident or

occupational disease outbreak occurs, the employer shall notify the commissioner in a manner and within the time prescribed by regulations made under this Act.

Justification

- i) To ensure regulation of and the standardisation for safety and health practitioners;
- ii) There is a need to carry out occupational health and surveillance of the risks arising at a workplace and put in place measures to safeguard the health and safety of workers.
- iii) The risks arising at the workplace, and put in place measures to safeguard the health and safety of workers.

There is a rise in risks related to lifestyle at the workplace, for instance, long hours of sitting and mental illness. So, there is need to have occupational health services to monitor the health of workers to ensure that the Commissioner can access information on occupational diseases and accidents for action.

MR AOGON: I would like to hear from the Attorney-General but also from the committee chairperson and the minister: what measures, what sanctions do we have in these amendments to cater for employers who do not comply with these enlisted demands? Are they strong enough – if they are there within, maybe you can recite them so that we can know that they can stand and help us to make sure that people do what they are supposed to do. For instance, I would be happy if we revoke the license of somebody who is not complying; what sanctions?

THE CHAIRPERSON: Check section 102. Yes, Hon. Acuti?

DR SAMUEL OPIO: I just wanted to propose an amendment on the registration and licensing; it is saying “by the Commissioner.” I propose that it should be the “Occupational Health and Safety Board.” Ideally, you cannot be licensed by an individual. There should be a body that is overseeing that practitioner and we have the Occupational Health and Safety Board that is mentioned here.

Secondly –

THE CHAIRPERSON: It should be a minister.

DR SAMUEL OPIO: But in this Act, there is the Occupational Health and Safety Board, and that is what I thought should be captured, not the Commissioner. If the Board is not there, then it can be the minister. But in this case, there is the Occupational Health and Safety Board.

I also want to propose another amendment. We have provided that it will be the duty of the employer to inform the worker of the hazards at their workplace and the preventive measures to address them. However, this provision does not give a timeline; whether you are supposed to inform the employee one or two months after employment – my proposal is that we should add a clause on it that, “This information should be provided within the prescribed time by the regulations” so that it is not just opened for the employer to inform the employee at whatever time they wish to.

Related to that also, is medical examination after termination of employment. There is no prescribed timeline and I am proposing, again, that we should include a clause, “within a period prescribed by the regulations.” The standard practice is normally “within 30 days” but we can have “within the period prescribed by the regulations.” I just wanted to propose those amendments within it.

THE CHAIRPERSON: Attorney-General?

MR ODUR: Madam Chairperson, before the Attorney-General takes to the Floor, the committee chairperson presented two amendments; one, the insertion of a new clause, which we have not processed and amendments are coming in like the ones from Hon. Opio Acuti. I thought that that issue should be dealt with as a standalone.

THE CHAIRPERSON: What we are looking at is the new clause.

MR ODUR: Yes, but she also went ahead and proposed an amendment purportedly under a new clause but she is amending section 21, and that is why some ideas have come from Hon. Acuti. Therefore, we should first deal with the new clause before we go to the amendment, and the record should correct that that is not a new insertion as they had proposed. If they intend to amend section 21, it should be reading “Amendment of Section 21.”

THE CHAIRPERSON: They are actually saying “replacement of section 21 of the principal Act.”

MR ODUR: Yes, which is an amendment, and therefore, cannot be a new insertion.

THE CHAIRPERSON: So the other insertion – these are two in one. Can we split and first have the insertion, which was clause 16A, which you have accepted already, and then we go to part (b)?

I put the question that the proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, agreed to.

THE CHAIRPERSON: Minister? A replacement of clause 21?

MS ANYAKUN: Madam Chairperson, we concede with the amendments proposed after clause 5, on registration and licensing of the safety and health practitioners.

MR KAFUZI: Madam Chairperson, I am requesting, for purposes of clarity, that Hon. Acuti repeats his concerns so that I can see how it fits in here.

THE CHAIRPERSON: Yes, Hon. Acuti.

DR SAMUEL OPIO: I was on clause 2(b) and clause 2(d). Clause 2(b) provides that the employer has to inform the worker, of any health hazards involved in his or her work and the health arrangements that have been put in place to protect the worker.

My issue is that there is no timeline provided, and so, I was proposing that we should add a subclause saying “within the time prescribed by the regulations” so that there is a time framework.

The same also applies to (d), which talks about carrying out a medical examination after termination. What we are trying to propose – also does not give a timeline. So, we are saying that we should also indicate “within the period prescribed by the regulations” so that after termination, there is a maximum period within which that medical examination should be done.

Madam Chairperson, we had jumped over what I had proposed, that is, the registration and licensing by the Commissioner. I thought we needed to discuss that; whether it should be the Commissioner, the minister, or the board. Thank you.

THE CHAIRPERSON: Yes?

MR AOGON: In response to what Hon. Acuti is proposing, my view would be that we simply say, “before the commencement of the job” – before you do the work, you should be told what to expect. So, instead of referring again to regulations, which may not come – because these days I do not trust most of the ministers when it comes to regulations. Maybe the minister here is good but for some ministers, I am suspicious.

MR BASALIRWA: Thank you. You see, sometimes legislation is not impregnated with many issues and the reason Parliament empowers ministers to make subsidiary legislation is to cater for some of these exigencies and you would do us a lot of good if you really took the wise counsel to have regulations in place.

The reason, for example, Hon. Acuti and others are concerned about these - ideally matters to do with the timelines are issues that can be adequately covered in the regulations. But because we do not have a culture, as the Front Bench, of having regulations, it creates

a very big problem. This particular issue, for example, will keep changing. Circumstances and situations at workplaces keep changing to the point that legislating on time, for example, on this matter, which is a duty – the way it is worded – becomes extremely difficult.

Honourable minister, if you really make a commitment on the issue of regulations, these are matters that can be effectively and comprehensively covered under regulations because they are circumstantial. The way this clause is worded creates a duty on the employer; an obligation on the employer. If it also follows that when it comes to certain timelines, circumstances may change where you may demand and require that flexibility be exercised through regulations.

MR AOGON: Madam Chairperson, I am worried about one thing. If we refer to regulations; somebody is employing somebody and the minister has not made regulations and we are referring to non-existent regulations, do you see the gap? It is so huge and we cannot speak about it.

Therefore, the best thing we can do is to ask that you, the employer, do your part before the person starts employment. Tell them what to expect, and then it will be easy. I would think that is rather direct. The Attorney-General, being a good drafter, can draft a good piece to fit that particular requirement.

MS AISHA KABANDA: Madam Chairperson, what Hon. Silas is saying is not very practical because circumstances keep on changing. Whenever, for example, new machinery is bought, there are new hazards that come in. Therefore, we cannot simply make it a duty before the commencement of the job because new circumstances will arise during the employment time that might need the employer to update the employees on the hazards at the workplace.

I agree with Hon. Basalirwa that the regulations will take care of that and explain how often and under what circumstances the employer would keep updating their staff on the new hazards at the workplace.

THE CHAIRPERSON: When you look at Section 21 of the parent Act, you will notice that it says that the employer is to supervise the health of workers. It talks about:

- “1(a) *A pre-assignment medical examination of workers; before assignment of specific tasks which may involve danger to their health or that of others;*
- (b) *Periodic medical examination of workers during employment, which involves exposure to a particular hazard to health;*
- (c) *Biological monitoring or investigations, which may be necessary to control the degree of exposure and to supervise the state of health of the worker.”*

I do not see why it is being replaced. Why are we replacing what is much better?

MR KAFUZI: Madam Chairperson, I do not think this is entirely replacing the old section.

THE CHAIRPERSON: Read the heading; “replacement of Section 21 of the principal Act.”

MR KAFUZI: I think some time back you realised that the word “Replacement” was a mistake. It should have been: “Amendment of Section 21.”

THE CHAIRPERSON: Section 21 of the principal Act is “Substituted” by the following - that is what the committee is saying, Hon. Deputy Attorney-General. Can we have this corrected? Is it a substitution, replacement or an amendment?

MR KAFUZI: Madam Chairperson, my understanding is that this is an amendment.

THE CHAIRPERSON: Committee chairperson, explain.

MS AGNES KUNIHIRA: Madam Chairperson, as a committee, we expanded section 21 and gave more obligations to the employers in protecting the health of workers. That is why we said we are replacing it.

THE CHAIRPERSON: So, are you substituting what was in the parent Act or amending it? I want it on record.

MR KAFUZI: Madam Chairperson, I think the intention is to expand the obligations of the employer in this case. So, maybe the drafts person would help us. This is not a replacement but an amendment. It is an addition to what exists in the parent law. We are simply heaping more responsibility on the employer.

THE CHAIRPERSON: Committee chairperson, just tell me what you have added to what was existing and where. Is it after subsection (1), (2) or whichever?

MS AGNES KUNIHIRA: Madam Chairperson, we added: “For the health surveillance plan.” We replaced it because we went up to sub-section (4). For purposes of this section, we even intended to interpret the words, which have been used within this.

THE CHAIRPERSON: Which words? Read for me.

MS AGNES KUNIHIRA: Madam Chairperson, under (4), there is a “Health surveillance plan.” These words are not used.

THE CHAIRPERSON: Have you added subsection (4) to section 21?

MS AGNES KUNIHIRA: Yes.

THE CHAIRPERSON: Can we look at the principal Act together with what is in the Bill? Section 21 of the principal Act –

“Employer to supervise the health of workers -

- (1) *Subject to any conditions determined by the Commissioner, every employer shall provide for the supervision of the health of the workers exposed to or liable to be exposed to occupational hazards due to pollution and other harmful agents in a working environment, and this duty shall include;*

- (a) *A pre-assignment medical examination of workers; before assignment to specific tasks, which may involve danger to their health or that of others;*
- (b) *Periodic medical examinations of workers during employment which involve exposure to a particular hazard to health;*
- (c) *Biological monitoring or investigations which may be necessary to control the degree of exposure and to supervise the state of health of the worker concerned;*
- (d) *Regular medical examinations for biological or other tests or investigations after termination of assignments which may cause or contribute to future health impairment.*
- (2) *In any case as may be prescribed by the Commissioner, an employer shall make adequate arrangements to provide occupational health service in an undertaking to secure adequate health for the workers and for any other persons in the area under the influence of the undertaking.*
- (3) *It shall be the duty of every employer to inform a worker concerned of any health hazards involved in his or her work."*

That is section 21. Which one are we adding? Are we together on these first three?

MR ODUR: Madam Chairperson, the committee, in my opinion, did a good job; they redrafted the provisions of section 21 for clarity but also added some other provisions in line with other clauses that we have already passed or going to pass. For example, the requirement to file with the commissioner and health surveillance plan or something like that.

So, this is a replacement that is in better shape only that they have added certain things to it. If you compare section 21 they are replacing section 21 and section 21 in the law, which is much better because it is wider and accommodates different situations.

THE CHAIRPERSON: They have brought in a definition that will be handled under interpretation. "A health surveillance plan is a plan put in place by an employer to monitor and assess..." Then there is: "The mental health services include..." Do you get it?

MR ODUR: In legislative drafting, there are certain interpretations that you interpret under the section. And we have done that many times so, this is also okay. For purposes of that particular clause.

THE CHAIRPERSON: So, do we agree that this is a new substitution?

MR KAFUZI: Madam Chairperson, let us be careful, substitution presupposes that you are removing the other one. No, we are amending, we are adding to what exists.

Section 21, which you just read for us, of the principal Act – Madam Chairperson, Section 21(1)(a)(b)(c) and (d) are okay. Here is the proposal – *(Interjections)* - I read (a) "A pre-assignment medical examination of workers before assignment to specific tasks, which may involve danger to their health or of that of others..."

MR ODUR: Yes, what you have read under 1(a) has now been redrafted under 2(c)

THE CHAIRPERSON: And it reads: "To carry out a pre-assignment medical examination on the workers where assignment exposes the worker to danger" That is (c); it is a substitution. Yes, Attorney-General, is that okay?

MR KAFFUZI: It is a substitution.

THE CHAIRPERSON: I put the question that clause 21 be substituted as proposed.

(Question put, and agreed to.)

Clause 21, substituted.

Clause 6

MS AGNES KUNIHIRA: Madam Chairperson, clause 6 is an amendment of Section 47 of the principal Act. Clause 6 is substituted with the following: “6, Replacement of Section 47 of the principal Act. The principal Act is amended by substituting for section 47 the following:

47, A safe and healthy working environment.

- (1) An employer shall ensure that the workplace is safe and healthy working environment.
- (2) An occupier or owner of a workplace shall put in place measures to prevent exposure of a person to hazards.
- (3) An employer shall, within the time prescribed by regulations made under this Act, cause a safety and health risk assessment to be carried out.
- (4) An employer shall, at least once every 12 months cause a safety and health audit of the workplace to be undertaken.”

Justification

- i) To impose an obligation on the employer to carry out safety and health risk assessments which is informative of the likely hazards and risks at the workplace; and
- ii) To impose an obligation on the employer to carry out a safety and health audit, which is a performance indicator of compliance with safety and health measures.

THE CHAIRPERSON: Yes, Attorney-General.

MR KAFUZI: I conceded to this.

THE CHAIRPERSON: Minister -

MS ANYAKUN: Madam Chairperson, we concede to this.

THE CHAIRPERSON: I put the question that clause 6 be substituted as proposed -

MR ODUR: Madam Chairperson, clause 6(b) reads that the employer shall monitor - and I

have extracted the operative word “monitor” the noise, and dust. What the substitution seeks to do is to introduce two words, which are the “periodic assessment”, and the “audit”. Those are two different things.

Monitoring means that there must be a mechanism to see that daily, whether the temperatures do not exceed a certain level of pollution.

Therefore, I would like to propose that the original draft under clause 6 should be added to the new substitution so that it reads as 5, as the last paragraph. That monitoring function should not be lost because an audit takes place -

THE CHAIRPERSON: 47.

MR ODUR: No, in the Bill as it is, it says that the employer shall monitor the noise, dust, vibration levels and other hazards as recommended by the risk assessment in the workplace.

In the substitution, the word “monitoring” has been omitted. We have replaced it only with the words, “assessment and audit”. The audit takes place after 12 months. So, the monitoring function should not be lost and I am proposing that we retain this and add to the new clause in the last paragraph so that we do not lose that.

MS AGNES KUNIHIRA: I concede.

MR KAFUZI: The proposal beefs up the obligation on the employer; I concede.

THE CHAIRPERSON: Minister -

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: I put the question that clause 6 be substituted by clause 47 as proposed by the Chairperson with an amendment from Hon. Jonathan Odur.

(Question put and agreed to.)

Clause 6, substituted.

New clause

MS AGNES KUNIHIRA: Madam Chairperson, there is insertion of a new clause after clause 6. The Bill is amended by inserting immediately after clause 6, the following -

“Insertion of section 55A in the principal Act
The principal Act is amended by inserting immediately after Section 55 the following -

55A First aid needs assessment

- (1) An employer shall, once every three years, prepare and submit to the Commissioner for approval, a first aid needs assessment as prescribed by regulations made under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or a term of imprisonment not exceeding two years or both.
- (3) For the purposes of this section, “first aid needs assessment” means an assessment carried out by the safety and health practitioners of the first aid needs of a workplace.

Justification

To impose an obligation on an employer to carry out a first aid needs assessment, which is informative of the first aid needs for workers as a result of injury at the workplace.

THE CHAIRPERSON: Hon. Jonathan, do you have something to say?

MR ODUR: Madam Chairperson, my only problem is that this proposal seems to suggest that there are different first aid needs for injuries. It should be standard. People can have different sets of injuries. You cannot predict that it is going to be on their fingers today or their head.

First aid is a generalised response mechanism. Therefore, by regulation, the minister must be able to prescribe that, in this facility, these are the first aid provisions. We do not need to do an assessment on that particular one. So, maybe –

THE CHAIRPERSON: They should set the minimum requirement.

MR ODUR: Yes, minimum requirements prescribed – so that it is not left as if first aid is something that can be weighed in a different situation. I do not know if the -

THE CHAIRPERSON: So, make the amendment.

MR ODUR: No, since it is a new insertion and we have said that the minister has powers to make regulations, we do not need to make any provision.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I am still struggling to understand what Hon. Jonathan Odur is trying to say. This is because the wording here is “first aid needs assessment.” You assess your needs based on the possible risks. Each workplace presents different possible risks to life, which is why there is a catchword, “assessment.”

MR ODUR: Attorney-General, my point is that first aid is a standard response mechanism to either a medical emergency or a fire, etc. So, must it be carried on a case-by-case basis? It should not.

Every workplace should be standardised. There must be some minimum – you must have oxygen, you must have maybe this and that in place. That is what I was saying, but if you think it is different, I have no issue.

MR EKANYA: Madam Chairperson, I think the Attorney-General is correct because every workplace differs. For example, in schools, if you have a tall building, you are supposed to have a slide, but if you have a nursery school, you do not need it. So, every workplace’s first aid needs differ.

THE CHAIRPERSON: The heading of the new proposal is “First aid needs assessment”.

MR EKANYA: I agree with the Attorney-General’s position.

THE CHAIRPERSON: Yes, Member for Mubende?

MS NAKAZIBWE: Thank you, Madam Chairperson. This seeks to address the fact that every workplace assesses its first aid needs. When we talk about the audits that is what they will be looking out for. So, every workplace does its assessment, and then they are asked the basis on which they stood to decide that this is the first aid kit that we shall have at this particular workplace. Thank you.

THE CHAIRPERSON: Doctor?

DR OMONA: Thank you, Madam Chairperson. I agree with Hon. Odur because first aid needs assessment is not the employer’s responsibility. He may actually under-assess. The standard is set by the minister. The only thing that the employer has to do is to comply with the minimum standard set by the minister.

THE SPEAKER: So, what amendment do you want us to make? Do you want us to reject this new amendment on needs assessment?

MS NALUYIMA: The minister for gender can help us. I thought all this would fall under any workplace’s risk management plan.

We do not need to start citing first aid, response, etc. Every workplace is meant to have a much bigger plan that will cover “A”, “B” and “C” response and all that. So, with our little knowledge, we have a better word other than citing it out as “first aid needs assessment”. Thank you.

THE CHAIRPERSON: Yes, Hon. Santa?

MS SANTA ALUM: Thank you, Madam Chairperson. I support the Attorney-General’s position because every workplace has different settings and standards that must be followed.

He gave an example of a nursery school and another. We are in the information age. The assessment that we need - for example, where we have computers and very serious technological equipment might be different from others - even Parliament is different.

So, the assessment must be uniform, and the standard must be prescribed differently depending on the workplace. Thank you.

MR SSENYONYI: Madam Chairperson, I think we are struggling with wording. Some of the things being mentioned by colleagues do not amount to first aid. You know, there are precautions which ought to be in place in different work settings – that is not first aid – to aid escape, for example, from tall buildings or whatever the case might be. That is a health precaution, which is taken care of differently. If it is a swimming pool, for example, do you have floaters and rescuers? That is not first aid. Those are precautionary measures that have got to be in place.

So, I think we are mixing these things up. First aid is standard in the sense that it is “first aid”. It is not - you go to a hospital to get specialised treatment. When you have an issue with the eyes, you go to an eye specialist.

THE CHAIRPERSON: “Precaution” versus “first aid”.

MR SSENYONYI: Yes, the two are totally different.

THE CHAIRPERSON: They are totally different.

MR KAFUZI: Madam Chairperson, I wish to concede because now it is clear: first aid is “after” the fact, while precaution is “pre”. Thank you.

MR BARUGAHARA: Madam Chairperson, first aid needs vary depending on the workplace activities and location. For example, work over water can cause drowning while work in mines can cause suffocation. So, an employer or the

owner of the business must assess their risks based on what they are doing and where they are.

THE CHAIRPERSON: That is a precaution. Clause 7 - meaning that the other one is rejected.

Clause 7

MS AGNES KUNIHIRA: Clause 7: Amendment of section 69 of the principal Act

Clause 7 is amended in the proposed paragraph (b) by substituting for the words “is at rest or landing”, the phrase “comes to a complete stop at the designated landing”.

Justification

The provision was made in error and it is contrary to the practice, where the gate of a cage should only open when the cage is at complete rest, as a safety precaution.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I concede.

THE CHAIRPERSON: Minister?

MS ANYANKUN: We concede.

THE CHAIRPERSON: I put the question that clause 7 be amended as proposed.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8

THE CHAIRPERSON: Committee chairperson?

MS AGNES KUNIHIRA: Madam Chairperson, clause 8: Amendment of section 71 of the principal Act. Clause 8 is amended by substituting for paragraph (a) the following –

a) by substituting for subsection (2) the following -

“(2) A lifting gear used to lift loads shall not be used unless a Certificate of Examination has been obtained from the manufacturer or a person authorised by the manufacturer

b) by inserting immediately after subsection (2) the following:

(2a) a lifting gear shall be annealed in accordance with the Safety and Health Risks Assessment under section (47) (3)

c) by substituting for paragraph (b) the following -

(b) by substituting for section 3 the following -
(3) Notwithstanding subsection (2a), a rope or a rope sling shall, unless the rope or the rope sling is of a class or description exempted by the commissioner by notice in the Gazette, be annealed at least once every year or in the case of chains used in connection with molten slug once every six months.”

Justification

To remove the limitation of having only lifting gears that lift loads exceeding 50 kilogrammes being tested and examined and ensuring that all the lifting gears used are in good state and safe for use.

THE CHAIRPERSON: Hon. Jonathan, Attorney-General and then the minister?

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: Thank you. Attorney-General?

MR KAFUZI: Madam Chairperson, just give me one minute. Before I concede, I am trying to understand the meaning of the word “anneal.”

THE CHAIRPERSON: It means to strengthen.

MR KAFUUZI: Okay, I concede.

THE CHAIRPERSON: I put the question that clause 8 be amended as proposed.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9, agreed to.

Clause 10

THE CHAIRPERSON: Committee chairperson?

MS AGNES KUNIHIRA: Clause 10: Amendment of Section 73 of the principal Act.

Clause 10 is amended by substituting for the proposed section 73 the following:

“73. Training and certification of persons who operate machines, plants, and equipment

- (1) A person shall not operate any machine, plant, and equipment unless the person is trained and certified to operate the machine, plant, and equipment as prescribed by the regulations made under this Act.
- (2) An employer shall not engage a person to operate a machine, plant, and equipment, who is not trained and certified.
- (3) A person who contravenes subsections (1) or (2) commits an offence and is liable on conviction to a fine not exceeding 1,000 currency points or to a term of imprisonment not exceeding two years or both.

Justification

To ensure that the machinery and equipment used at the workplace is operated by a trained and qualified person.

THE CHAIRPERSON: Honourable doctor.

DR BAYIGGA: Thank you, Madam Chairperson. I have a problem with the phraseology because it assumes that somebody must have been trained already to operate that equipment.

THE CHAIRPERSON: Yes.

DR BAYIGGA: However, there is new equipment that comes from time to time. We can say, “before he is trained” because if the equipment is new, that person can be trained and then starts to operate it.

The phraseology presupposes that somebody must have got that training before the machine was invented. Therefore, because of advancements in technology and very many things being invented coming on board, somebody can be trained before using the machine, not presumed to have been trained. That is what I am saying.

THE CHAIRPERSON: Yes, honourable Member from Alebtong.

MS DORCAS ACEN: Madam Chairperson, I have issues with subsection (3) about the currency points. The 1,000 currency points and the imprisonment of two years or both is a bit high, considering that if they are using a person who is not trained, and, for example, the machine gets spoiled, that burden goes to the employer. It goes to the employer, although it might also pose a health hazard to the person who is operating it. I feel the currency point is really high and could be reduced to half, which would amount to 500.

THE CHAIRPERSON: I thought that would help you recruit trained people; people who are knowledgeable and can be trained. Yes, Hon. Aisha?

MSAISHAKABANDA: Madam Chairperson, I was just counter-arguing with Dr Lulume. What he is saying is of no consequence here. It is well phrased: “*A person shall not operate any machine, plant, and equipment unless the*”

person is trained.” It is well constructed. You cannot say before the person is trained. That would be different. I do not know. The law I know is well constructed.

Madam Chairperson, it means that no person who is not trained can operate a machine. Therefore, once you bring in a machine, you are under obligation to train the person. It is well –

THE CHAIRPERSON: Honourable members, I want to refer you to section 73 on training. The law already provides for an aspect of training. Yes, Attorney-General.

MR KAFUZI: I believe the phrasing, the clause, and the wording are spot on. Subsections (1), (2) and (3) are perfect. I pray that we carry them as they are -

THE CHAIRPERSON: In the Bill. Minister?

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: Yes, do you want to make an addition?

MR ESENU: Madam Chairperson, in the principal Act, the Bill mandates the minister, under specific types of machines, to demand and require training of the operators. In their proposal, they have opened up to any machine, any equipment, and you have to be trained and certified.

However, there is no space for on-the-job training where there are no certifications. How do we capture it? There are many people who are employed and undergo in-house self-management training -

THE CHAIRPERSON: Before you are qualified, will you be able to operate that machine?

MR ESENU: Depending on the type of professional area, you can have people who are trained as apprentices and they do not undergo certification as required by the Bill. How do we address –

THE CHAIRPERSON: Now, that is provided for under education.

MR ESENU: It is still unclear.

MR KAFUZI: Madam Chairperson, if I may depart from my –

THE CHAIRPERSON: Remember, this one is on safety.

MR KAFUZI: Madam Chairperson, my colleague has used the word “apprentice.” I do not think, in this case, the Bill we are looking at – an apprentice is a learner, a student doing clerkship or internship. Okay? Now, in terms of health, you are not going to get a student and consider him an employee for purposes of this Act.

Says, “*A person shall not operate any machine, plant and equipment unless that person is trained and certified to operate the machine, plant and equipment as prescribed by regulations made under this Act*”. Therefore, you do not have to be an apprentice. You must be trained.

THE CHAIRPERSON: Maybe I could just get to know what the Bill is about? Occupational hazards, safety and health. Meaning you are already working. You are working, and we are now minding about your health and safety – we are not teaching you. If they bring machines, you will be trained to use those machines.

MR ESENU: Madam Chairperson, my concern is the demand for certification. There are people who are going to be trained across the work field of Uganda who do not necessarily receive certificates for their training. I am saying, how do we include them because they have been trained either on the job or through apprenticeship, but they have gained the skills. However, they do not have the certificates. How do we cater for them? Thank you.

THE CHAIRPERSON: I thought that was a product of education and certification. That is a product of education and certification. Do you get it? They have already been approved.

MR BARUGAHARA: Madam Chairperson, I am looking at the report for last year –

THE CHAIRPERSON: Are we going to ask the minister to come up with a curriculum?

MR BARUGAHARA: I am looking at a report for last year, out of the 1,000 accidents we had, 997 accidents were caused as a result of untrained operators. We must also require employers to train their employees. Apprentices are not supposed to be employed as machine operators. They are there to learn, not to operate machines.

THE CHAIRPERSON: Honourable members, I put the question that clause 10 be amended as proposed –

MR ODUR: Madam Chairperson, when we talk about the workplace, we tend to limit it to an industrial setting. Let us assume that you are in a medical facility and operating X-ray machines. Some of them can also be dangerous. Are they saying that this ministry can actually prescribe the training and certification required?

THE CHAIRPERSON: No, they cannot.

MR ODUR: Clause 10 should actually be deleted. I am moving an amendment to that effect.

THE CHAIRPERSON: Clause 10 of the Bill concerns the training and certification of machine, plant, and equipment operators. It states, “*The Minister may make regulations for the training and certification of machine, plant, and equipment operators.*” Hon. Odur says we should delete it.

MSAISHAKABANDA: Madam Chairperson, I think the problem is that in the parent law, Clause 73 was talking about the training of crane drivers. Therefore, in our mind, we have been talking about crane drivers. But when they made the amendment, they are now talking generally about machine operators –

THE CHAIRPERSON: Where does the minister get – how can the minister certify?

MS AISHA KABANDA: Yes, I agree. I agree with their amendment wholesomely as far as crane drivers are concerned. But their heading does not have crane drivers. Their heading is general for machine and equipment operators’ training and certification. The problem is with the heading. If you put back the heading for crane drivers, the whole amendment that they made is perfect.

THE CHAIRPERSON: Is there any problem with us maintaining clause 73 as it is in the parent law?

MS AISHA KABANDA: The parent law was a bit funny because it required the minister to make regulations for training of crane drivers. Assuming that there are no training schools, the minister needed to make regulations. That was a problem in itself. It had a problem.

THE CHAIRPERSON: What is the amendment?

MR KAFUZI: Madam Chairperson, what is envisaged in this clause is to expand our scope beyond crane drivers because there are all manner of machinery involved and the obligation is on the employer to make sure he employs people who know how to run those machines.

MR EKANYA: Madam Chairperson, the parent law is only talking about one equipment. However, we have now expanded –

THE CHAIRPERSON: And you are all standing like you are looking after cows. *(Laughter)*

MR EKANYA: Thank you, Madam Chairperson. We are now empowering the minister to make the regulation. The training institutions must comply with that regulation because there are very many training institutions.

THE CHAIRPERSON: Inter-ministerial. In the regulation, she can say, “Certification will be done by the Ministry of Works and Transport” – that kind of thing.

MR EKANYA: You have really summarised it well. Thank you.

THE CHAIRPERSON: Yes, doctor?

DR BAYIGGA: Madam Chairperson, I would want to concede on training, but you will complicate and constipate work if at all you add certification. Who is going to do the certification? You are trained to – as Hon. Odur said, you are trained to work as a radiographer; a new X-ray machine has come, a new one. So you want the minister to prescribe another course for certification in that?

There are a multitude of them. How are you going to do it? Which training institution? The training institution may not be around. *(Interjections) (Mr Ekanya rose_)* You are a heckler.

DR ACUTI: Madam Chairperson, the regulations will prescribe who will do training and certification. It can be ministries. However, I would like to emphasise that even a manufacturer can do training and certification. We got new CT scans as a country, new digital X-rays, and there was no institution trained on it, but the manufacturer himself came, trained and did the certification. The regulations will address it.

THE CHAIRPERSON: Thank you. Yes, Attorney-General.

MR KAFUZI: To respond to Hon. Lulume, it would be wrong to separate the word “training” from certification, because certification is intended to attest to or prove that you have been trained so you cannot separate the two. That is why you are required to produce a driving permit to show that you are allowed to drive. Otherwise, without the permit, it is questionable whether or not you are permitted to drive.

THE CHAIRPERSON: Honourable members, I put the question that Clause 10 be amended as proposed.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 11, agreed to.

Clause 12

THE CHAIRPERSON: Chairperson?

MS AGNES KUNIHIRA: Madam Chairperson, clause 12 is an Amendment of Section 76 of the principal Act.

Clause 12 is amended –

(a) in paragraph (a) in the proposed paragraph (c) by substituting for the phrase, “Kilogramme per square centimetre, bars, kilopascals, newton per square meter, pounds per square inch,” the phrase “Internationally recognised units of pressure”;

a) (b) By substituting for paragraph (b), the following-

“(b) by substituting for paragraph (d), the following-

(d) at least one water gauge of a transparent material or other type approved by the commissioner to show the water level in the boiler, and where the gauge is of the glass tubular type of the vessel is under pressure, the gauge shall be provided with an efficient guard that does not obstruct the reading of the gauge.”

Justification is to adopt the use of internationally recognised units of pressure.

MS ANYAKUN: Madam Chairperson, I take note of and concede to the amendment proposed on clause 12 regarding the adoption of the internationally recognised units of pressure.

THE CHAIRPERSON: Thank you. Deputy Attorney-General.

MR KAFUZI: I am in total agreement.

THE CHAIRPERSON: I put the question that clause 12 be amended, as proposed.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13

MS AGNES KUNIHIRA: Madam Chairperson, clause 13: Amendment of Section 78 of the principal Act.

Clause 13 is amended by substituting for the phrase “Bars, kilopascals, newton per square meter, or pounds per square inch” the phrase “Or other internationally recognised units of pressure”.

Justification is to adopt an encompassing term for all internationally recognised units of pressure rather than giving examples.

THE CHAIRPERSON: Deputy Attorney-General.

MR KAFUZI: I concede.

THE CHAIRPERSON: Minister?

MS ANYAKUN: I concede, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 13 to be amended, as proposed.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 14

MS AGNES KUNIHIRA: Clause 14: Amendment of Section 80 of the principal Act.

Clause 14 is amended by substituting for the phrase “Bars, kilopascals, newton per square meter or pounds per square inch” the phrase “Or other internationally recognised units of pressure.”

The justification is to adopt an encompassing term for all internationally recognised units of pressure rather than giving examples.

MS ANYAKUN: I concede, Madam Chairperson.

MR KAFUZI: I agree.

THE CHAIRPERSON: I put the question that clause 14 be amended, as proposed.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

Clause 15

MS AGNES KUNIHIRA: Madam Chairperson, clause 15: Amendment of Section 84 of the principal Act.

Clause 15 is amended-

a) by substituting for the proposed section 84(3) the following-

“(3) An occupier of a workplace using electricity shall, annually, cause the workplace to be inspected by a person authorised to inspect electricity, in a manner prescribed by the regulations made under this Act.”

b) by deleting the proposed section 84(4).

Justification

i) To provide clarity on the duty of the occupier to maintain the safety of the workplace using electricity.

ii) The deletion of the proposed section 84(4) is a consequential amendment having recast the proposed section 84(3).

THE CHAIRPERSON: Yes.

MR EKANYA: Madam Chairperson, I thought the intention was about the risk resulting from energy. Why do you only focus on electricity, because we have gas and other sources of energy? Have you taken care of that in other sections? Uranium and all the others. Why don't you include all the energy? Coal is very serious, gas and others.

MR KAFUUZI: Madam Chairperson, I agree with my colleague, Hon. Ekanya, that we can expand this to include other energy sources that we use in the workplace, like gas, which could be risky. Some workplaces use a lot of gas, and if it is not regularly inspected, it could cause an explosion and be hazardous.

Maybe our draftsperson can reword this, in addition to electricity, and add other potentially hazardous sources of energy.

MS AGNES KUNIHIRA: Madam Chairperson, this clause is looking at section 84, which talks about electricity. If you check, you will find that they have gas plants and all other energy sources covered within the Act.

THE CHAIRPERSON: Yes, it is covered because that is electrical safety.

MR OTIMGIW: Madam Chairperson, on the same amendment, there is a section of the amendment I thought we could add on. This is because, in most of the other countries, there is a date displayed on every equipment showing exactly when it was checked. Therefore, even if an employee tries to use the equipment, there is at least a tag showing when it was checked, and that is not here. The person will know that this is an expired equipment which needs to be checked, they should not use it. We should include something which shows that a tag must be attached to the equipment which has been –

THE CHAIRPERSON: That is operational, like we have fire extinguishers. They have to be serviced, and they will put a tag when they last did so. What is important is you must have a fire extinguisher. Do you get it?

Chairperson, what were you saying? What were you clarifying?

MS AGNES KUNIHIRA: He is responding to their statement that you can add more, but it is already catered for in the Act.

THE CHAIRPERSON: Under section 84?

MS AGNES KUNIHIRA: In section 82, gas is covered.

THE CHAIRPERSON: In sections 82, 83 and 84, it is provided for. Is that okay?

MR KAFUUZI: I am glad the chairperson has clarified. I concede.

THE CHAIRPERSON: Minister?

MS ANYAKUN: Madam Chairperson, we agree.

THE CHAIRPERSON: I put the question that clause 15 be amended, as proposed.

(Question put, and agreed to.)

Clause 15 as amended, agreed to.

Clause 16

MS KUNIHIRA AGNES: Madam Chairperson, clause 16: Amendment of section 98 of the principal Act.

Clause 16 is substituted for the following -

“Amendment of section 98 of the Principal Act. Section 98 of the principal Act is amended -

(a) By substituting for the headnote the following:

“Duty of suppliers, manufacturers, importers and distributors”

(b) Subsection 2 by inserting immediately after paragraph c the following

(d) Hazardous substances, mixture of substances, expired content, empty containers, or related articles of hazardous products after their use are safely disposed of in accordance with the National Environment Waste Management Regulation, 2019.”

The justification is to remove the ambiguity in the head note.

THE CHAIRPERSON: Honourable minister-

MS ANYAKUN: Madam Speaker, we concede with the new amendment clause on clause 16 to remove the ambiguity on the headnote and address the disposal of hazardous substances.

THE CHAIRPERSON: Thank you. Honourable members, when you are looking at the Bill, you should also be able to look at the parent Act, and here, they are only adding a letter -

MS ACEN DORCAS: Madam Chairperson, I am looking at the words “related articles of hazardous products”. It looks somewhat weird. I think it is supposed to be “particles of hazardous products”. I need clarification on that.

MR KAFUZI: The wording is correct, “related articles-”, because there are so many that you cannot describe them in one. Yes. Other than that, I am in agreement with the committee. Thank you.

THE CHAIRPERSON: Thank you. I put the question that clause 16 be amended as proposed.

(Question put, and agreed to.)

Clause 16, as amended, agreed to.

Clause 17

THE CHAIRPERSON: Clause 17, deletion? Prime Minister, I did not hear you voting.

MS AGNES KUNIHIRA: Madam Chairperson, Clause 17: Amendment of section 119 of the principal Act

Delete clause 17.

The justification is to ensure compliance with the provisions of the principal Act.

MR KAFUZI: Madam Chairperson, I disagree with the committee on this. We support maintaining subsection 1.

THE CHAIRPERSON: Honourable members, the committee is going is to delete the amendment, which was brought that says; “The principal Act is amended in section 119 by substituting for subsection 1 of the following-

“(1) The minister may make regulations for implementation of this Act.” That is what they are deleting. However, section 119(1) says, the minister may, with the approval of Parliament, make regulations for implementation of this Act.

We are maintaining the principal Act *-(Applause)-* It is not anything for debate.

MR SSENKYONYI: Madam Chairperson, it is important that Parliament is involved in this process, but as we discussed earlier and the minister committed;

I heard somebody calling her a good Minister - the “good” minister committed to bringing those regulations. I think let us enforce it within the law to actually say “shall.”

Once we leave it as “may,” 10 years later, as has been the case with this parent Act, you cannot blame her entirely. She says, but the law says “may,” so, I chose not to. So, I think let us rectify that, Madam Chairperson, and make the amendment.

THE CHAIRPERSON: The amendment in 17 is to substitute the word “may” with “shall” in section 119(1) of the principal Act.

(Question put and agreed to.)

MS AISHA KABANDA: Addition, timeline.

THE CHAIRPERSON: Three months. We agreed on three months.

MS ODUR: Madam Chairperson, I beg to differ in the following terms. Such provisions are generally made to allow the minister to take care of unforeseen circumstances. Remember that in all the provisions we have passed, we say that the minister makes regulations.

So, this is an open one in the event that in implementation, the minister desires - that is why they use the word “may” because here, we are not specific on which regulations we are commanding the minister to bring.

That does not exist, but if you want to use “shall”, we were going to use it where we have an express regulation; this is a generalised regulation. So, you cannot say “shall” when you do not know which regulations you are requiring. However, the approval of Parliament is okay, so that *-(Interruption)*

THE CHAIRPERSON: Members, listen to Hon. Odur because some aspects may not require regulations. Do you get it? There are other aspects that may not require regulations. That is why he is maintaining “may,” okay?

MR SSENKYONYI: Madam Chairperson, I do hear him. You see, the thing is, if you are taking care of an aspect within the law, then there is no need for the regulation at all. My brother is saying that for us to have “shall” then we should have mentioned that within the Act. So, why bring a regulation if it is already taken care of? So, maybe clarify.

MR ODUR: Madam Chairperson, there are so many provisions. For example, we had said that an employer must do an assessment. I think we call it risk assessment or something - and then we said that the minister will make regulations.

Now we are specific. There is an assessment, so we can command that the minister “shall” make regulations for that assessment.

We have done that in so many provisions we have passed, but here in legislative drafting, you allow the minister some latitude. In case you go and implement and you find that there is one aspect that we have not addressed, the minister may then exercise the discretion to make a regulation.

However, because Parliament wants to have a say, you say, “Come to Parliament.” If you make it “shall,” it is redundant. What are you directing me to do? The minister can ask you, even here. Okay, you are telling me the minister shall make regulations. Now you tell me, on what? That is the explanation I wanted to offer.

THE CHAIRPERSON: We are having an interaction.

MR KAFUZI: Yes, allow me to add this: I notice that every time we are handling a Bill, when it comes to the point of making regulations, there is a push-and-pull.

The mischief that my honourable colleagues always bring up is that ministers have been required to make regulations, which they have not necessarily made. I want you to understand, just like Hon. Odur has said, that these regulations are supposed to be made to put in effect certain clauses – to fulfil the intention of the law that you are making. However, in the event that it is not necessary, then, you do not need regulations.

The obligation, then, should be on Parliament, Madam Chairperson, to audit the laws that we have passed that require regulations. Let a committee look at those laws and see which ones, actually, are long overdue. That can be done.

MR SSENKYONYI: Let me just ask this clarification, Madam Chairperson.

THE CHAIRPERSON: No, just wait a minute. When you give the responsibility to Parliament, you, as a Member of Parliament, know your roles. Is legislative scrutiny on regulations one of your roles, as a Member of Parliament? I need an answer first.

MR SSENKYONYI: That is a good question.

THE CHAIRPERSON: People should not sleep on their jobs and expect us to do them for them. Attorney-General, please. You cannot do that.

MR BARUGAHARA: Madam Chairperson -

THE CHAIRPERSON: I am still waiting for feedback on the microphone from the Attorney-General.

MR KAFUZI: Madam Chairperson, I agree with you. I concede.

THE CHAIRPERSON: Thank you. Yes, Leader of the Opposition.

MR SSENKYONYI: Madam Chairperson, maybe let me also ask the Attorney-General a question regarding this particular law that we are dealing with. Does he think that regulations are needed? That would help us, and that is why, on my end, I am insisting on “shall.”

If there is no need at all for any regulations in all the sections of this law, then there is even no need to talk about regulations. If there is need for regulations, even if it is on one particular section, then, we must get the commitment of the minister. How? By saying “shall” – “the minister shall bring those regulations”.

The Attorney-General needs to help us on this particular law. Forget about the many, which you are saying we should audit and so on; there can be time for that. For this one that we are dealing with, is there need for any regulation?

MR KAFUZI: Madam Chairperson, I want to respond to the Leader of the Opposition that there is need for regulations to actualise or activate some of the provisions of this law. So, I am in agreement.

My concern is on the use of the word “shall”. We do not know when the requirement for the regulations will fall due. If you –(Interjection)- yes, I am in agreement that we need the regulations, but my humble prayer to this House is that we use the word “may”.

Madam Chairperson, before I leave – just one minute – when you read the clause earlier, you said “with the approval of Parliament”. Actually, for me, that is where my contention is. My contention is on the requirement for the approval of Parliament – for the minister to come to Parliament for approval.

THE CHAIRPERSON: Honourable members, I am putting the question that clause 17 be deleted as proposed. You know, when we delete clause 17, we maintain what is in the parent Act – “with the approval of Parliament”.

From what Hon. Odur was saying, we can have different regulations. This is a general regulation, which may not even be made. If

you have made a specific regulation, which is already required – there are regulations that can be specific. The one we are looking at is a general regulation for the Act. So, having “may” may not infringe on your rights. What is important here is for an approval of Parliament.

MR KAFUZI: Madam Chairperson, I would move to amend by removing the words “with the approval of Parliament”. Permit me to give the justification. We are not taking away the powers of Parliament. The obligation would be on the minister –

THE CHAIRPERSON: You justify.

MR KAFUZI: Permit me to justify it. Madam Chairperson, I know that allowing the minister to make regulations under this Act, without the approval of Parliament, will promote efficiency. The process of approving statutory instruments in Parliament requires time. For example, the statutory instrument may be sent to a sectoral committee for scrutiny and comments and the presentation of a report on the statutory instrument. That will require time.

Therefore, this delay may defeat the purpose of preparing the statutory instrument under this Act, to address an emergency relating to occupational safety and health of workers. I want you to note, Madam Chairperson and colleagues, that some Acts require ministers to make statutory instruments - I need to be protected, Madam Chairperson.

THE CHAIRPERSON: You are protected.

MR KAFUZI: I want you to note, honourable colleagues, that there is an exception. Some Acts require the ministers to make statutory instruments with the approval of Parliament. This is because, those statutory instruments affect the core mandate of Parliament and require the consideration and approval of Parliament, for example, a statutory instrument made under the Tax Procedures Code Act - Hon. Odur, I really want you to listen to this. A statutory instrument made under the Tax Procedures Code Act, for purposes of

amending Schedule 2, relating to tax laws, and Schedule 4, relating to amounts of turnover in respect of which audited financial statements are required.

Accordingly, the statutory instruments under the Tax Procedures Code Act relate to appropriation of the budget, which is the core mandate of Parliament. Such statutory instruments cannot be made without the approval of Parliament. However, this is different; this does not affect the core mandate of Parliament.

THE CHAIRPERSON: Thank you. Honourable members, you have heard what the Attorney-General is saying. We do not need to approve, because our committees may take long with – (*Members rose*)- no, I am going to put the question. Our committees may delay, but as the presiding officer, I will make sure that these people do not delay.

MR ODUR: Madam Chairperson, let me make this clear to the Attorney-General. I would like the chairperson to follow. Under Article 79, no one can make a law other than Parliament. When we, the owners of the law, give you powers, you cannot tell us, “Give me the powers.” It is us to either give you or even refuse. What you are trying to do here is to condition us to give you, yet we are wondering if we should give you – (*Laughter*) - I need to respond to you so that you understand.

THE CHAIRPERSON: Honourable members, I want to put the question. For those who will be in favour of the Attorney-General’s proposal that the minister shall make regulations without Parliamentary approval because of the delays in the House - where he sits, meaning that he is one of the people who delay - the answer should be “No.” However, if you are in for what he says, say “Aye.” Are we together? I am putting the question.

MR ODUR: Madam Chairperson, the proposal by the Attorney-General is already in the Bill under clause 17. However, there is an amendment for deletion proposed by the committee. We must first dispose of the committee’s position. If the committee carries

the day, there is no need to put the question on the Attorney-General. It falls automatically.

MSAISHAKABANDA: Madam Chairperson, let me help Hon. Odur. The Bill proposed that regulations be passed without the consent of Parliament. The committee disagrees with the Bill and, therefore, proposes that clause 17 be deleted. If the question is put whether clause 17 should be deleted or not and we say “Aye,” we shall have thrown away the proposal of the Attorney-General.

THE CHAIRPERSON: Honourable members, the Attorney-General, gave a justification for clause 17 not to be deleted. However, I am asking a question on the committee amendment in the report.

If you are in favour of the committee amendment, you will say “Aye” because when you delete the committee amendment, we still remain with the other one - we preserve Section 119 of the principal Act. In section 119, there is a “may”, not “shall.”

MR KAFUZI: Yes, but there are the words “approval of Parliament” that should be removed - (*Members rose*)

THE CHAIRPERSON: No. Honourable members, I put the question that clause 17 be deleted as proposed by the committee.

(Question put and agreed to.)

Clause 17, deleted.

Clause 18

MS KUNIHIRA: Madam Chairperson, Clause 18: Amendment of Section 120 of the principal Act.

Delete clause 18.

The justification is that the Occupational Safety and Health Board established under Section 10 of the principal Act is mandated to give expert advice to the minister, and so, the approval of the board for the amendment schedules is part of the expert advice that they give the minister.

THE CHAIRPERSON: Honourable minister?

MR KAFUUZI: Madam Chairperson, I concede to the new amendment proposal on clause 18 to delete the previous amendment and ensure that the Occupational Safety and Health Board is operationalised.

THE CHAIRPERSON: Thank you. Attorney-General.

MR KAFUUZI: I am in agreement.

THE CHAIRPERSON: I put the question that clause 18 be deleted as proposed.

(Question put and agreed to.)

Clause 18, deleted.

Title

THE CHAIRPERSON: I put the question that the title stands part of the Bill.

(Question put and agreed to.)

Title, agreed to.

Clause 1

MS AGNES KUNIHIRA: Madam Chairperson, clause 1 is amended –

(a) by inserting immediately after paragraph (c), the following –

(d) by inserting the following new definitions in the appropriate alphabetical order -

“Safety and health audit” means an audit carried out by a safety and health practitioner to evaluate the safety and health standards, policies, systems and procedures of a workplace;

“Safety and health practitioner” means a person registered and licensed under section 16A to conduct a safety and health risk assessment, safety and health audit or any other assessment or audit required under this Act;

“Safety and health risk assessment” means an assessment carried out by a safety and health practitioner of the hazards or risk that may cause harm to a person at the workplace.”

The justification is to define words and phrases that have been introduced in the Bill.

THE CHAIRPERSON: Attorney-General?

MR KAFUUZI: I am in agreement with the committee. This clause defines certain aspects in the law.

THE CHAIRPERSON: You are speaking so softly, what happened? *(Laughter)* – Minister -

MS ANYAKUN: Madam Chairperson, we concede.

THE CHAIRPERSON: I put the question that clause 1 be amended as proposed.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

5.45

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (EMPLOYMENT AND INDUSTRIAL RELATIONS) (Ms Esther Anyakun): Madam Chairperson, I beg to move that the House resumes and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House resumes and the Committee of the Whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

5.47

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (LABOUR, EMPLOYMENT AND INDUSTRIAL RELATIONS) (Ms Esther Anyakun): Madam Speaker, I beg to report that the Committee of the whole House has considered the Occupational Safety and Health (Amendment) Bill, 2023 and passed it with amendments.

MOTION FOR THE ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

5.47

THE MINISTER OF STATE FOR GENDER, LABOUR, AND SOCIAL DEVELOPMENT (LABOUR, EMPLOYMENT AND INDUSTRIAL RELATIONS) (Ms Esther Anyakun): Madam Speaker, I beg to move that the report to the Committee of the whole House be adopted.

THE SPEAKER: I put the question that the report of the Committee of the whole House be adopted by this House.

(Question put and agreed to.)

Report adopted.

BILLS
THIRD READING

THE OCCUPATIONAL SAFETY AND
HEALTH (AMENDMENT) BILL, 2023

5.48

THE MINISTER OF STATE FOR GENDER, LABOUR, AND SOCIAL DEVELOPMENT (LABOUR, EMPLOYMENT AND INDUSTRIAL RELATIONS) (Ms Esther Anyakun): Madam Speaker, I beg to move that “The Occupational Safety and Health (Amendment) Bill, 2023” be read the third time and do pass.

THE SPEAKER: I put the question that “The Occupational Safety and Health (Amendment) Bill, 2023” be read the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, “THE
OCCUPATIONAL SAFETY AND HEALTH
(AMENDMENT) ACT, 2025”

THE SPEAKER: Title settled and Bill passed.

MS ANYAKUN: Madam Speaker, I would like to thank you for chairing this session and also thank the honourable colleagues, who have endeavoured to stay here until the end of this. Thank you so much for supporting us.

MS AGNES KUNIHIRA: Madam Speaker, I take this opportunity to thank you and the honourable colleagues, and in a special way to thank the Members of the Committee on Gender, Labour and Social Development who are present - my deputy is here – for the work they have done. Thank you so much for finalising this.

THE SPEAKER: Honourable members, thank you for being here for long. I know passing a Bill is not an easy thing, but we thank you for your endurance. I know you are now tired - for me, I can continue.

Honourable members, we should be able to finish the rules, first thing tomorrow, Thursday. Chairperson Committee on Rules, Privileges and Discipline, bear with us; we will finish tomorrow, and then the rest of the time, we shall give it to the Prime Minister. Thank you. The House is adjourned to tomorrow at 2.00 p.m.

(The House rose at 5.51 p.m. and adjourned until Thursday, 13 February 2025 at 2.00 p.m.)