

Thematic Report: Labor Rights¹



*Funding provided by
the United States Government*

I. Introduction

Overview

Un- and under-employment, employment discrimination, lack of minimum wage and decent working conditions, lack of regulation of labor migration, violations of international labor and workers' rights standards, restrictions on freedom of association and collective bargaining, lack of workplace protections, inspection and oversight systems, and access to grievance mechanisms all create ripe conditions in which TIP and forced labor can occur. Thus, it is important for states to have adequate labor laws, supported by robust inspection oversight systems and workforce regulations, in order to mitigate TIP risks in their countries.

To that end, this Report gives an overview of states' compliance with certain labor standards. Part II discusses nations' ratification of a number of core International Labor Organization treaties that may have a bearing on trafficking in persons and forced labor, and gives an overview of the countries' domestic legal frameworks to protect those labor rights.

Part III discusses a number of specific labor protections that may or may not exist in the countries' domestic law. These include whether the states have minimum wage requirements in the law, working hours provisions, conditions under which overtime must be remunerated, leave requirements (including maternity leave requirements), the existence of labor inspection and oversight systems, and finally the extent to which non-nationals are protected by laws that govern fair labor standards. Where appropriate, this Report notes when countries have different standards for different groups of workers, which may help to indicate industries or areas of employment that carry increased TIP vulnerabilities.

Finally, Part IV specifically discusses the extent to which the countries are compliant with international children's rights and child labor standards. It discusses domestic laws that prohibit or limit children's exposure to unsuitable working hours and environments, or mandate that children attend school at certain times or between certain ages. Please note that even if a country has free and compulsory education up to a certain age, there may be other barriers that prevent children from attending school, including the gender of the child, the availability of schooling in certain geographic areas, and the cost of ancillary requirements to attend school (such as books and uniforms); thus, the existence of such provisions is not necessarily a guarantee of universal education. Part IV also discusses whether countries have national action plans or policies that mitigate children's exposure and vulnerability to TIP. Finally, it addresses the extent to which the countries have laws that prohibit the worst forms of child labor, including laws that prevent children from participating in armed conflict, or their exploitation in illicit industries or the sex

¹ The statements and analysis contained within this report are the work of the American Bar Association Rule of Law Initiative, which is solely responsible for its content. The views expressed herein should not be construed as representing the policy of the ABA. This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.

trade.

The statements and analysis contained herein are the work of the American Bar Association's Rule of Law Initiative (ABA ROLI). They address, by and large, the *de jure* legal framework in Eritrea, Ethiopia, Ghana, Lesotho, Malawi, Namibia, Uganda, and Zambia. This Report is based primarily on desk review of freely and publicly-available laws and reports, supplemented in portions by the knowledge of ABA ROLI's local affiliates. Please note that the materials discussed in this Report capture only the legislative and policy framework of the relevant countries; *de facto* implementation of these laws may be at issue in some, if not all, of these states.

II. Work Protections Established by Law

Applicable International Instruments

Eritrea

Eritrea is party to a number of international instruments that protect workers, including:

- ILO Convention No. 29 (concerning Forced or Compulsory Labor);
- ILO Convention No. 105 (concerning the Abolition of Forced Labor); and
- ILO Convention No. 138 (concerning Minimum Age for Admission to Employment).²

Ethiopia

Ethiopia is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);
- ILO Convention no. 100 (concerning Equal Remuneration);
- ILO Convention no. 105 (concerning the Abolition of Forced Labor);
- ILO Convention no. 111 (concerning Discrimination in Employment and Occupation);
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).³

Ghana

Ghana is party to a number of international instruments that protect workers, including:

- ILO Convention No. 29 (concerning Forced or Compulsory Labor);
- ILO Convention No. 105 (concerning the Abolition of Forced Labor);
- ILO Convention No. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor).⁴

Lesotho

Lesotho is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);

² *Ratifications for Eritrea*, INT'L LABOUR ORG., http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103282 (last visited July 22, 2017).

³ *Ratifications for Ethiopia*, INT'L LABOUR ORG., http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102950 (last visited July 28, 2017).

⁴ *Ratifications for Ghana*, INT'L LABOUR ORG., http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103231 (last visited July 28, 2017).

- ILO Convention no. 105 (concerning the Abolition of Forced Labor);
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).⁵

Malawi

Malawi is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);
- ILO Convention no. 87 (concerning Freedom of Association and Protection of the Right to Organise);
- ILO Convention no. 100 (concerning Equal Remuneration);
- ILO Convention no. 105 (concerning the Abolition of Forced Labor);
- ILO Convention no. 111 (concerning Discrimination in Employment and Occupation);
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).⁶
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Namibia

Namibia is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);
- ILO Convention no. 100 (concerning Equal Remuneration);
- ILO Convention no. 105 (concerning the Abolition of Forced Labor);
- ILO Convention no. 111 (concerning Discrimination in Employment and Occupation);
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).⁷

Uganda

Uganda is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);
- ILO Convention no. 100 (concerning Equal Remuneration);
- ILO Convention no. 105 (concerning the Abolition of Forced Labor);
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).⁸

⁵ *Ratifications for Lesotho*, INT'L LABOR ORG., http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103188 (last visited July 24, 2017).

⁶ *Ratifications for Malawi*, INT'L LABOR ORG., http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103101 (last visited July 23, 2017).

⁷ *Ratifications for Namibia*, INT'L LABOR ORG., http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103008 (last visited July 24, 2017).

⁸ *Ratifications for Uganda*, INT'L LABOR ORG.,

Zambia

Zambia is party to a number of international instruments that protect workers, including:

- ILO Convention No. 29 (concerning Forced or Compulsory Labor);
- ILO Convention No. 105 (concerning the Abolition of Forced Labor);
- ILO Convention No. 138 (concerning Minimum Age for Admission to Employment); and
- ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor).⁹

Overview of Domestic Legal Standards

Eritrea

As a general matter, the Labor Proclamation guarantees equality of opportunity and treatment in employment and remuneration; for example, women and persons with disabilities may not be discriminated against solely on the basis of their status.¹⁰ The Labor Proclamation also sets forth certain unfair labor practices on the part of an employer, including discriminating on grounds of race, color, social origin, nationality, sex, political orientation, or religion.¹¹

In addition to these, the law provides for compensation for employment injuries.¹² An employee is entitled to periodic payments for temporary disability and disability compensation in cases of sustained permanent disability. The heirs of an employee who dies as a result of an employment injury are also entitled to compensation.

It also guarantees that an employees' association has the right to bargain a collective agreement with one or more employers or their associations regarding matters such as the conditions for the protection of the occupational safety and health of employees, conditions of work and the procedure for making work rules and resolving grievances, the arrangement of working hours and break intervals during working hours, and the improvement of the employees' educational standard and vocational skills.¹³

Ethiopia

The Labor Proclamation of Ethiopia lays out requirements for workers' rights and compensation, noting specifically that employers are obliged to respect a worker's human dignity, to take

http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103324 (last visited July 24, 2017).

⁹ *Ratifications for Zambia*, INT'L LABOUR ORG.,

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103264 (last visited Aug. 5, 2017).

¹⁰ Labor Proclamation of Eritrea, Proclamation No. 118/2001, arts. 64-65, *available at*

<http://www.ilo.org/dyn/travail/docs/493/The%20Labour%20Proclamation%20of%20Eritrea%20No%20118%20of%202001.pdf> (last visited July 22, 2017) [hereinafter Proclamation No. 118/2001].

¹¹ *Id.* at art. 118.

¹² *Id.* at arts. 78-79.

¹³ *Id.* at arts. 99, 102.

occupational safety and health measures, and to defray medical costs whenever required by law.¹⁴ However, this law has a major deficiency in that it is specifically understood to exclude domestic workers from its scope of coverage,¹⁵ which may place women and girls who often engage in this type of labour at risk.

The Federal Civil Servants Proclamation provides for the right to equality of treatment in the workplace on the basis of nationality, sex, religion, political outlook or any other conditions or on the basis of payment and other benefits.¹⁶

Ghana

The Constitution of Ghana states that “the guarantee of a fair and realistic remuneration for production and productivity in order to encourage continued production and higher productivity” is an underlying principle of a healthy economy.¹⁷ Both the Constitution and the Labour Act of 2003 recognize the right to equal pay for equal work.¹⁸ These laws also provide for the right to join or form a trade union, though the constitutional right may be limited by law if “reasonably necessary in the interest of national security or public order or for the protection of the rights and freedoms of others.”¹⁹

Notably, the Labor Act not only confers workers with rights, but also enumerates broad duties. These include working “work conscientiously in the lawfully chosen occupation”, taking reasonable care of the safety and health of fellow workers, and protecting the interests of the employer.²⁰

Lesotho

The Labor Code of Lesotho establishes a number of labor practices and protections. For instance, it establishes licensing requirements for recruiters and labor agents.²¹ When determining whether to issue such a license, the Labor Commissioner must consider “the provisions of the relevant Conventions and Recommendations on migrant workers of the International Labour Organisation and, in particular, take into account the possible untoward effect of the withdrawal of the persons proposed for recruitment upon the population of Lesotho and their health, welfare, morality and

¹⁴ See generally Labour Proclamation No. 377 of 2003, § 12, available at http://www.ilo.org/dyn/travail/docs/327/Proclamation%20No%20377_2003%20-%20Labour%20Proclamation.pdf (last visited July 21, 2017) [hereinafter Proclamation No. 377/2003].

¹⁵ Kidus Meskele Ashine, *Migrant Workers Rights under the Ethiopian Legal System*, 29 Int'l J. of Afr. & Asian Studies 28, 30 (2017), available at <http://iiste.org/Journals/index.php/JAAS/article/viewFile/34958/35960> (last visited July 21, 2017).

¹⁶ The Federal Civil Servants Proclamation No. 515 of 2007, available at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/85152/95169/F208555744/ETH85152.pdf> (last visited July 21, 2017) [hereinafter Proclamation No. 515/2007].

¹⁷ GHANA CONST. art. 36(2)(a), available at https://www.constituteproject.org/constitution/Ghana_1996.pdf?lang=en (last visited July 17, 2017) [hereinafter GHANA CONST.].

¹⁸ *Id.* at art. 24(1); Labor Act 651 of 2003, § 68, available at <http://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf> (last visited July 17, 2017) [hereinafter Labor Act].

¹⁹ Labor Act, *supra* note 18, at § 10(d); GHANA CONST., arts. 24(3)-(4).

²⁰ Labor Act, *supra* note 18, at § 11.

²¹ Labour Code Order, No. 24 of 1992, § 139, available at <http://www.wipo.int/edocs/lexdocs/laws/en/ls/ls012en.pdf> (last visited Aug. 3, 2017) [hereinafter Labour Code].

development in relation to recruitment for employment wholly or partly outside Lesotho.”²²

The Labor Code also prohibits false or misleading labor recruitment practices; every recruited person must be brought by the recruiter as soon as reasonably possible before an attesting officer who must ensure that the recruited person has not been subjected to illegal pressure or recruited by misrepresentation, fraud or mistake.²³ However, ABA ROLI was unable to identify provisions regulating fees paid to recruiters.

Any aggrieved party may file a claim before the Labor Court. The court has jurisdiction to, among other things, interpret the terms of contracts of employment, wages orders and collective agreements; determine whether an unfair labor practice has been committed and, if so, to award appropriate relief; and, hear claims for payment of statutory minimum wage due to an employee.²⁴ The Labor Code does not contain any language denying these protections to migrant, seasonal, domestic or informal economy workers.

The Lesotho Constitution guarantees freedom of movement for any person, including the right to enter and leave Lesotho.²⁵ Furthermore, the Anti-Trafficking in Persons Act (Anti-TIP Act) prohibits debt bondage.²⁶ However, ABA ROLI was unable to identify provisions in the Labor Code relating to freedom of movement, and there do not appear to be any laws in place prohibiting labor recruiters or employers from refusing workers their travel/identity documents.

Malawi

The Constitution of Malawi generally guarantees the right to work, and defines it as the right to “freely engage in economic activity, to work and to pursue a livelihood anywhere in Malawi.”²⁷ It specifically states that persons with disabilities are to be granted fair employment opportunities,²⁸ and that women are to be free from discrimination in work, business, and public affairs.²⁹

With respect to labor rights, the Constitution guarantees that all individuals have the right to fair and safe labor practices, fair remuneration, equal pay for equal work, and the right to form and join trade unions.³⁰

The Employment Act expands upon these protections by issuing detailed provisions related to working hours, overtime pay, annual leave, minimum wages, unfair dismissal from work, and other

²² *Id.* at § 140.

²³ *Id.* at § 149.

²⁴ *Id.* at § 24.

²⁵ Lesotho, Constitution of 1993, § 7, *available at*

https://www.constituteproject.org/constitution/Lesotho_1998.pdf?lang=en (last visited Aug. 2, 2017).

²⁶ Anti-Trafficking in Persons Act, No. 1 of 2011, § 9, *available at*

https://www.unodc.org/res/cld/document/anti-trafficking-in-persons-act-2011_html/Lesotho_TIP_Act_2011.pdf (last visited Aug. 3, 2017).

²⁷ Constitution of Malawi, 1994, art. 29, *available at*

https://www.constituteproject.org/constitution/Malawi_1999.pdf (last visited July 23, 2017) [hereinafter MALAWI CONST.].

²⁸ *Id.* at art. 13(g)(ii).

²⁹ *Id.* at art. 24(2)(b).

³⁰ *Id.* at art. 31.

matters.³¹ The Employment Act applies both to private sector and government workers; however, it does not apply to non-civilian members of law enforcement bodies, including members of the armed forces, the prison services, and the police.³² “Employees” are broadly defined under the terms of the Act as persons who “offer [their] services under an oral or written contract of employment, whether express or implied”, and as persons, “including tenant share cropper[s], who perform[] work or services for another person for remuneration or reward on such terms and conditions that [they] are in relation to that person in a position of economic dependence on, and under an obligation to perform duties for, that person more closely resembling the relationship of employee than that of an independent contractor.”³³

Namibia

The Constitution of Namibia guarantees a number of economic rights, including the right to practice any profession or carry on any occupation, trade, or business,³⁴ to be paid a living wage that is adequate for the maintenance of a reasonable standard of living,³⁵ to withhold labor without being exposed to criminal penalties,³⁶ to form and join trade associations or unions,³⁷ and to be free from forced or compulsory labor.³⁸

More specific labor protections are generally contained within the Labor Act, which is administered by the Ministry of Labor, Industrial Relations, and Employment Creation.³⁹

Uganda

The Constitution of Uganda requires the Parliament to enact laws that permit persons to:

- work in satisfactory, safe, and healthy environments;⁴⁰
- be accorded rest and reasonable working hours, including paid holiday time;⁴¹
- access equal payment for equal work, without discrimination;⁴²
- form or join trade unions of their choice, and access collective bargaining and representation;⁴³ and

³¹ Employment Act, No. 6 of 2000, *available at* <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWI01.htm> (last visited July 23, 2017) [hereinafter Employment Act].

³² *Id.* at art. 2.

³³ *Id.* at arts. 3(a)-(b).

³⁴ Namibia, Constitution of 1990, art. 21(1)(i), *available at* https://www.constituteproject.org/constitution/Namibia_2010.pdf?lang=en (last visited July 31, 2017) [hereinafter NAMIBIA CONST.].

³⁵ *Id.* at art. 95(i).

³⁶ *Id.* at art. 21(1)(f).

³⁷ *Id.* at art. 21(1)(e).

³⁸ *Id.* at art. 9.

³⁹ Labor Act, No. 388 of 1992, *available at* <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29328/64850/E92NAM01.htm> (last visited July 31, 2017) [hereinafter Labor Act, No. 388 of 1992].

⁴⁰ UGANDA CONST., art. 40(1)(a), *available at* https://www.constituteproject.org/constitution/Uganda_2005.pdf?lang=en Constitution (last visited July 19, 2017) [hereinafter UGANDA CONST.].

⁴¹ *Id.* at art. 40(1)(c).

⁴² *Id.* at art. 40(1)(b).

- withdraw their labour.⁴⁴

The Constitution also recognizes the need to protect women workers during pregnancy and after childbirth.⁴⁵

The Parliament of Uganda effectuates these constitutional provisions through a number of laws, including the Employment Act and its associated Regulations,⁴⁶ the Occupational Safety and Health Act and the Workers Compensation Act,⁴⁷ and the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations.⁴⁸

Zambia

The Constitution of Zambia recognizes the right of every person to “fair labour practices and safe and healthy working conditions.”⁴⁹ However, this right is conferred not as an affirmative fundamental right, but rather as a non-judiciable Directive Principle of State Policy;⁵⁰ to that end, it is only protected to the extent that Zambia’s laws must comport with that general principle, “in so far as State resources are able to sustain [its] application, or if the general welfare of the public so unavoidably demands, as may be determined by Cabinet.”⁵¹

Other Constitutional provisions that relate to work and labor practices include the general right to be free from slavery and forced labor, as well as the right of young persons to be free from exploitation in an occupation or employment that might prejudice their health or education or interfere with their physical, mental, or moral development.⁵²

Zambia’s employment rules are otherwise governed by a number of other laws, including the Employment Act, the Minimum Wages and Conditions of Employment Act (Conditions of Employment Act), and the Public Interest Disclosure (Protection of Whistleblowers) Act.⁵³

⁴³ *Id.* at art. 40(3)(a).

⁴⁴ *Id.* at art. 40(3)(c).

⁴⁵ *Id.* at art. 40(4).

⁴⁶ Employment Act of 2006, *available at* <http://www.mglsd.go.ug/laws/employment%20Act%202006.pdf> (last visited July 19, 2017); Employment Regulations of 2011, *available at* <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/86721/98315/F615034846/UGA86721.pdf> (last visited July 19, 2017); Employment (Employment of Children) Regulations of 2012, *available at* <http://www.ilo.org/dyn/natlex/docs/SERIAL/88352/108266/F-470420301/UGA88352.pdf> (last visited July 19, 2017).

⁴⁷ Occupational Safety and Health Act of 2006, *available at* <http://www.mglsd.go.ug/laws/occupational%20saftey%20and%20Health%20Act%202006.pdf> (last visited July 19, 2017); Workers Compensation Act of 2000, *available at* <https://www.ulii.org/ug/legislation/consolidated-act/225> (last visited July 19, 2017).

⁴⁸ Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, *available at* <https://www.ulii.org/node/23682> (last visited July 19, 2017).

⁴⁹ Zambia Constitution of 1991, art. 112(j), *available at* https://www.constituteproject.org/constitution/Zambia_2009.pdf?lang=en (last visited Aug. 5, 2017) [hereinafter ZAMBIA CONST.].

⁵⁰ *Id.* at art. 111.

⁵¹ *Id.* at art. 110.

⁵² ZAMBIA CONST., *supra* note 49, at arts. 14, 24.

⁵³ Employment Act, No. 57 of 1965, *available at* <http://www.parliament.gov.zm/sites/default/files/documents/acts/Employment%20Act.pdf> (last visited Aug. 5, 2017) [hereinafter Employment Act]; Minimum Wages and Conditions of Employment Act, No. 25 of

Generally-speaking, Zambian law prohibits misleading or fraudulent labor recruitment practices, regulates the charging of workers' fees, and guarantees the right to collective bargaining.⁵⁴

1982, *available at*

<http://www.parliament.gov.zm/sites/default/files/documents/acts/Minimum%20Wages%20and%20Conditions%20of%20Employment%20Act.pdf> (last visited Aug. 5, 2017) [hereinafter Conditions of Employment Act]; Public Interest Disclosure (Protection of Whistleblowers) Act, No. 4 of 2010, *available at* <http://www.parliament.gov.zm/sites/default/files/documents/acts/Public%20Interest%20Disclosure%20%28Protection%20of%20Whistleblowers%29%20Act%202010.PDF> (last visited Aug. 5, 2017).

⁵⁴ Employment Act, *supra* note 53, at arts. 15, 4, 56.

III. Domestic Legal Protections

Minimum Wage Requirements

Eritrea

ABA ROLI has been unable to determine whether Eritrea has minimum wage provisions in its law.

Ethiopia

As of the reporting period for the U.S. Department of Labor's 2016 Human Rights Report, Ethiopia did not have a set national minimum wage.⁵⁵ However, minimum wages may be set by specific government institutions, and the minimum wage for public sector employees is fixed at approximately 420 birr monthly (equivalent to US\$19).⁵⁶

Ghana

The National Tripartite Committee, established under the Labor Act, determines and sets the national daily minimum wage.⁵⁷

The minimum wage applies to casual and temporary workers, in addition to permanent wage workers.⁵⁸ "Casual workers" are defined as those who engage in seasonal or intermittent work of six continuous months or less, whose remuneration is calculated on a daily basis;⁵⁹ "temporary workers" are defined as those who are employed for at least one month but are not permanent or seasonal workers.⁶⁰ Note that contracts for casual worker employment need not be in writing.⁶¹

Certain classes of workers who earn daily wages, such as part-time workers and seagoing workers in the fishing industry, are excluded from these provisions of the Labor Act.⁶²

Lesotho

Lesotho's Labor Code does contain minimum wage requirements, which are adopted through the imposition of wage orders by the government on employers in specific business sectors such as construction, clothing and textile manufacturing, wholesale and retail, hospitality and transportation.⁶³ Wage orders establish the minimum wages that must be paid to employees in

⁵⁵ U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., ETHIOPIA HUMAN RIGHTS REPORT (2016), *available at* <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> (last visited July 21, 2017).

⁵⁶ *Id.*

⁵⁷ Labor Act, *supra* note 18, at § 113.

⁵⁸ *Id.* at §§ 74-76.

⁵⁹ *Id.* at § 78.

⁶⁰ *Id.*

⁶¹ *Id.* at § 74.

⁶² *See id.* at §§ 73-78.

⁶³ Labour Code, *supra* note 21, at § 57; Labour Code Wages (Amendment) Notice, No. 147 of 2011, *available at* <http://www.oit.org/dyn/natlex/docs/SERIAL/89050/102090/F1723640489/LSO89050.pdf> (last visited Aug. 3, 2017).

certain sectors based on length of employment.⁶⁴

A general minimum wage also exists for business sectors, for which no sector-specific minimum wage is assigned.⁶⁵ If an employer fails to pay an employee at least the statutory minimum wage prescribed in a wage order, the employer shall be guilty of an offense and shall be liable for a fine not exceeding M300 or to imprisonment for a period not exceeding three months for each such offense.⁶⁶

Malawi

Although the Employment Act only provides that the Minister for Labor *may* set minimum wages for particular groups of wage earners, following consultations with relevant workers' organizations,⁶⁷ it does appear that Malawi has a national minimum wage.⁶⁸ Further minimum wage conditions appear to be located in the Regulation of Minimum Wages and Conditions of Employment Act,⁶⁹ however, ABA ROLI has been unable to locate a publicly-available copy of this law for review. It does not appear under the terms of the Employment Act that any group of workers would be exempt from minimum wage requirements.

An employer's failure to pay their employees the minimum wage, as provided by law, may incur penalties of up to K50,000 and ten years' imprisonment.⁷⁰

Namibia

Namibia has not established a standard national minimum wage. However, it does establish minimum wages for specific industries, such as domestic work, construction, and security.⁷¹

Uganda

Although Uganda has attempted to pass a minimum wage law, it is not clear that the proposed minimum wage bill of 2015—which would have proposed sector-based minimum wages—has been successfully passed.⁷² As such, as far as ABA ROLI has been able to determine, the only laws currently governing minimum wage in Uganda are the Minimum Wages Board and Wages Council

⁶⁴ Labour Code, *supra* note 21.

⁶⁵ *Id.*

⁶⁶ *Id.* at § 58.

⁶⁷ Employment Act, *supra* note 31, at art. 54.

⁶⁸ See, e.g., Mphatso Khutcha Richard, *Minimum Wage Increased in Malawi*, MALAWI24 (20 May, 2017), <https://malawi24.com/2017/05/20/minimum-wage-increased-malawi/> (last visited July 23, 2017).

⁶⁹ Regulation of Minimum Wages and Conditions of Employment Act, ch. 55:01.

⁷⁰ Employment Act, *supra* note 31, at art. 55(2).

⁷¹ See, e.g., *Some Domestic Workers Yet to Benefit from Minimum Wage*, NEW ERA (Apr. 6, 2016), <https://www.newera.com.na/2016/04/06/domestic-workers-benefit-minimum-wage/> (last visited July 31, 2017).

⁷² See the Minimum Wages Bill of 2015, available at <http://parliamentwatch.ug/wp-content/uploads/2016/10/The-Minimum-Wages-Bill-2015.pdf> (last visited July 19, 2017); *The Minimum Wage in Uganda: An Urgent Call*, DRT Policy Brief No. 4 (Oct. 2013), available at http://www.fes-uganda.org/media/documents/Final_Policy_Brief_Minimum_Wage_An_urgent_call.pdf (last visited July 19, 2017) [hereinafter *The Minimum Wage in Uganda*].

Act and the General Notice No. 176/1995, which establishes a Minimum Wages Advisory Council.⁷³

Uganda's minimum wage was set in 1984 at 6,000 Ugandan shillings per month.⁷⁴ While it appears that the Minimum Wages Advisory board has recommended that this national minimum wage be raised to 130,000 shillings (US\$36) monthly, it is not clear whether this proposal has been implemented.⁷⁵

Zambia

Minimum wages in Zambia are governed by the Conditions of Employment Act and the Minimum Wages and Conditions of Employment (General) Order (Minimum Wages Order).⁷⁶ The Act authorizes the government to set minimum wages and/or conditions of employment by way of a statutory order, and the Minimum Wages Order effectuates this provision.⁷⁷

The Minimum Wages Order does not apply to employees of the Government of Zambia, of local authorities, workers engaged in domestic service, workers in occupations that are regulated by collective bargaining, or in sectors for which the Minister has otherwise prescribed a minimum wage.⁷⁸ The Minimum Wages Order contains a schedule that lays out the minimum wages for various areas of employment, excluding the listed categories.⁷⁹

The Minimum Wages and Conditions of Employment (Domestic Workers) Order (Domestic Workers Order) specifically provides that the minimum wage for domestic workers shall be K250,000 monthly;⁸⁰ this minimum wage applies to persons who take care of children, aged or sick persons, frail persons or persons with disabilities, within a household, as well as gardeners.⁸¹

Working Hours Requirements

Eritrea

The Labor Proclamation states that regular hours of work may not exceed eight hours a day and

⁷³ Minimum Wages Advisory Boards and Wages Councils Act of 1957, *available at* http://www.mglsd.go.ug/laws/minimum%20wages%20advisory%20boards%20and%20wages%20council%20act%20Chapter_221.pdf (last visited July 19, 2017); *The Minimum Wage in Uganda*, *supra* note 72.

⁷⁴ *The Minimum Wage in Uganda*, *supra* note 72.

⁷⁵ Stephen Kafeero, *Uganda Gov't Sets Minimum Wage at USD \$36 per Month*, DAILY MONITOR (June 3, 2017), *available at* <http://perilofafrica.com/uganda-govt-sets-minimum-wage-usd-36-per-month/> (last visited July 19, 2017).

⁷⁶ Conditions of Employment Act, *supra* note 53; Minimum Wages and Conditions of Employment (General) Order, Instrument No. 2 of 2011, *available at* <http://www.ilo.org/dyn/travail/docs/2274/MWCE%20-%20General%20Order%202011.pdf> (last visited Aug. 5, 2017) [hereinafter Minimum Wages Order].

⁷⁷ Conditions of Employment Act, *supra* note 53, at art. 3.

⁷⁸ Minimum Wages Order, *supra* note 76, at art. 2.

⁷⁹ *Id.* at Schedule I, art. 1.

⁸⁰ Minimum Wages and Conditions of Employment (Domestic Workers) Order, No. 3 of 2011, *available at* <http://www.zambialaws.com/Subsidiary-Legislation/chapter-276-minimum-wages-and-conditions-of-employment-act-subsidiary-legislation.html> (last visited Aug. 5, 2017) [hereinafter Domestic Workers Order].

⁸¹ *Id.* at art. 3.

forty-eight hours a week.⁸² An employer who causes an employee to work beyond the maximum working hours is liable for a fine of up to 500 Nakfa.⁸³

Ethiopia

The Labor Proclamation fixes normal work hours at eight hours a day, and 48 hours per week.⁸⁴ Workers are entitled to one weekly day of rest per week, and the law provides that this day of rest should be fixed on a Sunday whenever possible.⁸⁵ Workers may not be asked to work on weekly rest days except in the case of actual or threatened accident, an act of *force majeure*, or in the event of urgent work that must be completed.⁸⁶ Employees are entitled to their normal wages on public holidays.⁸⁷

Ghana

Both the Constitution and the Labor Act impose reasonable limitations on working hours.⁸⁸

The Labor Act generally establishes that no worker may work for longer than eight hours a day, or 40 hours a week. However, there are exceptions to these limits: overtime requirements are expressly delineated, and in certain emergency situations workers may be expected to perform unpaid overtime work.⁸⁹

Seasonal workers are allowed to work up to 10 hours a day, provided that their daily average does not exceed eight hours.⁹⁰ The Minister for Labor is also permitted to prescribe shorter maximum hours for manual labor and “jobs likely to be injurious to health”.⁹¹

Workers are entitled to daily and weekly rest periods, as detailed in the Labor Act.⁹² In general, workers are to be granted at least 12 hours’ continuous rest between consecutive working days, with 48 hours of consecutive rest for each seven-day period.⁹³

These work hour and rest period requirements are expressly inapplicable to domestic workers in private homes,⁹⁴ and seasonal workers are subject to slightly different provisions.⁹⁵ forty-Seasonal workers also have slightly different provisions on the daily rest period.⁹⁶ As a result, these classes of workers are vulnerable to potential exploitation.

⁸² Proclamation No. 118/2001, *supra* note 10, at art. 48.

⁸³ *Id.* at art. 155.

⁸⁴ Proclamation No. 377/2003, *supra* note 14, at § 61.

⁸⁵ *Id.* at § 69.

⁸⁶ *Id.* at § 71(2).

⁸⁷ *Id.* at § 73.

⁸⁸ GHANA CONST., art. 24(2); Labor Act, *supra* note 18, at § 10(c).

⁸⁹ Labor Act, *supra* note 18, at §§ 33-38.

⁹⁰ *Id.* at § 34.

⁹¹ *Id.* at § 37.

⁹² *Id.* at §§ 40-44.

⁹³ *Id.* at § 42.

⁹⁴ *Id.* at § 44.

⁹⁵ *Id.* at § 41(2).

⁹⁶ *Id.* at § 34(c).

Lesotho

The Labor Code establishes weekly normal hours limits; under its provisions, normal work hours may not exceed 45 hours per week.⁹⁷ Employees who work five days a week may not ordinarily work longer than nine hours a day, and for six-day employees, they may not work more than eight hours a day for five days and five hours on the sixth.⁹⁸ Employees may not be permitted to work for longer than five hours at a stretch without being given a one-hour rest period.⁹⁹

Malawi

Employees and employers may contract for their normal working hours; however, no employee may be permitted to work for more than 48 hours a week before overtime.¹⁰⁰ Guards and shift workers may not generally work for more than eight hours a day,¹⁰¹ and non-shift workers who only work five-day weeks may not be asked to work for more than 12 hours a day.¹⁰² Those who work for six days a week may not work for longer than 8 hours daily.¹⁰³

These working hours requirements may be suspended in case of accident, abnormal work pressures, *force majeure*, or the need for urgent work—but only so long as extended hours are necessary to avoid “serious interference” with business, and in order to prevent the loss of perishable goods.¹⁰⁴ Where exemptions from these requirements are granted, employees are to be granted a compensatory rest period, and all hours worked beyond the daily normal rate are to be compensated as overtime.¹⁰⁵

Namibia

The Labor Act provides that any employee other than a security guard may not work for more than 45 hours a week; employees who work five days weekly may not work for more than nine hours a day, and employees who take only one weekly day off may not work for more than seven hours a day.¹⁰⁶ Casual employees, defined as workers who are employed by a single employer for no more than two days a week, may not work for longer than nine hours daily.¹⁰⁷ Shift workers who work no more than five weekly shifts may not be required to work for longer than nine hours per shift; those who work six weekly shifts generally may not be required to work for longer than 7.5 hours per shift.¹⁰⁸ Shift workers’ meal breaks are counted as part of their shift time.¹⁰⁹

⁹⁷ Labour Code, *supra* note 21, at § 118.

⁹⁸ *Id.* at § 118(1)(b).

⁹⁹ *Id.* at § 118(2).

¹⁰⁰ Employment Act, *supra* note 31, at art. 36.

¹⁰¹ *Id.* at art. 37(a).

¹⁰² *Id.* at art. 37(b)(i).

¹⁰³ *Id.* at art. 37(b)(ii).

¹⁰⁴ *Id.* at art. 38(1).

¹⁰⁵ *Id.* at art. 38(2).

¹⁰⁶ See Labor Act, No. 388 of 1992, *supra* note 39, at §§ 26-27.

¹⁰⁷ *Id.* at §§ 1, 27.

¹⁰⁸ *Id.* at § 28.

¹⁰⁹ *Id.*

With respect to overtime hours requirements, day workers may not be asked to work more than three extra hours daily or 10 extra hours weekly.¹¹⁰

Uganda

Under the terms of the Employment Act, working hours are capped at 48 hours weekly and 10 hours daily, although workers and their employers are free to contract for longer hours than that.¹¹¹ Where maximum working hours are at least eight hours daily, workers are entitled to 30 minutes' break.¹¹²

Zambia

The Minimum Wages Order and the Domestic Workers Order both provide that employees may not work for more than 48 hours weekly, on Sundays, or on public holidays—provided that their terms of employment do not generally envision work on a Sunday.¹¹³

Overtime Remuneration

Eritrea

The Labor Proclamation notes that an employer may demand overtime, provided that employees cannot be required to work more than two hours over their daily limit without consent.¹¹⁴ The Labor Proclamation also lists certain exceptional circumstances where an employee must work overtime, such as where there is urgent work or where force majeure occurs.¹¹⁵ Overtime remuneration amounts are set on the basis of what time of day the work is conducted, and whether employees are obliged to work on weekends and/or holidays.¹¹⁶

Ethiopia

Generally, employers may not require workers to work overtime.¹¹⁷ However, in the case of actual or threatened accident, a *force majeure* event, urgent work, or cases where absent workers must be substituted for,¹¹⁸ overtime is authorized by law. Where overtime is authorized for the purposes of completing urgent work, it may not exceed two hours per day, 20 hours per month, or 100 hours per year.¹¹⁹

Overtime remuneration requirements are fixed on the basis of whether work is done outside of normal working hours (i.e., early morning or night work), on a weekly rest day, or on a public

¹¹⁰ *Id.* at § 32.

¹¹¹ Employment Act, *supra* note 46, at § 53(1),(3).

¹¹² *Id.* at § 51(6).

¹¹³ Minimum Wages Order, *supra* note 76, at Schedule I, art. 3; Domestic Workers Order, *supra* note 80, at art. 6.

¹¹⁴ Proclamation No. 118/2001, *supra* note 10, at art. 52.

¹¹⁵ *Id.*

¹¹⁶ *Id.* at art. 53.

¹¹⁷ Proclamation No. 377/2003, *supra* note 14, at § 67.

¹¹⁸ *Id.* at § 67(1).

¹¹⁹ *Id.* at § 67(2).

holiday.¹²⁰

The Federal Civil Service Proclamation sets out overtime remuneration requirements for civil servants.¹²¹

Ghana

Employers must have fixed rates of pay for overtime work,¹²² unless “exceptional circumstances including an accident threatening human lives” call for unpaid overtime.¹²³ The Labour Act prohibits employers from assigning overtime work and night work to pregnant women and mothers of children under eight months of age without the consent of the worker.¹²⁴ If work is assigned without the worker’s consent under these circumstances, she may lodge a complaint with the National Labour Commission.¹²⁵

Lesotho

Overtime is limited to 11 hours per week at a rate of 1.25 times the normal wage.¹²⁶

Malawi

Overtime remuneration may be paid when employees work for an amount of time in excess of what would be normal in the undertaking (normal overtime), work on their days off (day off overtime), or on a public holiday (holiday overtime).¹²⁷

Ordinary overtime is to be compensated at 1.5 times the hourly wage, and day off and holiday overtime is to be compensated at twice the hourly rate.¹²⁸

Namibia

Namibian workers are entitled to overtime remuneration, subject to the provisions and calculations laid out in the Labor Act.¹²⁹

Uganda

In general, if workers have not specifically contracted to work beyond the maximum requirements provided by law, they must be remunerated at a rate of 1.5 times their normal hourly rate on

¹²⁰ *Id.* at § 68.

¹²¹ Proclamation No. 515/2007, *supra* note 16, at § 34.

¹²² Labor Act, *supra* note 18, at § 35.

¹²³ *Id.* at § 38.

¹²⁴ *Id.* at § 55.

¹²⁵ *Id.*

¹²⁶ Labour Code, *supra* note 21, at § 118(2).

¹²⁷ Employment Act, *supra* note 31, at art. 39(2).

¹²⁸ *Id.* at art. 39.

¹²⁹ Labor Act, No. 388 of 1992, *supra* note 39, at §§ 25-35.

normal working days, or 2 times this rate on gazetted public holidays.¹³⁰

Zambia

Employees and domestic workers who work for more than 48 hours weekly shall be paid at 1.5 times their hourly rate; those who work on paid public holidays or Sundays that do not generally form part of their working week must be compensated at twice their hourly rate.¹³¹

Leave Requirements

Eritrea

All employees are entitled to paid annual leave based on their number of years of service.¹³² Employees are entitled to annual leave with pay for fourteen working days for the first year of service and fourteen working days plus one working day for each additional year of service.¹³³ Annual leave may not exceed 35 working days.¹³⁴

Ethiopia

Ethiopian law guarantees the provision of annual leave, special leave for family events, special leave for union leaders involved in the work of a union, and sick leave.¹³⁵ Workers who are recalled from leave are entitled to payment; however, they do not appear to be entitled to overtime payment.¹³⁶ The Labor Proclamation states that contracts between workers and employers in which workers agree to waive their right to annual leave in any manner shall be null and void, and generally-speaking the law does not authorize employers to provide remuneration in lieu of annual leave.¹³⁷

Women are entitled to up to 30 consecutive days' paid maternity leave, with another 60 days' leave after confinement.¹³⁸ While the law does not provide for paid paternity leave, one may take five days of leave without pay under serious or exceptional circumstances.¹³⁹

Ghana

All workers are entitled to at least 15 working days of fully-paid leave for each calendar year of continuous service, where payment is calculated on the basis of the worker's non-overtime remuneration.¹⁴⁰ Employees are entitled to take this leave in "two approximate equal parts."¹⁴¹

¹³⁰ Employment Act, *supra* note 46, at § 53(8).

¹³¹ Minimum Wages Order, *supra* note 76, at Schedule I, art. 4; Domestic Workers Order, *supra* note 80, at art. 7.

¹³² Proclamation No. 118/2001, *supra* note 10, at art. 56.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Proclamation No. 377/2003, *supra* note 14, at §§ 77, 81, 82, 85.

¹³⁶ *Id.* at § 80.

¹³⁷ *Id.* at § 76.

¹³⁸ *Id.* at §§ 81, 88(4).

¹³⁹ *Id.*

¹⁴⁰ Labor Act, *supra* note 18, at § 20.

¹⁴¹ *Id.* at § 28.

Agreements to waive the right to leave, or to forgo leave, are deemed void.¹⁴² However, employers who face “urgent necessity[ies]” may require workers on leave to return to work; under such circumstances, the employee is permitted to take the balance of their leave “anytime thereafter”, and employers are obliged to bear the costs of these interruptions.¹⁴³

Absences from work due to sickness, pregnancy, voluntary communal work, and civic duties are not calculated against the statutory annual leave requirement, and the Labor Act guarantees at least 12 weeks of paid maternity leave.¹⁴⁴

Lesotho

Employees are required to take at least six continuous days paid leave per year, and, after six months of employment, receive 12 paid sick days.¹⁴⁵

The Labor Code entitles women to maternity leave for a period of six weeks before confinement, and a maximum of eight weeks following confinement.¹⁴⁶ However, pregnancy leave is only issued upon a written certificate, signed by a medical officer, registered nurse, or midwife, relating to the date of confinement.¹⁴⁷ The Labor Code does not, however, guarantee women payment during the time of their leave.¹⁴⁸

Malawi

The Employment Act guarantees a minimum of 18 days’ annual leave for employees who work six days a week, and 15 days leave for those who work five days a week.¹⁴⁹

The law also entitles employees to a minimum of four weeks’ fully-paid, and eight weeks’ half-paid sick leave, after they have completed 12 months of continuous service.¹⁵⁰ However, sick leave may not be granted without the provision of a medical certificate by the employee.¹⁵¹

The law guarantees eight weeks’ fully-paid maternity leave to women, as well as additional leave for illness that arises out of pregnancy or confinement; women are generally entitled to return to the same job, unless it has ceased to exist or she is “incapable of continuing to perform”.¹⁵² ABA ROLI has been unable to confirm how broad the scope of this latter permission is in Malawian jurisprudence. Termination of pregnant employees may be grounds for an unlawful termination action, and the employer carries the burden of showing that the worker’s pregnancy was not the cause of the termination; a violation of this provision may result in a fine of K20,000, and five years’

¹⁴² *Id.* at § 31.

¹⁴³ *Id.* at § 25.

¹⁴⁴ *Id.* at §§ 22-24, 57.

¹⁴⁵ Labour Code, *supra* note 21, at § 120.

¹⁴⁶ *See id.* at § 133.

¹⁴⁷ *Id.* at § 133(2)-(3).

¹⁴⁸ *Id.* at § 134.

¹⁴⁹ Employment Act, *supra* note 31, at art. 44.

¹⁵⁰ *Id.* at art. 46(1).

¹⁵¹ *Id.* at art. 46(3).

¹⁵² *Id.* at arts. 47-48.

imprisonment.¹⁵³

Namibia

For each year of consecutive employment, workers are entitled to at least 24 days' fully-paid leave.¹⁵⁴ Upon the termination of an employment contract, employers are obliged to pay workers the balance of any leave remuneration that may have accrued.¹⁵⁵ However, casual employees are not entitled to leave under this provision.

Employees who work for five days a week are entitled to at least 30 days' sick leave annually; all other workers, excluding casual employees, are entitled to at least 36 days' annual sick leave.¹⁵⁶

Female workers who have completed at least one year of consecutive employment with a single employer are entitled to at least four weeks' maternity leave before her expected due date, and at least eight weeks following it.¹⁵⁷ Namibian law does not guarantee that this leave be compensated,¹⁵⁸ though it does guarantee that a female employee's contract may not be terminated unless an employer has taken all reasonable steps to offer her another appropriate job, or she has unreasonably refused to accept the offer.¹⁵⁹

Uganda

Ugandan law requires that employees receive seven days' paid leave for every four-month employment period, and paid leave on public holidays.¹⁶⁰ Where employees elect to work on public holidays, they are entitled to either accept double their standard rate of pay or a different day off in lieu of that payment.¹⁶¹

These leave requirements only apply to employees who have been working continuously for an employer for at least six months, or who perform contract work for over 16 hours a week.¹⁶²

Women are entitled to 60 days of fully-paid maternity leave; however, where women elect to take this leave, four weeks of it must immediately follow childbirth or miscarriage.¹⁶³ Furthermore, women are granted the right to return either to the job that they had held prior to obtaining leave, or to a "reasonably suitable alternative job on terms and conditions not less favourable than those which would have applied had she not been absent on maternity leave."¹⁶⁴

Men are entitled to four days' fully-paid paternity leave immediately following childbirth or

¹⁵³ *Id.* at art. 49.

¹⁵⁴ Labor Act, No. 388 of 1992, *supra* note 39, at § 39.

¹⁵⁵ *Id.* at § 39(4).

¹⁵⁶ *Id.* at § 40.

¹⁵⁷ *Id.* at § 41.

¹⁵⁸ *Id.* at § 41(2)(b).

¹⁵⁹ *Id.* at § 41(3).

¹⁶⁰ Employment Act, *supra* note 46, at § 54(1).

¹⁶¹ *Id.*

¹⁶² *Id.* at § 54(4).

¹⁶³ *Id.* at § 56(1).

¹⁶⁴ *Id.* at § (2).

miscarriage, provided that they are married to the mother of the child.¹⁶⁵

Ugandan law contains detailed sick leave provisions.¹⁶⁶

Zambia

Employees and domestic workers are entitled to two days' leave per month. Ordinary employees are only entitled to leave once they have completed six months' continuous service, and employers must agree in advance to the dates on which ordinary employees intend to take their leave.¹⁶⁷ Employees are entitled to three months' fully-paid sick leave, and an additional three months' sick leave at half-pay. If the employee has not recovered from their illness after that period of time, employers are permitted to discharge them from service.¹⁶⁸

Ordinary female employees are entitled to 90 days' maternity leave, after they have been in continuous service for a period of two years; any additional leave is subject to the general sick leave provisions.¹⁶⁹ However, employers are not permitted to terminate a woman's employment contract or impose any additional disadvantages on a female worker within six months of her confinement.¹⁷⁰

Provisions regarding annual leave for domestic workers generally match the annual leave requirements for ordinary workers.¹⁷¹ However, domestic workers are only entitled to one month of sick leave, provided that the illness or accident necessitating leave cannot be attributed to the worker.¹⁷² Domestic workers are entitled to 120 days' maternity leave, and any additional leave is calculated on the basis of the Domestic Workers Order's sick leave requirements.¹⁷³

Both the Minimum Wages Order and the Domestic Workers Order entitle female workers to additional sick leave in order to take care of their sick and hospitalized children.¹⁷⁴

Labor Inspection and Oversight Systems

Eritrea

The Labor Proclamation describes the system of labor inspection and oversight, which applies to all sectors or industries.¹⁷⁵ The Labor Inspection Service is responsible for ensuring the implementation of the provisions of the Labor Proclamation and other laws relating to labor relations, collective agreements, and decisions regarding labor disputes.¹⁷⁶ The Labor Inspection

¹⁶⁵ *Id.* at §57(1).

¹⁶⁶ *Id.* at § 55.

¹⁶⁷ Minimum Wages Order, *supra* note 76, at Schedule I, art. 5.

¹⁶⁸ *Id.* at Schedule I, art. 6.

¹⁶⁹ *Id.* at Schedule I, art. 7.

¹⁷⁰ *Id.*

¹⁷¹ Domestic Workers Order, *supra* note 80, at art. 8.

¹⁷² *Id.* at art. 9(1).

¹⁷³ *Id.* at art. 10.

¹⁷⁴ Minimum Wages Order, *supra* note 76, at Schedule I, art. 6(2)(c); Domestic Workers Order, *supra* note 80, at art. 9(3).

¹⁷⁵ Proclamation No. 118/2001, *supra* note 10, at arts. 143-145.

¹⁷⁶ *Id.*

Service also conducts studies of working conditions, occupational safety, health, and standards of work. Labor Inspectors carry out the duties of the Labor Inspection Service, including conducting on-site inspections of employers to ensure the safety and health of employees.¹⁷⁷

Labor Inspectors can order employers to take corrective measures when work conditions threaten the health, safety, or welfare of employees. Employers can appeal certain orders to the Labor Relations Board, within five working days of the final decision. However, decisions of the Labor Relations Board are final and unappealable.¹⁷⁸

Ethiopia

As of 2013, the Ministry of Labor and Social Affairs (MOLSA) is charged with overseeing labor inspections, under the direction of the regional governments.¹⁷⁹ Regional governments provide accreditation to labor inspectors, who are authorized with inspecting employers of all sizes.¹⁸⁰ Labor inspectors are obliged to litigate cases where employers do not comply with the terms that they may or may not impose; however, reports indicate that labor inspectors lack legal training, and judges are reported to lack awareness and understanding of Ethiopia's labor laws.¹⁸¹

Labor inspectorates submit annual reports to city, regional, and federal governments, quarterly reports to MOLSA, and workplace injuries report forms.¹⁸²

Ghana

Ghana has statutory labor inspection and violation complaint mechanisms.

The Labour Act mandates that workplaces undergo labor inspections.¹⁸³ These inspections are intended to “secure the enforcement of the [Labor Act’s] provisions . . . relating to conditions of work and the protection of workers at workplaces, including the provisions relating to hours of work, wages, safety, health and welfare of the workers and the employment of young persons” .¹⁸⁴ Labor inspectors are appointed by the Civil Service, and are empowered to: (i) conduct unannounced inspections at any time during working hours; (ii) carry out any inquiries necessary to ensure that workplaces are complying with the Labor Act; (iii) interview employers or workers, alone or with witnesses present; (iv) demand the production of documents relating to the terms and conditions of employment; (v) take samples of materials and hazardous substances that may be used or handled by workers during the course of their employment; and (vi) direct employers to carry out any physical alterations to the workplace necessary for ensuring worker health and safety.¹⁸⁵

¹⁷⁷ *Id.* at art. 144.

¹⁷⁸ *Id.* at art. 145.

¹⁷⁹ JEFF WHEELER & KEITH GODDARD, ASSESSMENT OF ETHIOPIA’S LABOR INSPECTION SYSTEM (March 2013) 10, available at <https://www.dol.gov/ilab/reports/pdf/2013AssessmentEthiopiaLaborInspection.pdf> (last visited July 21, 2017).

¹⁸⁰ *Id.* at 11.

¹⁸¹ *Id.* at 11-12.

¹⁸² *Id.* at 12.

¹⁸³ Labor Act, *supra* note 18, at § 122.

¹⁸⁴ *Id.* at § 122(a).

¹⁸⁵ *Id.* at § 124(1).

While ABA ROLI was not able to locate more sector-specific labor laws, there is at minimum Minerals Commission that is authorized to “inspect unauthorized mining sites, identify cases of child labor, and conduct awareness-raising activities . . . in the mining sector in parallel with criminal law enforcement agencies.”¹⁸⁶

Inspectors are required to report “defects of the [Labor] Act” and other practices or abuses not specifically envisioned by the Act to the Labour Department or the National Labour Commission.¹⁸⁷ The National Labor Commission adjudicates unfair labor practices complaints.¹⁸⁸ It is authorized to issue injunctions to correct unfair labor practices, and in unlawful termination cases it may order that a worker’s position be restored and that the worker be compensated for lost earnings attributable to the unlawful termination.¹⁸⁹ Orders of the Commission have the same effect as High Court orders, and appeals from such orders are heard by the Court of Appeal.¹⁹⁰

Lesotho

The Ministry of Labor and Employment’s Industrial Relations Section (EIRS) and Occupational Health and Safety Section (OHSS) have labor inspection responsibilities.¹⁹¹ EIRS is charged with conducting regular inspections of commercial and industrial businesses, and advising employees and employers alike on industrial relations and labour legislation compliance matters.¹⁹² OHSS conducts workplace inspections, accident investigations, dangerous occurrences, and monitoring adherence with Occupational Safety and Health Legislation.¹⁹³

OHSS is further charged with providing training to their partners to improve their understanding of health and safety duties, promoting and implementing the National HIV & AIDS Policy in the workplace, and compiling and analyzing Occupational Safety and Health statistics.¹⁹⁴

Inspectors only appear to receive *ad hoc* training on health and safety and risk assessment, and usually only through donor-funded courses.¹⁹⁵

Malawi

The Employment Act establishes an Office of the Labor Commissioner (Commissioner), and charges it with enforcing the Act—not in the least by granting it a labor inspection mandate.¹⁹⁶ Labor officers under these provisions have the authority to freely enter any workplace, at any time of day

¹⁸⁶ *Child Labor and Forced Labor Reports: Ghana*, U.S. DEP’T OF LABOR, BUREAU OF INT’L LABOR AFF., https://www.dol.gov/agencies/ilab/resources/reports/child-labor/ghana#_ENREF_26 (last visited July 17, 2017) [hereinafter *Child Labor and Forced Labor Reports: Ghana*].

¹⁸⁷ Labor Act, *supra* note 18, at §§ 122(c)-(d)

¹⁸⁸ *Id.* at § 132.

¹⁸⁹ *Id.* at §§ 132, 133(2).

¹⁹⁰ *Id.* at §§ 133.4-134.

¹⁹¹ *Labour Administration and Labour Inspection, Information Resources: Lesotho*, INT’L LABOUR ORG., http://www.ilo.org/labadmin/info/WCMS_112603/lang--en/index.htm (last visited Aug. 3, 2017).

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ Employment Act, *supra* note 31, at arts. 8(1)-(2).

or night, and premises that they believe to be workplaces, at any time of day; however, if such premises are an employer's private home, they may not enter without the employer's consent or without a warrant.¹⁹⁷ Labor officers may inspect accident records, remove samples for analysis, and require the production of records.¹⁹⁸ Obstructing the work of a labor officer is a violation of the Employment Act, and may incur penalties of up to one year in prison and a fine not exceeding K5000.¹⁹⁹

ABA ROLI has not identified any other laws or regulations that provide more detail on Malawian labor oversight and inspection mechanisms.

Namibia

The Labor Commissioner is responsible for appointing labor inspectors to monitor occupational health and safety standards, in addition to any other duties conferred upon them by the Ministry of Labor, Industrial Relations, and Employment Creation.²⁰⁰

Inspectors are empowered to issue orders to rectify occupational safety and health deficiencies on employers' premises, although these orders are appealable to the Labor Courts.²⁰¹ Additionally, groups of at least 10 employees of a single employer at a particular place may elect from among their number employees to serve as workplace safety representatives.²⁰² Such representatives are also authorized to carry out safety inspections, investigate hazards and dangerous occurrences, investigate health, safety, or work welfare complaints of their fellow employees, and to consult with labor inspectors with respect to anything that falls under their purview.²⁰³

The Labor Courts of Namibia have jurisdiction to hear appeals from district labor courts, and the power to review and set aside (as needed) the decisions of any officer authorized to administer the terms of the Labor Act.²⁰⁴ Labor Court decisions are appealable to the Supreme Court of Namibia.²⁰⁵

Uganda

The Ministry of Gender, Labour and Social Development (MGLSD) is responsible for administering labor laws and policies throughout the country.²⁰⁶ The Directorate of Labour, Employment and Occupational Safety and Health within the MGLSD includes two departments charged with key responsibilities on labor laws and policies.²⁰⁷

¹⁹⁷ *Id.* at arts. 9(1)(a)-(c).

¹⁹⁸ *Id.* at art. 9.

¹⁹⁹ *Id.* at arts. 9, 66(1).

²⁰⁰ Labor Act, No. 388 of 1992, *supra* note 39, at § 3.

²⁰¹ *Id.* at § 100.

²⁰² *Id.* at § 99.

²⁰³ *Id.* at § 99(2)(b).

²⁰⁴ *Id.* at § 18.

²⁰⁵ *Id.* at § 21(a).

²⁰⁶ *Id.* at §§ 2, 8 (The "Minister" is responsible for labour and administration of Act is responsibility of Directorate of Labour acting under authority of the Minister).

²⁰⁷ See INTERNATIONAL LABOUR ORGANIZATION, UGANDA: LABOUR INSPECTION STRUCTURE AND ORGANIZATION, http://www.ilo.org/labadmin/info/WCMS_209370/lang--en/index.htm (last visited July 19, 2017).

The Department of Labour, Industrial Relations and Productivity is “responsible for formulating, implementing and enforcing labour policies and laws related to working conditions.”²⁰⁸ The Department of Occupational Health and Safety is responsible for inspection health and safety issues.²⁰⁹

In addition, the MGLSD has an External Employment Unit that is responsible for regulating agencies that recruit Ugandan migrant workers for employment abroad.²¹⁰

Zambia

Zambia’s Ministry of Labor and Social Security (MOLSS) oversees labor inspection through its Labour Inspection Unit and its Department of Occupational Safety and Health.²¹¹ MOLSS collaborates with the Ministry of Health, the Department of Mines, and the Environmental Council of Zambia in conducting its inspections.²¹²

Labor inspectors are charged with examining wages, the extent to which young people are employed in compliance with Zambia’s provisions on child labor, compliance with the laws on leave and working hours, occupational safety and health standards, and social security provisions.²¹³ Labor inspectors are further charged with dispute resolution, processing workers’ compensation claims, and issuing permits for foreign workers.²¹⁴

The Employment Act provides that employers who delay or obstruct labor inspectors during their work may be liable upon conviction to a fine not exceeding 2000 penalty units, or six months’ imprisonment.²¹⁵ Similarly, under the Factories Act, the obstruction of an inspector could result in a fine not exceeding 300 penalty units or imprisonment of up to one month.²¹⁶

Applicability of Labor Laws to Migrant Workers

Eritrea

The Regulation to Issue Work Permit[s] to Non-Nationals sets forth the requirements for non-nationals to obtain work permits.²¹⁷ Non-nationals may only enter Eritrea by permission of the Ministry, and may not enter Eritrea unless there is confirmation that they will obtain a valid work

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ See Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005, *available at* <https://www.ulii.org/ug/legislation/statutory-instrument/2005/200562> (last visited July 19, 2017); *see also* U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 378, *available at* <https://www.state.gov/documents/organization/258882.pdf> (last visited July 19, 2017).

²¹¹ *Labour Inspection Structure and Organization: Zambia (July 2009)*, Int’l Labor Org., http://www.ilo.org/labadmin/info/WCMS_112936/lang--en/index.htm (last visited Aug. 5, 2017).

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Regulations to Issue Work Permit to Non-Nationals, Legal Notice No. 80/2003, *available at* <http://www.refworld.org/docid/449fee674.html> (last visited July 22, 2017).

permit.²¹⁸ Work permits are applicable to non-nationals who are engaged to work through a contract of employment or as a volunteer, and who are engaged in private undertakings.²¹⁹ Work permits may only be issued if the Ministry first determines that an Eritrean citizen with the necessary skills to meet the requirement of the proposed employment is not available, and that programs will be undertaken to train citizens in the required skills.²²⁰

The Labor Proclamation also provides certain limited protections to migrant and domestic workers. It is an unfair labor practice for an employer to discriminate based on nationality,²²¹ but the law does not set forth any other rights and responsibilities for migrant workers.

With respect to domestic workers, the Labor Proclamation defines a domestic employee as a person primarily hired for the performance of household duties and chores, the maintenance of the home and the care and comfort of the members of the household, and includes domestic gardeners, guards, and drivers.²²² However, the Ministry may, by regulation, determine any provisions of the Labor Proclamation that will apply to all or a category of domestic employees.²²³

ABA ROLI has not identified any other laws applicable to domestic workers or seasonal workers. Eritrea also is not a party to any regional or international agreements relating to migrant workers.

Ethiopia

A number of domestic laws apply to migrant workers. The Constitution guarantees freedom of movement,²²⁴ and the Labor Proclamation appears to generally apply to Ethiopian workers regardless of their citizenship status.²²⁵ The Employment Exchange Services Proclamation “defines the role of public and private employment agencies in employment exchange,”²²⁶ thus protecting the rights and safety of Ethiopians who work abroad. Finally, the Proclamation for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants (TIP Proclamation) generally criminalizes these acts, regardless of whether they occur inside or outside Ethiopia.²²⁷

However, observers note that the Ethiopian legal system fails to specifically consider the rights and needs of internal migrants, which may subject such workers to abuse.²²⁸

²¹⁸ *Id.* at art. 3(1).

²¹⁹ *Id.* at art. 3(2).

²²⁰ *Id.* at art. 5(1).

²²¹ Proclamation No. 118/2001, *supra* note 10, at art. 118.

²²² *Id.* at art. 39.

²²³ *Id.* at art. 40.

²²⁴ A Proclamation to Pronounce the Coming into Effect of the Constitution of the Federal Democratic Republic of Ethiopia, no. 1 of 1995, art. 32, *available at* https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en (last visited July 21, 2017) [hereinafter ETHIOPIA CONST.].

²²⁵ Proclamation No. 377/2003, *supra* note 14, at § 2(3).

²²⁶ Ashine, *supra* note 15, at 30.

²²⁷ Proclamation to Provide for the Prevention and Suppression of Trafficking in Person and Smuggling of Migrants, No. 909 of 2015, *available at* <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101059/126622/F-402220324/ETH101059.pdf> (last visited July 21, 2017) [hereinafter Proclamation No. 909/2015].

²²⁸ Ashine, *supra* note 15, at 30.

Ghana

The Labor Act does not address specific rights and duties for migrant workers. However, given that “worker” is broadly defined as “a person employed under a contract of employment whether on a continuous, part-time, temporary or casual basis,”²²⁹ and that migrant workers are not specifically excluded from the scope of the statute, it may be inferred that the protections and duties delineated in the Labor Act apply to migrant workers.

The fact that wage and working-hour requirements in the Labor Act do not apply to casual, temporary, and domestic workers as they do to normal wage workers may place migrant workers in these industries at greater risk of abuse.²³⁰

ABA ROLI was unable to confirm the process by which migrant workers may obtain work permits in Ghana, or the existence of any bilateral and/or regional agreements relating to this subject.

Lesotho

Lesotho has developed a process by which non-citizens must obtain work permits in order to work in the country. No employer shall employ any person in Lesotho who is not a citizen of Lesotho, and no such person shall accept employment in Lesotho unless that person is in possession of a valid certificate of employment (work permit) issued by the Labor Commissioner.²³¹

Malawi

To the extent that the Employment Act applies to all “persons” who enter into employment contracts or agreements, it appears that the labor laws generally extend to cover migrant workers. Additionally, the Second Schedule of the Employment Act indicates that Malawi has passed an African Emigration and Immigrant Workers Act;²³² however, ABA ROLI has been unable to procure a copy of this law for review.

Namibia

ABA ROLI has not identified any laws or policies that would cause migrant workers to have less rights than citizens with respect to the labor laws.²³³

Uganda

Uganda is generally recognized as having generous policies with respect to refugees and asylum seekers, including issuance of civil documents and permission to move freely as long as refugees

²²⁹ Labor Act, *supra* note 18, at § 175.

²³⁰ U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 181, *available at* <https://www.state.gov/documents/organization/271342.pdf> (last visited July 17, 2017) (noting the areas of employment in which forced labor and trafficking are rampant).

²³¹ Labour Code, *supra* note 21, at § 165.

²³² Employment Act, *supra* note 31, at Schedule 2, *citing* The African Emigration and Immigrant Workers Act, Ch. 56:02.

²³³ Labor Act, No. 388 of 1992, *supra* note 39, at § 25.

“can support themselves.”²³⁴ However, Ugandan law prohibits the employment of a person who is known to be unlawfully in the country.²³⁵ The law also prohibits organizing “the illicit or clandestine movement of migrants for employment purposes of departing from, passing through or arriving in Uganda,” or giving any organization assistance in such an effort.²³⁶ An employee cannot be required to accompany an employer outside of Uganda without the employee’s consent.²³⁷ Employees recruited for employment are in some cases legally entitled to repatriation.²³⁸ Uganda also has enacted regulations that address the recruitment of Ugandan migrant workers abroad.²³⁹

Zambia

It appears that the labor laws of Zambia apply equally to citizens and non-citizens. However, to the extent that casual employees (defined as employees “whose employment provides for [their] payment at the end of each day and who is engaged for a period of not more than six months”)²⁴⁰ are excluded from the scope of the Employment Law and its associated Orders, it may be the case that migrant workers who are casual employees are not protected by the same provisions of Zambian labor law.

Zambia does have a process by which migrant workers may obtain work permits.²⁴¹

²³⁴ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, GLOBAL APPEAL 2014–2015: UGANDA 1, *available at* <http://www.unhcr.org/528a0a268.html> (last visited July 19, 2017).

²³⁵ Employment Act, *supra* note 46, at § 37.

²³⁶ *Id.* at § 37(1).

²³⁷ *Id.* at § 36.

²³⁸ *Id.* at § 39.

²³⁹ *See supra* note 210.

²⁴⁰ Employment Act, *supra* note 53, at art. 3.

²⁴¹ Zambia Work Permit, Intergate Immigration, www.workvisazambia.com/zambia-work-permit/ (last visited Aug. 5, 2017).

IV. Child Labor Laws

International Laws, Policies, and Agreements

Eritrea

Eritrea has ratified the CRC, which recognizes the rights of children to be protected from economic exploitation by requiring State Parties to prohibit children from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or development.²⁴² State Parties also undertake to provide minimum age requirements for employment, regulate work hours and employment conditions, and establish sanctions to ensure that child labor laws are effectively enforced.²⁴³

Eritrea has ratified the Optional Protocol on Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,²⁴⁴ although it has not ratified ILO Convention no. 182 (concerning the Worst Forms of Child Labor).²⁴⁵

Ethiopia

Ethiopia has ratified the CRC, as well as its two Optional Protocols.

Ghana

Ghana has ratified the CRC and its Optional Protocol on Children in Armed Conflict, and has signed but not ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.²⁴⁶

Ghana is party to the Economic Community of West African States' (ECOWAS) Regional Action Plan for the Elimination of Child Labor, Especially the Worst Forms,²⁴⁷ although—according to the U.S. Department of Labor—had not participated in any activities related to the Regional Action Plan as

²⁴² United Nations Convention on the Rights of the Child, art. 32(1), Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁴³ *Id.* at art. 32(2).

²⁴⁴ *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-b&chapter=4&lang=en (last visited July 21, 2017); *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-c&chapter=4&lang=en (last visited July 21, 2017).

²⁴⁵ ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) (Jun 17, 1999), *available at* http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (last visited July 21, 2017).

²⁴⁶ *See Child Labor and Forced Labor Reports: Ghana, supra* note 186; *Status: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-c&chapter=4&lang=en (last visited July 17, 2017).

²⁴⁷ ECONOMIC COMMUNITY OF WEST AFRICAN STATES, ECOWAS REGIONAL ACTION PLAN FOR THE ELIMINATION OF CHILD LABOUR, ESPECIALLY THE WORST FORMS, *available at* http://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_227737.pdf (last visited July 17, 2017).

of 2015.²⁴⁸

Ghana additionally joined, alongside the United States, Côte D'Ivoire, and the International Cocoa and Chocolate Industry, in the 2010 Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol and its Accompanying Framework of Action (Declaration and Framework).²⁴⁹ This Declaration and Framework is intended to reduce the use of child labor in cocoa production areas.²⁵⁰ Pursuant to this agreement, the government of Ghana commits to: (i) collecting data on the use of child labor in cocoa production through the use of nationally-representative surveys; (ii) establishing community-based child labor monitoring systems in cocoa production areas; (iii) providing education, vocational training, and other support for households with children in these areas; (iv) preventing children from joining the cocoa industry; and (v) enforcing laws protecting children from the worst forms of child labor.²⁵¹ The government of Ghana has established a number of programs in support of the Declaration and Framework.²⁵²

Lesotho

Lesotho has ratified the CRC, as well as its two Optional Protocols.

Malawi

Malawi has ratified the CRC, as well as its two Optional Protocols.

It has ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which prohibits armed groups from recruiting children and bans the participation of children in conflict in any way.²⁵³

Finally, Malawi has ratified both the ILO Minimum Age Convention and the Worst Forms of Child Labor Convention.²⁵⁴

Namibia

Namibia has ratified the CRC, as well as its two Optional Protocols. It has also ratified the ILO Minimum Age Convention and the Worst Forms of Child Labor Convention.²⁵⁵

²⁴⁸ *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186.

²⁴⁹ See Framework of Action to Support Implementation of the Harkin-Engel Protocol, <https://www.dol.gov/ilab/projects/summaries/CocoaFrameworkAction.pdf> (last visited July 17, 2017).

²⁵⁰ *Id.* at 1.

²⁵¹ *Id.* at 2-3.

²⁵² See generally *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186, at Section VI: Social Programs.

²⁵³ STATUS LIST: AFRICAN UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED PERSONS IN AFRICA, available at https://au.int/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally.pdf (last visited July 19, 2017).

²⁵⁴ See *Child Labor and Forced Labor Reports: Malawi*, U.S. DEP'T OF LABOR, BUREAU OF INT'L LABOR AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/malawi> (last visited July 23, 2017) [hereinafter *Child Labor and Forced Labor Reports: Malawi*].

²⁵⁵ See *Child Labor and Forced Labor Reports: Namibia*, U.S. DEP'T OF LAB., BUREAU OF INT'L LAB. AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/namibia> (last visited July 31, 2017) [hereinafter *Child Labor and Forced Labor Reports: Namibia*].

Uganda

Uganda has ratified the CRC, as well as its two Optional Protocols. It has also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which prohibits armed groups from recruiting children and bans the participation of children in conflict in any way.²⁵⁶

Zambia

While Zambia has ratified the CRC, it has not ratified either of its Optional Protocols.²⁵⁷ However, it has ratified ILO Convention no. 182 (concerning the Worst Forms of Child Labor).²⁵⁸

Domestic Laws and Policies

Eritrea

The Labor Proclamation fixes the minimum working age as 14.²⁵⁹ Young employees, defined as persons above the age of 14 and below the age of 18, are prohibited from certain hazardous activities, such as work in sewers and digging tunnels.²⁶⁰ However, the Labor Proclamation does not set forth penalties for employers of children in hazardous work, or employers of children under the minimum working age.²⁶¹ Eritrea's laws also do not appear to prohibit the worst forms of child labor.²⁶²

According to the U.S. Department of State's June 2016 Trafficking in Persons Report, "[t]he government continued Maetot, a national service program in which secondary-school children are assigned to work in public works projects, usually within the agricultural sector, during their summer holidays."²⁶³ Children younger than 18 years of age at the Sawa school may also

²⁵⁶ STATUS LIST: AFRICAN UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED PERSONS IN AFRICA, available at https://au.int/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally.pdf (last visited July 19, 2017).

²⁵⁷ *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-b&chapter=4&lang=en (last visited July 19, 2017); *Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-c&chapter=4&lang=en (last visited July 19, 2017).

²⁵⁸ *Ratifications for Zambia*, INT'L LABOUR ORG., http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103264 (last visited Aug. 5, 2017).

²⁵⁹ Proclamation No. 118/2001, *supra* note 10, at arts. 68-69.

²⁶⁰ *Id.*

²⁶¹ See *Child Labor and Forced Labor Reports: Eritrea*, U.S. DEP'T OF LABOR, BUREAU OF INT'L LABOR AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/eritrea> (last visited July 22, 2017) [hereinafter *Child Labor and Forced Labor Reports: Eritrea*].

²⁶² *Id.*

²⁶³ U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 165, available at <https://www.state.gov/documents/organization/258879.pdf> (last visited July 22, 2017) [hereinafter U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016].

“participate in activities that amount to military service” and forced labor.²⁶⁴ The Report further notes that “[s]ome Eritrean children are subjected to forced labor, including forced begging, and some women and girls are subjected to sex trafficking within the country.”²⁶⁵

Eritrea has a number of policies that may help to reduce the incidence of child labor, including the Comprehensive Child Policies developed in coordination with UNICEF to prevent and eliminate child labor, the UN Strategic Partnership Cooperation Framework, which aims to improve the quality of basic education and strengthen protections for vulnerable children, and the National Policy on Education, which mandates that children spend eight years in compulsory, free education.²⁶⁶

Ethiopia

Ethiopia has passed a number of laws and policies that deal with child labor, including its worst forms.

The Labor Proclamation establishes 14 as the minimum age for work, and 18 as the minimum age for hazardous work, which is defined as “work in the transport of passengers and goods by road, railway, air and internal waterway, docksides and warehouses involving heavy weight liftings, pushing or pulling or any other related type of labour work connected with electric power generation . . . underground work . . . [and] work in sewers in digging tunnels.”²⁶⁷ Additional prohibited occupations are laid out in the Directive on Prohibited Occupations for Young Workers.²⁶⁸ However, this does not constitute an absolute bar on young people being employed in hazardous occupations; the law provides that if hazardous work is being performed pursuant to an approved vocational training course, or outside of a contractual employment relationship, it is not unlawful under the provisions of the Labor Proclamation.²⁶⁹ Finally, workers between the ages of 14 and 18 may not work for more than seven hours a day, and may not engage in night work, or overtime work, including on weekly rest days or public holidays.²⁷⁰

Policies for the eradication of child labor include the National Occupational Safety and Health Policy and Strategy, which seeks to abolish child labor and improve working conditions; the Social Protection Policy, which seeks to improve access to and quality of basic education; the National Employment Policy and Strategy of Ethiopia, which contains a list of interventions to combat child labor; the National Technical Vocational Education and Training Strategy, which aims to increase employment opportunities for youth who drop out of school; and the Growth and Transformation Plan 2, which seeks to address youth unemployment by improving access to livelihood programs.²⁷¹

Ghana

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *Child Labor and Forced Labor Reports: Eritrea*, *supra* note [x].

²⁶⁷ Proclamation No. 377/2003, *supra* note 14, at § 89(4).

²⁶⁸ *Child Labor and Forced Labor Reports: Ethiopia*, U.S. DEP’T OF LABOR, BUREAU OF INT’L LABOR AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/ethiopia> (last visited July 21, 2017) [hereinafter *Child Labor and Forced Labor Reports: Ethiopia*].

²⁶⁹ *Id.*

²⁷⁰ Proclamation No. 377/2003, *supra* note 14, at §§ 90-91.

²⁷¹ *Child Labor and Forced Labor Reports: Ethiopia*, *supra* note 268.

The Children’s Act of 1998 fixes the standard minimum employment age at 15 years.²⁷² For “light” work, defined as work that is “not likely to be harmful to the health or development of the child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work”,²⁷³ the minimum age is 13. The minimum age for “hazardous” work, including going to sea, mining and quarrying, portorage of heavy loads, work in manufacturing industries that require chemical exposure, work involving machinery, or “in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behavior” is 18.²⁷⁴

While employers who use children in industrial undertakings such as mining, transportation, manufacturing, and power plants must register child workers and their known or otherwise “apparent” birth dates,²⁷⁵ it is not evident that Ghana has any verification mechanism to ensure compliance with this provision.

Employers who violate child labor laws are liable on summary conviction to a fine up to ₵10 million, up to two years’ imprisonment, or both.²⁷⁶

Ghana has established a number of policies intended to eliminate and prevent child labor, including the Ministry of Food and Agriculture’s Child Labor Strategic Plan of 2013-2015, the UN Development Assistance Framework Action Plan of 2012-2016, and the Hazardous Child Labor Activity Frameworks.²⁷⁷ Respectively, these policies aim to address the use of child labor particularly in the cocoa and fishing subsectors, provide education and/or vocational training to 5,000 children between the ages of five and 17 who have been involved with child labor, and engaging with workers’ organizations to develop action plans for how to prevent children from engaging in hazardous activities.²⁷⁸ However, the Hazardous Activities Frameworks have no binding effect, and failure to comply with the recommendations and actions noted in the Frameworks carry no penalties.²⁷⁹

Lesotho

Lesotho has passed a number of laws and policies that deal with child labor, including its worst forms.

In general Lesotho prohibits the employment of children younger than 15 years of age in commercial and industrial establishments, except for small family undertakings.²⁸⁰ Furthermore, employers are prohibited from hiring persons under the age of 18 for work that is “injurious to health or morals, dangerous or otherwise unsuitable;”²⁸¹ takes place at night at any commercial or

²⁷² Children’s Act 560 of 1998, § 89, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/56216/65194/E98GHA01.htm> (last visited July 17, 2017).

²⁷³ *Id.* at § 90.

²⁷⁴ *Id.* at § 91.

²⁷⁵ *Id.* at § 93.

²⁷⁶ *Id.* at § 94.

²⁷⁷ *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186.

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Child Labor and Forced Labor Reports: Lesotho*, U.S. DEP’T OF LABOR, BUREAU OF INT’L LABOR AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/lesotho> (last visited July 17, 2017) [hereinafter *Child Labor and Forced Labor Reports: Lesotho*].

²⁸¹ *Id.*

industrial undertaking;²⁸² or takes place in a mine or quarry (except for approved apprentice programs).²⁸³ Under the Children’s Protection and Welfare Act, children may not be employed in any labor that is “exploitative,” i.e. work that deprives or hinders a child access to health, education or development.²⁸⁴

Lesotho’s action plans and policies related to mitigating child labor, including its worst forms, include the National Action Plan on the Elimination of Child Labor, the National Anti-Trafficking in Persons Strategic Framework and Action Plan, the National Policy on Orphans and Vulnerable Children, and the Education Sector Strategic Plan of 2005-2015.²⁸⁵

Malawi

The minimum age for work in Malawi is 14 in agricultural, industrial, or non-industrial work.²⁸⁶ However, minimum age restrictions do not apply to domestic work and noncommercial agriculture.²⁸⁷

Children under the age of 18 who are enrolled in school are not permitted to work for more than 20 hours a week during term time, 40 hours a week on school holidays, or more than 3 or 4 hours a day on school days.²⁸⁸ Additionally, children under 18 are generally not permitted to work between the hours of 6:00PM and 5:00AM.²⁸⁹ They are not permitted to work in conditions of extreme temperature, or work that involves heavy lifting.²⁹⁰

The Education Act establishes mandatory and free primary education for all individuals below the age of 18.²⁹¹

Malawi has implemented a number of policies and action plans related to child labor, including a National Action Plan on Child Labor, a Child Protection Strategic Plan, a National Action Plan for Vulnerable Children, and a National Youth Policy.²⁹²

Namibia

Namibia has passed a number of laws and policies that deal with child labor, including its worst forms.

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ Children’s Protection and Welfare Act, 2011, No. 7 of 2011, § 226, *available at* <http://jafbase.fr/docAfrique/Lesotho/children%20act%20lesotho.pdf> (last visited Aug. 3, 2017).

²⁸⁵ *Child Labor and Forced Labor Reports: Lesotho, supra* note 280.

²⁸⁶ Employment Act, *supra* note 31, at art. 21.

²⁸⁷ *Child Labor and Forced Labor Reports: Malawi, supra* note 254.

²⁸⁸ Employment (Prohibition of Hazardous Work for Children) Order of 2012, art. 2, *available at* <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93425/126730/F1363182240/MWI93425.pdf> (last visited July 22, 2017).

²⁸⁹ *Id.* at art. 4.

²⁹⁰ *Id.* at arts. 5-8.

²⁹¹ Education Act of 2013, art. 13, *available at* https://www.malawilii.org/mw/legislation/num-act/2012/35/num_act_2012_35.pdf (last visited July 23, 2017).

²⁹² *Child Labor and Forced Labor Reports: Malawi, supra* note 254.

Under the Constitution, “Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development.”²⁹³The Constitution also provides that education should be free and compulsory for all below the age of 16 years.²⁹⁴

The minimum age for employment is 14.²⁹⁵ Children under the age of 16 may not work between the hours of 8:00 PM and 7:00AM; additionally, they may not work in hazardous conditions, working underground in a mine or in places where goods are manufactured.²⁹⁶ While the minimum age for hazardous work is generally 18,²⁹⁷ children between the ages of 16 and 17 may work in hazardous conditions if the Ministry of Labor grants its approval.²⁹⁸ According to the U.S. Department of State’s 2016 Human Rights Report, the Gender-based Violence Protection Units discussed above, in cooperation with the Ministry of Labor, Industrial Relations, and Employment Creation conduct labor inspections to look for underage workers in smaller towns and districts.²⁹⁹

Namibia has passed a number of national policies to address child labor, including its worst forms. These include the Decent Work Country Program, the National Development Plan IV, the Education for All National Plan of Action, and the National Agenda for Children.³⁰⁰

Uganda

Uganda has passed a number of laws and designed and implemented a number of policies to combat child labor.

The Employment Act and the Employment (Employment of Children) Regulations establish 14 as the minimum age for “light work” that “does not affect [their] education”,³⁰¹ and 18 as the minimum age for hazardous work.³⁰² The First Schedule of the Employment (Employment of Children) Regulations lay out a number of sectors, and types of employment in those sectors, in which children may not engage, including:

- Planting, harvesting, and marketing of tobacco, tea, rice, sugarcane, and maize;
- Herding and fishing;
- Construction and mining;
- The “informal urban sector”, including market work, street activities such as hawking and scavenging, and working in carpentry and metal work; and

²⁹³ NAMIBIA CONST., *supra* note 34, at art. 9.

²⁹⁴ *Id.* at art. 20.

²⁹⁵ Labor Act, No. 388 of 1992, *supra* note 39, at § 3(2).

²⁹⁶ *Id.*

²⁹⁷ *Id.* at § 3(4).

²⁹⁸ U.S. DEP’T OF STATE, NAMIBIA 2016 HUMAN RIGHTS REPORT 21-22, <https://www.state.gov/documents/organization/265496.pdf> (last visited July 31, 2017).

²⁹⁹ *Id.* at 22.

³⁰⁰ *Child Labor and Forced Labor Reports: Namibia*, *supra* note 255.

³⁰¹ Employment Act, *supra* note 46, at § 32(2); Employment (Employment of Children) Regulations, *supra* note 46, at regs. 2-3.

³⁰² Employment Act, *supra* note 46, at §§ 32(2)- (4); Employment Act, Employment (Employment of Children) Regulations, *supra* note 46, at regs. 3 & 5.

- The entertainment industry.³⁰³

The Education Act establishes free primary public education for children between the ages of six and 13; however, the U.S. Department of Labor has noted that this system “leaves children age 13 particularly vulnerable to the worst forms of child labor, as children are not required to be in school nor are they legally permitted to work in areas other than light work.”³⁰⁴

Policies for the eradication of child labor include the National Strategy for Girls’ Education in Uganda, which explicitly identifies domestic work as a barrier to girls’ access to education;³⁰⁵ the National Action Plan to Combat Human Trafficking; the National Development Plan, which “aims to eradicate all forms of child labor by 2025”;³⁰⁶ and the Skilling Uganda Strategic Plan, which lays out a framework for improving business, technical, and vocational training, particularly for young people who drop out of school.³⁰⁷ Finally, the National Strategic Program Plan of Interventions for Orphans and Other Vulnerable Children aims to protect such children from being caught up in child labor.³⁰⁸

Zambia

Zambia has a number of domestic laws and policies that address child labor, including its worst forms.

The minimum age for work in Zambia is 15; for hazardous work, defined under the Prohibition of Employment of Young Persons and Children (Hazardous Labour) Order, the minimum age is 18.³⁰⁹

Under the Education Act, the government is obliged to provide free and compulsory elementary education up to the seventh grade.³¹⁰

Other laws that govern the employment of children include the Employment Amendment Act, which “aims to reduce child labor by addressing exploitation in casual labor”; the Gender Equality and Equity Act, “which seeks to reduce school dropout rates among girls.”³¹¹

Policies that address child labor, including its worst forms, include the National Child Labor Policy, the National Action Plan for the Elimination of the Worst Forms of Child Labor (2010-2015), and

³⁰³ Employment (Employment of Children) Regulations, *supra* note 46, at Schedule I.

³⁰⁴ *Child Labor and Forced Labor Reports: Uganda*, U.S. DEP’T OF LABOR, BUREAU OF INT’L LABOR AFF., <https://www.dol.gov/agencies/ilab/explore-our-resources/reports/child-labor/uganda> (last visited July 19, 2017) [hereinafter *Child Labor and Forced Labor Reports: Uganda*].

³⁰⁵ Ministry of Education and Sports, National Strategy for Girls’ Education (NSGE) in Uganda (2015 – 2019) 18, available at http://www.ungei.org/srgbv/files/Resource_Uganda_NSGE.pdf (last visited July 19, 2017).

³⁰⁶ *Child Labor and Forced Labor Reports: Uganda*, *supra* note 304.

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ See Prohibition of Employment of Young Persons and Children (Hazardous Labor) Order, Instrument No. 121 of 2013, art. 3, available at <http://www.ilo.org/dyn/natlex/docs/SERIAL/95833/113000/F-1150065941/ZMB95833.pdf> (last visited Aug. 5, 2017).

³¹⁰ *Child Labor and Forced Labor Reports: Zambia*, U.S. DEP’T OF LAB., BUREAU OF INT’L LAB. AFF., <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/zambia> (last visited Aug. 5, 2017).

³¹¹ *Id.*

the National Employment and Labor Market Policy.³¹² A number of other policies otherwise govern youth education and aim to reduce school dropout rates; these include the National Youth Policy, the Education Policy and Education Act, and the Revised Sixth National Development Plan.³¹³

Provisions Regarding the Worst Forms of Child Labor

Eritrea

The Penal Code does prohibit child trafficking and the commercial sexual exploitation of children.³¹⁴ However, the U.S. Department of Labor notes that the laws relating to the production and trafficking of drugs do not prohibit the use of children in such acts.³¹⁵

Although the government of Eritrea theoretically bans the conscription of persons under the age of 18, the government does reportedly “detains children younger than age 18 and sends them to Sawa,” where male and female recruits may be beaten, sexually abused, or raped.³¹⁶

Ethiopia

Ethiopian law generally outlaws the use of the worst forms of child labor, as defined in ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor).³¹⁷ The recruitment of children under the age of 18 to participate in armed conflict is a criminal offense,³¹⁸ and as noted, children are barred from engaging in night work.³¹⁹

The trafficking of children, the commercial sexual exploitation of children, and the use of children in illicit activities is prohibited under various laws, including the TIP Proclamation and the Criminal Code.³²⁰

Ghana

Ghanaian law generally outlaws the use of the worst forms of child labor, as defined in ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor). Ghana’s Armed Forces Regulations establish 18 as the minimum age

³¹² *Id.*

³¹³ *Id.*

³¹⁴ Penal Code of the State of Eritrea, arts. 594, 595, 604,605, 609, *available at* <http://www.refworld.org/pdfid/55a51ccc4.pdf> (last visited July 22, 2017).

³¹⁵ *Child Labor and Forced Labor Reports: Eritrea, supra* note 261.

³¹⁶ U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, *supra* note 263, at 165.

³¹⁷ ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) (Jun 17, 1999), *available at* http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (last visited July 19, 2017).

³¹⁸ The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414 of 2004, §§ 270(m), *available at* <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf> (last visited July 21, 2017) [hereinafter Criminal Code].

³¹⁹ *See supra* note 270.

³²⁰ *See, e.g.*, Proclamation No. 909/2015, *supra* note 227, at §§ 2(4), 3, 3(2), 4; Criminal Code, *supra* note 318, at §§ 525, 597, 634-36.

for enlistment in the armed forces, and there appears to be no conscription law.³²¹ The HTA, the Criminal Code, the Criminal Offenses Act, and the Labor Regulations Legislative Instrument all prohibit child trafficking and the commercial sexual exploitation of children.³²² However, none of these laws prohibit the use of a child in pornographic performances; nor do they punish individuals for benefitting for the proceeds from child pornography.³²³

While Ghanaian law does generally prohibit children from working in hazardous occupations,³²⁴ lake fishing—which often involves underwater and nighttime work and long hours—does not fall under this category.³²⁵ As such, children working in the Ghanaian fishing sector are at risk of engaging in the kind of hazardous work that would constitute the worst forms of child labor under the ILO’s Recommendation No. 190 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor).³²⁶

Lesotho

The U.S. Department of Labor reports that, while there is no law mandating a minimum age for voluntary military service, the Lesotho Defence Force’s policy prohibits the recruitment of children under the age of 18.³²⁷ While the Children’s Protection and Welfare Act and the Anti-TIP Act both prohibit forced labor, child trafficking, and the commercial sexual exploitation of children, it does not appear that Lesotho has laws that otherwise prohibit using children in other illicit activities.³²⁸

Malawi

Malawi law prohibits the government from recruiting child soldiers.³²⁹

Although children are permitted to work in the agricultural industry, the Schedule to the Employment (Prohibition of Hazardous Work for Children) Order prohibits them from working in the tobacco sector, deep water fishing, the meat slaughtering industry, or in any agricultural application involving the handling of agricultural chemicals or dangerous farm machinery.³³⁰ Children are additionally not permitted to work in the logging, hazardous waste, alcohol, radiology,

³²¹ *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186.

³²² *Id.*, citing Human Trafficking Act 694 of 2005 (as amended 2009), § 16, available at <https://s3.amazonaws.com/ndpc-static/CACHES/PUBLICATIONS/2016/04/16/human+trafficking+act.pdf> (last visited July 17, 2017); Labor Regulations, L.I. 1833 of 2007, at §§ 21-25, available at <http://www.ilo.org/dyn/travail/docs/1198/Labour%20Regulations%202007.pdf> (last visited July 17, 2017); Criminal Code, Act 29 of 1960 (as amended 2003), §§ 110-11, 274-77, 279-83 available at www.wipo.int/edocs/lexdocs/laws/en/gh/gh010en.pdf (last visited July 17, 2017); Criminal Offenses Act 29 of 1960 (as amended 2012), § 101-08, available at <http://laws.ghanalegal.com/acts/id/19> (last visited July 17, 2017).

³²³ *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186.

³²⁴ *Id.*, citing GHANA CONST. arts. 28(1)(d), 28(2), 28(5); Labor Regulations, *supra* note 322, at § 7; Children’s Act, *supra* note 272, at §§ 91-92; Labor Act, *supra* note 18, at § 58.

³²⁵ *Child Labor and Forced Labor Reports: Ghana*, *supra* note 186.

³²⁶ ILO Recommendation No. 190 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) (June 17, 1999), art 3, available at <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chir.htm> (last visited July 17, 2017).

³²⁷ *Child Labor and Forced Labor Reports: Lesotho*, *supra* note 280.

³²⁸ *Id.*

³²⁹ Defense Force Act of 2004, art. 19.2.

³³⁰ *Child Labor and Forced Labor Reports: Malawi*, *supra* note 254.

or electrical sectors; nor are they permitted to operate heavy machinery (or any other motor vehicle) or the metal industry.³³¹ Children are not generally permitted to work in establishments whose business is to sell alcoholic beverages, casinos, as models, or in any field that involves exposure to pornographic material; they may not work as tour guides, or in certain areas of the health sector.³³²

With respect to the commercial sexual exploitation of children, the Penal Code, the Child Care, Protection and Justice Act, and the Trafficking in Persons Act all contain provisions that prohibit the trafficking of children, the commercial sexual exploitation of children, and the use of children in illicit activities.³³³

Namibia

The minimum age for voluntary military service in Namibia is 18.³³⁴

The trafficking of children is prohibited under the Prevention of Organized Crime Act (POCA) and the Child Care and Protection Act (CCPA).³³⁵ The CCPA also prohibits the commercial sexual exploitation of children, and the use of children in illicit activities.³³⁶

According to the U.S. Department of Labor's 2015 Findings on the Worst Form of Child Labor:

In 2015, Namibia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed the Child Care and Protection Act, which criminalizes child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities. The Government also ordered the elimination of secondary education school fees and implemented regulations that prohibit the employment of domestic workers less than 18 years. However, children in Namibia are engaged in child labor, including in herding livestock, and in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Gaps remain in existing laws regarding the prohibitions on hazardous work for children in agriculture and there are no existing social programs that specifically target child labor in agriculture.³³⁷

Uganda

Ugandan law generally outlaws the use of the worst forms of child labor, as defined in ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the

³³¹ *Id.* at part 2.

³³² *See generally id.* at Schedule.

³³³ *Child Labor and Forced Labor Reports: Malawi, supra* note 254.

³³⁴ *Child Labor and Forced Labor Reports: Namibia, supra* note 255.

³³⁵ Prevention of Organised Crime Act, No. 29 of 2004, § 15, *available at* https://laws.parliament.na/cms_documents/prevention-of-organised-crime-3a3a391a4a.pdf (last visited July 31, 2017); Child Care and Protection Act, No. 3 of 2015, §§ 202, 234, *available at* <http://www.lac.org.na/laws/2015/5744.pdf> (last visited July 31, 2017) [hereinafter CCPA].

³³⁶ *See* CCPA, *supra* note 335, at § 234.

³³⁷ U.S. DEP'T OF LAB., 2015 FINDINGS ON THE WORST FORMS OF CHILD LABOR: NAMIBIA (2015) <https://www.dol.gov/sites/default/files/images/ilab/child-labor/Namibia.pdf> (last visited July 31, 2017).

Worst Forms of Child Labor).³³⁸ The Defence Forces Act establishes 18 as the minimum age for voluntary military service,³³⁹ and the law prohibits children from engaging in night work.³⁴⁰

While commercial sexual exploitation of children is prohibited against the Prevention of Trafficking in Persons Act (PTIP),³⁴¹ the offering of a child for prostitution, and the use, offering, or benefitting from a transaction involving the sexual exploitation of a child for pornography and in pornographic performances is not a violation of the criminal law.³⁴²

Zambia

Zambian law generally outlaws the use of the worst forms of child labor.

The Defence Act establishes 18 as the minimum age for voluntary military service.³⁴³

Additionally, the Penal Code, the Anti-Human Trafficking Act, and the Employment of Young Persons and Children Act all prohibit the use of children in forced labor, child trafficking, commercial sexual exploitation, and other illicit activities.³⁴⁴

³³⁸ ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) (Jun 17, 1999), *available at* http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (last visited July 19, 2017).

³³⁹ Defence Forces Act of 1992, § 52(2)(c), *available at* <https://www.ulii.org/ug/legislation/consolidated-act/307> (last visited July 19, 2017).

³⁴⁰ Employment (Employment of Children) Regulations, *supra* note 46, at reg. 6 & First Schedule.

³⁴¹ *Child Labor and Forced Labor Reports: Uganda*, *supra* note 304.

³⁴² *Id.*

³⁴³ Defence Act, No. 45 of 1964 (*as amended* 1994), art. 12, *available at* <http://www.parliament.gov.zm/sites/default/files/documents/acts/Defence%20Act.pdf> (last visited Aug. 5, 2017).

³⁴⁴ *Child Labor and Forced Labor Reports: Zambia*, *supra* note 310.