

Examining Labour Laws Framework in the Protection of Domestic Workers against Violence in Uganda

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Abstract

Employers under the laws of Uganda are mandated to ensure fairness and to actively remove any form of bias in their places of work. The legal provisions are crucial in creating an inclusive and supportive work environment for all employees in the country. In addition, there are statutes and regulations, such as the 2007 Equal Opportunity Act and others, that specifically address gender related offences and anti-female activities at the workplace. Nevertheless, the country still has a high level of violence against women in different spheres, including workplaces. Although the law is very explicit on the succour and suiting remedies for these violations, there are still a few legal hurdles in bringing the culprits to book. The due application of the laws is thus a major factor in the actualisation of the lofty ideas of the legislators in this regard. This research article is purely doctrinal, with a specific focus on legal texts and interpretations, whilst descriptively highlighting cultural or social behaviours and examining cases. The article concludes that legal reforms and policy interventions are essential for providing a supportive framework for survivors and holding perpetrators accountable. Thus, effective legislation, such as domestic violence laws and sexual harassment policies in workplaces, will ultimately assist in protecting women and ensuring their access to justice. Therefore, the recommendations include strengthening justice systems, preventive strategies and public awareness programs to improve responses to GBV and enhance women's protection.

Keywords: Labour Laws, Domestic Worker, Gender-Based Violence, Uganda

1. Introduction

Gender-Based Violence (GBV) thrives in Uganda due to so many factors – cultural, economic, social, environmental, etc. Compared to men, women (between their teen years and late 40s) have been worst hit by GBV.¹ Employers and domestic workers are prominent perpetrators of GBV. Ironically, domestic workers also often fall victim as a result of job insecurity and household politics. Law enforcement officers in Uganda have made frantic efforts to curb the rise of GBV;² however, the occurrence of domestic violence has been grossly under-reported,³ hence there have been limited reported incidents of such perpetration in the country. One of the reasons for this under-reporting of GBV is that most people consider such violence as a domestic wrangle that should be resolved within the family or community. Other factors are fear of stigmatisation, retaliation, trust issues and cultural belief in endurance.⁴ The United Nations (UN) Declaration on the Elimination of Violence against Women (VAW) outlined the most acceptable description of GBV, which includes any act of GBV that may lead to bodily, mental or sexual harm as well as threats, duress or denial of freedom personally or publicly.⁵ Drivers associated with GBV that are personally related are biological and individual background, such as age, educational level, earning power, violence history, physical well-being, attitudes, profession or vocation, and mental health.⁶ In Uganda, GBV is recognized as a general challenge as it ultimately results in personal, psychological and mental trauma for survivors, their relations and the society. Thus, the Ugandan government considers GBV as a grievous national issue. In the words of the Uganda Demographic Health Survey (UDHS),⁷ it is a societal menace which is intricate and deeply rooted. The perpetrators of GBV are not limited to those in intimate relationships, but also extend to family members, neighbours and co-workers. Strangely, GBV is partially supported and justified in society, especially among spouses. Therefore, a husband tends to reinforce his authority in the home by beating his wife during family wrangles.⁸ An earlier survey conducted by the UDHS, suggested that a large number of people in Uganda, especially intimate partners, had suffered from physical, sexual and emotional abuse.⁹

As noted earlier, GBV at the workplace is a national concern that has elicited legislative and executive interventions. The Constitution of Uganda entrenches freedom of expression, guarantees gender equality, affirmative action for women

¹ The Uganda Demographic and Health Survey (UDHS) 2016, Uganda Bureau of Statistics, 2018.

² Asege, G “Police seek support in Handling GBV case” *New Vision* 13 Dec 2021

³ UN women “Strengthening Police Responses to Gender-based Violence Crucial in Lead up to Generation Equality Forum in Paris” May 25, 2021

⁴ Bertram, C and Crowley, M.S., “Teaching About Sexual Violence in Higher Education” (2012). *Frontiers: A Journal of Women Studies*; 33(1) 63 – 82; Sahay, A, “The Silenced Women: What works in Encouraging Women to Report Cases of Gender-based Violence?” World Bank Blogs. March 26, 2021

⁵ UN General Assembly Resolution 48/104 of 20 December 1993:115-122. Available at <<http://doi.org/A/RES/48/104>> Accessed March 29, 2025

⁶ Deribe K, Kidist Y, and Tarekegn, M. “Gender- Based Violence Case Management Service” (2021) *Violence and Gender* 8(2)

⁷ Uganda Demographic Health Survey (UDHS) 2011.

⁸ *Ibid*

⁹ UDHS, 2006

and prohibits discriminatory practices.¹⁰These rights and freedoms are fundamental and inherent, and shall be generally observed.¹¹They also extend to the workplace¹²and are further incorporated in other employment legislation. The Ugandan law recognizes range of employment such as: formal (protected by written contract and labour laws); informal (self and casual employment); Public service(governed by public service Act); Foreign (non-citizens, governed by immigration and labour laws; Casual (on daily or hourly basis); and business (trade, professional undertaking, establishment – public, cooperative, and private).¹³

There is a myriad of legislation and regulations against GBV in Uganda, underscoring the government's gallant efforts to curb it in the country. The Government have also put policy and programme development, and implementation in place to address GBV. National policies and laws that are in line with national concern are therefore being given more attention by the Government to adequately respond to the danger posed by GBV in the country. These include the Penal Code,¹⁴ Domestic Violence Act,¹⁵ Children Act,¹⁶ Prohibition of Female Genital Mutilation Act,¹⁷ Trafficking in Persons Act, ¹⁸Prohibition of Sexual Harassment Regulations,¹⁹ Employment Act²⁰ and the Constitution of Uganda. ²¹Other policies and frameworks are: The National Policy on Elimination of Gender Based Violence for Uganda,²² the National Action Plan of Elimination of Gender-Based Violence, ²³the National Action on Women,²⁴ National Referral Pathway for Prevention and Response to Gender Based Violence Cases in Uganda,²⁵ National Guidelines on Establishment and Management of GBV Shelters in Uganda, and the National Action Plan on the United Nations Security Council Resolutions and Goma Declaration,²⁶ the National Implementation Guidelines for Male involvement in Sexual and Reproductive Health and Rights, Child Health including HIV/AIDS in the Health Sector, ²⁷and Services Standards for Sexual and Reproductive Health and Rights.²⁸ On the International level, Ugandan laws, strategy, and policies recognise and incorporate global legal instruments for the prevention of and response to GBV, such as the United Nations International Conference on Population and Development (ICPD)²⁹ and Fourth World Conference

¹⁰ 1995 Constitution, Art. 21

¹¹ *Ibid*, Art. 20

¹² *Ibid*, Art 21(1), (2) and (3)

¹³ The Employment Act 2006, Section 2.

¹⁴ (2007)

¹⁵ DVA, 2010 and 2011 (Regulations)

¹⁶ Children's (Amendment) Act, 2016

¹⁷ PFGM Act, 2010

¹⁸ TP Act, 2010

¹⁹ The Prohibition of Sexual Harassment Regulation, 2012

²⁰ EA, 2006

²¹ CRU, 1995

²² 2016

²³ 2016-2021

²⁴ 2008

²⁵ 2013

²⁶ Nation Action Plan on UNSC Resolutions 1325 (2000), 1820 (2008) and Goma Declaration (2016)

²⁷ 2013

²⁸ 2012

²⁹ 1994

on Women.³⁰ The Government have also taken action in actualization of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)'s Sustainable Development Goals (SDGs),³¹ the Beijing Declaration and Platform for Action³² and the advice on women's rights Universal Periodic Review (UPR).³³ In pursuance of the UPR, the Human Rights Council advocated for positive action favourable to women by laying more emphasis on SDGs 5, 1, 3, 4 and 8.³⁴

2. Method

This research article is purely doctrinal, with a specific focus on legal texts and interpretations. Both primary and secondary sources of data are adopted and contextually analysed in the thematic area of GBV in Uganda. The primary source includes Ugandan grundnorm, and other related legislation on employment, international instruments, policies and frameworks on GBV, case law, etc, whilst the secondary sources are legal texts, journal articles, periodicals and electronic materials. The qualitative research designs include ethnography and narratives, descriptively highlighting cultural or social behaviours and examining cases (for practical experiences), respectively. The data collected are scrutinised using structural and thematic narrative analysis.

3. Analysis or Discussion

3.1. Conceptual Discussion Concerning Violence Against Domestic Workers in Uganda

Findings have revealed that cultural and social norms reinforce the traditional gender roles and behaviours, therefore, a driver of GBV. Thus, the established mindset of the headship of men in the family is a major cause of the acceptance or tolerance of abuse against the opposite sex, most especially domestic workers.³⁵ In the African continent, GBV is rampant due mainly to the aforementioned factor. It has been estimated that in a section of the continent, half of the female citizenry experienced physical abuse by their intimate partners.³⁶ However, other factors such as education and economic status have significantly reduced the spread of GBV on the continent.³⁷ Conversely, in East Africa, poverty, illiteracy and cultural practices are the contributory factors for the prevalence of

³⁰ 1995

³¹ The Government of Uganda ratified CEDAW in 1985

³² 15 September 1995

³³ 2011

³⁴ On fairness, food security, healthcare, learning and work safety respectively

³⁵ Jewkes, R. and Morrell, R."Gender and Sexuality: Emerging Perspectives from the Heterosexual Epidemic in South Africa and Implications for HIV Risk and Prevention (2023) *Journal of the International Aids Society* 21 (S7):e 25156

³⁶ United Nations Children's Fund (UNICEF)2023 " Gender-Based Violence" Available at <<https://www.unicef.org/protection/gender-based-violence>> Accessed April 7, 2025

³⁷ Ibid

GBV.³⁸ Due to the rising tide of GBV, the Ugandan government enacted laws and set up policies to protect the female citizens from GBV. Nevertheless, the implementation and enforcement of these laws are still problematic.³⁹ The corollary to the above is the fact that there are high gaps in enforcement and the need for comprehensive legal protections for domestic workers against GBV at the workplace.⁴⁰ Therefore, legal reforms and policy interventions are *sine qua non* to the protection of victims/survivors as well as the punishment of perpetrators of GBV.⁴¹ However, effective implementation and enforcement are essential to back up all legal measures.⁴² These can be aided by the provision of legal assistance and advocacy to assist access to justice, and by providing counseling and navigation of the legal system.⁴³

The risk factors for GBV have been identified in economic dependency and poverty. Therefore, economic empowerment programs mitigate these risks by promoting economic autonomy and decision-making capabilities of women.⁴⁴ Similarly, the African belief of male dominance and superiority limits female access to leadership, empowerment resources, economic benefits and opportunities.⁴⁵ Nevertheless, evidence has revealed that the effectual execution and enforcement of anti-GBV laws and policies in the workplace will afford women access to justice and better protection against GBV.⁴⁶ In a nutshell, findings have revealed that weak legal frameworks, lack of awareness, fear of stigmatisation, harmful cultural practices, religious pacification, illiteracy, women's economic vulnerability and patriarchal structures allow GBV to thrive in society by encouraging impunity for culprits.⁴⁷

It has been reported that the majority of perpetrators of sexual offences go scot-free, and the few convicted receive very light sentences. Thus, rape victims go through double victimisation and stigmatisation because the punishment for the

³⁸ East Africa Community, 2016 “East African Community Regional Results of the Violence Against Children and Youth Survey. Available at <<https://violenceagainstdchildren.un.org/eastafrican-community-regional-results-violence-against-children-and-youth-surveys>>Accessed April 7, 2025.

³⁹ Uganda Bureau of Statistics, 2016 “Uganda Demographic and Health Survey 2016” Available at <https://dhsprogram.com/pubs/pdf/FR333.pdf> > Accessed April 7, 2025

⁴⁰ UNICEF 2020 “Women’s Empowerment and Gender Inequality in Sudan. Available at <<https://www.unicef.org>>Accessed April 8, 2025; Human Rights Watch 2021 “Human Rights Abuses in Saudi Arabia Available at <<https://www.hrw.org>> Accessed April 8, 2025.

⁴¹ Human Rights Watch 2021

⁴² UN Women 2021, “Progress of the World’s Women: Toward Gender Equality Analysis” Available at <<https://www.unwomen.org>>Accessed April 8, 2025

⁴³ Clark C.J *et al* “Violence, Access to Care and Health outcome among Women with Disabilities of the Arab World” (2021) *Health and Human Rights Journal*, 21(1):181-193

⁴⁴ *Ibid*; Thomas, K.J. “Economic Empowerment and Intimate Partner Violence: A Review of Intervention and Policy Implications” (2020) *Journals of Interpersonal Violence* 35(1-2): 464-483

⁴⁵ Agarwal, B “A field of One’s Own: Gender and Land Rights in South Asia. Cambridge University Press, 2023

⁴⁶ Human Rights Watch, 2021

⁴⁷ Clark, C. T. *et al* (n43) Thomas, K.J. (n44); Connel, R. W “Gender and Power: Society; the Person, and Sexual Politics” Stanford University Press 2022.

offenders is neither deterrent nor preventive.⁴⁸ Perpetrators of sexual offences are mostly emboldened because of the perceived shame and fear of ostracisation by the victims.⁴⁹ On the issue of institutional flaws, Rentschler laments the inadequacies of legal, judicial and family institutions and recommends combat training for self-defence.⁵⁰ However, in Uganda, studies have shown that physical violence is not gender biased and it occurs more in rural areas irrespective of gender.⁵¹ Also, possession and ownership of material resources by the female gender have been connected to a moderation in GBV among women.⁵² Semambo⁵³ clearly indicated that Great Britain experienced general awareness of sexual harassment after the government took measures to hold employers liable or culpable for any such act within their domain. Both Nyende,⁵⁴ posits that a better understanding of the physiology of a man and a woman, as well as the role of masculinity in any given environment, is a key to resolving sexual harassment at the place of work. Marylyn,⁵⁵ on her part, asserts that the aforementioned issue is a carry over or reflection of the male domestic authority in the place of work, and that this chauvinistic position has been reinforced by organisational red tape. In the words of Mackinon,⁵⁶ the said issue is more of a war of superiority between a man and a woman, and the men are now resorting to forceful means to assert their “rightful position” as the “head”. Semambo⁵⁷ is also of the opinion that in Africa, the said issue is anathema and, rather prevalent in other climes. Reese and Karen⁵⁸ are in agreement that due to workplace pressure, women do more to retain their position and, juggling of office and house chores take massive toll on their ambition and personal growth. In the same vein, Catherine⁵⁹ ideate that women exploit their femininity as a bargaining chips to get what they want in their place of employment, it thus becomes a matter of using what

⁴⁸ Scully, D. and Marolla J. “Convicted Rapists Vocabulary of Motive: Excuses and Justifications. Wadsworth Publishing Co. Belmont CA, 1994.

⁴⁹ Jacques – Tiura *et al*, “Disclosure of Sexual Assault: Characteristics and Implications for Post-traumatic Stress Symptoms among African American and Caucasian Survivors”. Available at <<https://www.ncbi.nlm.nih.gov>> Accessed April 11, 2025

⁵⁰ Rentschler, C. “Women, Self Defense: Physical Education for Everyday Life “(1999) *Women’s Studies Quarterly* 27 (1/2):152:161

⁵¹ Gender Issues in Uganda,” An Analysis of Gender Based Violence, Asset Ownership and Employment Status” March 14 2019. Available at <<https://www.eprug.org/publication/the-gender-issues-in-uganda-an-analysis-of-gender-based-violence-asset-ownership-and-employment/>> Accessed April 11:2025

⁵² Ibid

⁵³ Semambo Claire (2001); Law and Sexual Harassment in Uganda's Formal Sector: The case of Makerere University; (Unpublished).- On file with the author.

⁵⁴ Nyende Paul (2002); Sexual Harassment; The case of Women in the Workplace and Female Students in Tertiary Institutions in Uganda; Makerere University, Kampala (Unpublished).

⁵⁵ Marylyn J. Davidson and Ronald J. Burke (1994); Women in Management; Cultural Research Issues; Paul Chapman Publishing Ltd, London.

⁵⁶ Mackinon C. (1979); Sexual Harassment of Working Women; New Haven, Yale University Press.

⁵⁷ n53

⁵⁸ Laura A. Reese & Karen E. Lindenberg (1999); Implementing Sexual Harassment Policy; Challenge for the Public Sector Workplace; Sage Publisher Ltd, London.

⁵⁹ Catherine Itzin & Janet Newman (1995); Gender, Culture and Organization change; Putting Theory into Practice; Routledge, London.

they have, to get what they want. Men, therefore, see women as opportunists and continually doubt their commitment to sincere relationship. Zoya's⁶⁰ concern is on the financial and health impacts of such act, both on the employer and employee. There is always a social stigma on the victim and, this results in diminished output and instability. In other words, the victim becomes more of a liability, and thereafter, depression sets in. Mackinon⁶¹ and Houghton⁶² have drawn attention to the reforms in developed climes which have alleviated the legal status of workers at the workplace. In the United Kingdom, legislation such as the Employment Law 1970, the Equal Pay Act and the Sex Discrimination Act of 1975 had been put in place, and further continuous measures keep coming up for an egalitarian society. Uganda has also followed suit in the attempts to come up with a sound policy on sexual harassment. Nyende⁶³ and Semambo⁶⁴ express regret on the obvious lack of comprehensive legal texts on this issue in Uganda.

3.2. Theoretical Framework

Research on gender diversity in corporate governance often employs various theoretical frameworks. Feminist theory highlights the systemic barriers women face in leadership roles, while critical mass theory suggests that a minimum threshold of women on boards is necessary to influence corporate decision-making positively. Social role theory examines how gender stereotypes shape perceptions and opportunities for women in leadership.

3.2.1. Stakeholder

It is a reaction to the traditional focus on shareholder primacy, recognizing the interconnectedness of various stakeholders in a business ecosystem.⁶⁵ This holistic perspective is increasingly relevant in a world that demands greater corporate accountability and social responsibility.⁶⁶ It simply advocates that Stakeholders should have more voice in the affairs of the company for added and diverse advantages.⁶⁷ From a stakeholder perspective, gender diversity aligns with broader social responsibility goals. Companies are increasingly held accountable for their contributions to social issues, including gender equality. Diverse boards can lead to

⁶⁰ Zoya Khotkina (1997); *Sexual Harassment in Russia Workplaces*; Moscow Centre for Gender Studies, Russian Academy of Sciences.

⁶¹ Mackinon C. (1979); *Sexual Harassment of Working Women*; New Haren, Yate University Press

⁶² Houghton James Hazel (1995); *Sexual Harassment*; Cavendish Publishing, London.

⁶³ n54

⁶⁴ n53

⁶⁵ Jeffrey S. Harrison and Caron H. St. John 'Stakeholder Theory and Competitive Advantage' (2000) 21 *Strategic Management Journal*, 21: 179.

⁶⁶ *Ibid*, 44

⁶⁷ Thomas M Jones, *Instrumental Stakeholder Theory: A Synthesis of Ethics and Economics* (1995) *Academy of Management Review*, 20 404

policies and practices that promote social equity, reflecting a company's commitment to its stakeholders and society at large.⁶⁸

3.2.2. Agency Theory

Employer and employee mutual services are viewed as purely contractual, where contracts operate to define roles and mitigate risks. Agency theory highlights the principals/agents self dealings, concentrating on mechanisms for coupling these interests and managing agency costs. Incorporating gender diversity into corporate governance structures can strengthen the mechanisms that align the interests of management and shareholders.⁶⁹ For example, having women in leadership roles can challenge traditional governance norms, leading to more robust discussions around strategy and performance. Viewing board gender diversity through the lens of agency theory underscores its importance in enhancing governance and aligning the interests of shareholders and management. Diverse boards contribute to more effective oversight, improved accountability, and better decision-making, ultimately fostering a corporate environment that supports long-term value creation and minimizes agency-related conflicts.

3.2.3. Stewardship Theory

Stewards are believed to have a deeper knowledge of operations, tradition, and market dynamics. This enables them to make informed decisions for the overall benefits of everyone.⁷⁰ Consequently, the institution can reduce agency costs associated with monitoring and controlling managerial behaviour.⁷¹ With a focus on shared interests and trust, there may be less need for stringent oversight mechanisms, allowing resources to be directed towards more productive initiatives. Stewardship theory promotes ethical leadership as a fundamental component of corporate governance.⁷² Stewards are expected to associate with integrity and accountability, prioritising the organisation's health and the welfare of its stakeholders. This ethical foundation enhances the overall governance framework and builds stakeholder confidence. Thus, collaboration, trust, and long-term value creation are nurtured and fostered.⁷³ Viewing board gender diversity through the

⁶⁸ Michael C Jensen and William H Meckling, 'Theory of the Firm: Managerial Behavior, Agency Cost and Ownership Structure' (1976) *Journal of Financial Economics*, 3:305

⁶⁹ Kathleen M Eisenhardt, 'Agency Theory: An Assessment and Review' (1989) *Academy of Management Review* 14, 57. Incorporating gender diversity into corporate governance structures can strengthen the mechanisms that align the interests of management and shareholders

⁷⁰ Mark M Muth and Barbara A Donaldson, 'Stewardship Theory and Board Structure: A Contingency Approach' (2003) *Corporate Governance: An International Review* 11,3

⁷¹ Ibid 89

⁷² A Woods and P M N Wright, 'A Review of Stewardship Theory: Implications for Management Research' (2009) *Journal of Management* 35, 1352

⁷³ James H Davis, F David Schoorman and Lex Donaldson, 'Toward a Stewardship Theory of Management' (1997) *Academy of Management Review* 22, 20.

lens of stewardship theory highlights its role in fostering a culture of collaboration, long-term value creation, and stakeholder engagement. Diverse boards not only enhance decision-making and problem-solving but also reinforce a commitment to ethical governance and social responsibility, aligning with the overarching goals of stewardship. This alignment ultimately benefits both the organization and its stakeholders, creating a more resilient and sustainable business model.

3.3. Legal Framework in the Protection of Domestic Workers against Violence in Uganda

Uganda has a potpourri of legal frameworks on GBV in the workplace, covering general and specific laws. In line with the Employment Act 2006, exploitation for lustful gratification in a work environment comes in form of open or indirect demands for sex to get favourable placement or better condition of service; or frightening or hostile attitudes that puts an employee in fear, vivid or tacit demonstration of sexuality or erotic disposition - physically or psychologically - which are counterproductive and negatively impact on job performance and job satisfaction.⁷⁴ The Ugandan Penal Code criminalises inappropriate behaviour with the female sex, qualifying as a misdemeanour with a penalty of one year imprisonment.⁷⁵ Such behaviour under the Employment (Sexual Harassment) Regulations 2012⁷⁶ attracts a fine or three months' imprisonment or both. Article 21⁷⁷ echoes the above provisions in terms of enshrining fairness, equity and non-discriminatory practices in all spheres of society. The Constitution also provide for judicial accessibility and claim for damages by a victim.⁷⁸ Article 24 further enshrined upholding individual worth, which is non-derogable (Art. 44). Thus, Ugandan citizens are entitled to fair and equitable treatment at work and within society.⁷⁹ The government is duty-bound to protect these rights through its various agencies and arms.⁸⁰

The Employment Act (2006)⁸¹ and its Regulations (2012)⁸² define and address victimisation and lewd exploitation at work. These provisions mandate employers to comply with safety procedures and provide complaint and adjudicatory mechanisms for their employees. Accordingly, any act which compromises the position of a worker and causes a toxic work environment or lewdness and erotic approach has been tagged inappropriate, unprofessional and

⁷⁴ Section 7

⁷⁵ Section 128(3)

⁷⁶ Section 19

⁷⁷ Constitution of the Republic of Uganda, 1995

⁷⁸ *Ibid*, art. 50

⁷⁹ *Ibid*, art. 33

⁸⁰ *Ibid*, art. 33(3)

⁸¹ The Employment Act 2006, Cap. 226 – as amended by The Employment (Amended) Act 2022

⁸² The Employment (Sexual Harassment) Regulations 2012

counterproductive.⁸³ The Employment Act regulates relationships in workplaces and its provisions clearly frown on discriminatory acts, non-consensual promiscuity and debauchery.⁸⁴ The Regulations prescribe the penalty for any such act(s) as aforementioned, which entails a fine or three months' imprisonment.⁸⁵ Several international treaties have been incorporated into the laws of the country;⁸⁶ therefore, Uganda has kept up with global benchmarks and leading guidelines in its fight against GBV.⁸⁷ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa mandates its members to completely eradicate GBV.⁸⁸ Uganda soon came up with a statute to specifically address GBV at home and within the communities.⁸⁹ The Domestic Violence Act (DVA) 2010 states what constitutes violent abuse in the family and within the community - the Act outlaws all forms of mental and other bodily and abusive actions that dehumanise or inflict low self-esteem on individuals.⁹⁰ The penalty for violation under the DVA is a fine or terms of imprisonment.⁹¹ The DVA empowers the lower courts to adjudicate over matters under the Act.⁹² It states the meaning of a protection order (PO).⁹³ It further states the components and procedure for a PO.⁹⁴

3.4. Judicial Reaction to Violence against Domestic Workers

The Employment Act requires employers' compliance with its Regulations in workplaces.⁹⁵ The Regulations state *in toto* the steps contemplated, viz: adoption of guidelines by employers; setting up of a sexual harassment committee and having a complaint officer; prohibition of sexual materials at the workplace; ensuring confidentiality of information given on sexual harassment, prohibition of retaliation and discrimination and taking action against false and frivolous claims. It is obligatory for an employer to set up an internal adjudicatory mechanism which should look into sexual harassment claims.

It has been decided that the complainant has to take the first step by reporting the alleged incident to her boss. The boss will, however, be held liable where he fails, refuses or neglects to address the complaint.⁹⁶ Also, it was held that the

⁸³ Cap. 226, s.7

⁸⁴ *Ibid*, ss. 6 & 7

⁸⁵ Regulations 2012, Section 19

⁸⁶ Such as the International Covenant on Civil and Political Rights, the Convention against Torture.

⁸⁷ Uganda ratified the African Charter on Human and Peoples' Rights.

⁸⁸ Article 4.

⁸⁹ DVA 2010(and its Regulations in 2011).

⁹⁰ Jamil Ddamulira Mujuzi, The Ugandan Domestic Violence Act: The Drafting History and Challenges to Its Implementation (2014) *International Journal of Law, Policy and The Family*, 28, 257–273

⁹¹ DVA, s.4(2)

⁹² *Ibid*, section 17

⁹³ *Ibid*, section 2

⁹⁴ *Ibid*, section 13

⁹⁵ Cap. 226, s. 7(4)

⁹⁶ See *Lapka v Chertoff* (South Africa) Case 05 C 668 USDC 30

management must take appropriate action to immediately address and redress the grievance(s) of the parties involved. It has been established that before the claimant can succeed in her claims, she must fully satisfy all the requirements stipulated in the Employment Act to get an order for compensation against her employer.⁹⁷In *Carolynn Atukunda v Micro Uganda & Emmanuel Nwanja*,⁹⁸ the court faulted the claim of the plaintiff because she had not fully complied with all the requirements in the Employment Act (s.7(6)) and its Regulations. It has been judicially established that the laws of Uganda entrenched equality, and the courts are empowered to follow the rule of law in making pronouncements on the salient provisions of the law, including international instruments that uphold non-discriminatory practice and equal rights among Ugandan citizens.⁹⁹ The court further highlights the definition of discriminatory acts as provided under section 1 of the Equal Opportunities Act 2007 - this involves activities that are unconstitutional and contrary to the personal rights guaranteed under the Ugandan laws.¹⁰⁰ The court also emphasised the importance of the aforementioned Act and its Commission - whose role is constitutionally recognised - in its bid to create a just and egalitarian society.¹⁰¹

4. Conclusion

The Ugandan laws clearly spell out the definition and implications of victimisation of the opposite sex by his or her superior or colleagues due to the palpability of abuse and molestation at the place of work. The laws have stipulated guidelines to be implemented by the management of all establishments to curb this growing and economically disruptive menace to people under employment. The female folks are often the victims, and the lawmakers have adequately given substantial protection to them through the provisions of the laws in the country. The ball, therefore, is in the employers' court to fully effect the provisions of the laws to the letter. Also, the legislator should review the penalty for unwanted sexual advances in the workplace. More so, employers should fully notify their employees of their rights and responsibilities under the law, whilst providing quick and decisive measures to address complaints. Finally, the courts should promote easy access to justice by granting express and accelerated hearings for cases involving offensive sexual advances.

⁹⁷*Magoba Editor v Tusker Mattresses (U) Ltd* LDR No. 243 of 2015 (Industrial Court of Uganda)

⁹⁸ LABOUR DISPUTE CLAIM No. 291 OF 2014 ARISING FROM HIGH COURT CIVIL SUIT NO. 281 OF 2012 (Uganda)

⁹⁹ *Bwengye Deusdedit v Bishop Stuart University*, COMPLAINT EOC/CR/020/2018

¹⁰⁰ *Ibid*

¹⁰¹ *Ibid*; See also art. 32 (3) and (4) of the Constitution of the Republic of Uganda as well as the Equal Opportunities Commission Act, 2007