

PETITION

PETITION TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY REGARDING WORK/RESIDENCE PERMITS IN EAST AFRICAN COMMUNITY FOR THE CITIZENS OF THE PARTNER STATES

This petition is jointly made by the East African Employers Organization (EAEO) with a potential outreach of more than 8500 companies and business entities, 100 associations and chambers affiliated to national employers organizations and the East African Trade Union Confederation (EATUC) representing more than 2.5 million workers organized in the unions affiliated to the national trade union centers, the regional apex bodies for employers' organisations and national trade union centers across the East African Community.

EAEO is a regional organization of employers established for the promotion of the development and protection of the employers' interests in the East African Community and committed to ensure that employers' organizations of member states become active partners in the process and development of the East African Community. It was legally registered in the United Republic of Tanzania under the Trade Unions Act in 2011 and its membership includes; Association des Employeurs du Burundi (AEB), Association of Tanzania Employers (ATE), Federation of Kenya Employers (FKE), Federation of Uganda Employers (FUE), Private Sector Federation of Rwanda (PSF-RWANDA) and Zanzibar Employers' Association (ZANEMA).

EATUC is a regional confederation of trade unions whose main goal is to integrate workers' interests and efforts in the East African region with a view to develop a common approach towards enhancing social and economic justice through the participation of workers' organizations at all levels of the regional integration. EATUC was established in 1988 and currently is composed of Confédération des syndicats du Burundi (COSYBU), Central Organization of Trade Unions (Kenya) (COTU-K), Centrale des syndicats des Travailleurs du Rwanda (CESTRAR), Trade Unions Congress of Tanzania (TUCTA), National Organization of Trade Unions (NOTU) and Zanzibar Trade Union Congress (ZATUC).

The two apex bodies are represented all over the East African Community and have their independent offices in Arusha, Tanzania. They are collectively responsible for lobbying and advocacy to foster a vibrant regional labour market. This explains why EAEO and EATUC are major stakeholders in this matter regarding the free movement of workers within the East African Community. It is also important to note that free movement of workers is one of the pillars for the promotion of the spirit of East African Community and therefore calls for deeper scrutiny and the need to have all the stakeholders heard.

THEREFORE, WE, THE UNDERSIGNED, HEREBY PETITION the East African Legislative Assembly to ensure that the provisions (Article 10 and Annex II) of the East African common Market Protocol are implemented as agreed by the partner states. Aware that since the establishment of the East African Common Market Protocol in July 2010 progress towards its implementation especially the free movement of workers has been slow, and also bearing in mind that it is negatively affecting the spirit of the East African Community which one people, one destiny. We are also alive to the fact that any further delays shall have grave implications on investments in the region, taxes and the general business environment. In this regard, WE RECOMMEND THAT:

1. Processing time for work/residence permits should be shortened from over three months to a maximum of 30 days with priority granted to EAC citizens.
2. Required documents for work/residence permit applications should be standardized and made uniform throughout the EAC region so as to facilitate the easing of the application process as provided in the Annex II of the East African Community Common Market Protocol.
3. A revised version of Annex II of the Common Market Protocol should be put in place when the current one expires this year (2015). The new Annex should put in place a road map for the gradual implementation of free labour mobility which eventually compromises all sectors and all categories of blue and white collar workers.
4. The revised annex should be put in place through a tri-partite mechanism at the EAC regional level and should be administered at national level through tripartite forums.
5. While a transition period allows addressing the challenges and fears in the individual Partner States, the final goal of allowing all workers to enjoy the benefit of free movement across the EAC should be reached within no more than seven years from July 2010.
6. All additional requirements (e.g. minimum annual salary income level or age limits) outside the provisions of the Common Market Protocol which are contradictory to the spirit of integration should be removed immediately.
7. Popularized versions of the Common Market Protocol should be created and translated into widely used local languages in Partner States to raise awareness among the people of East Africa about the benefits of free movement of workers and regional integration. This will help to address xenophobia. It will also facilitate the process of sensitizing people on their right to seek for employment across the region.
8. Common Market Protocol monitoring and evaluation should be improved by Partner State with special emphasis on adherence to the requirements and guidelines of the EAC M&E Framework.
9. With a view to capturing information concerning work/residence permit issuance and migration flows within the region, a centralized and more efficient data-base should be established at the EAC regional level. Partner States should be obliged to provide regular up to date statistics to guide policy development.

10. Collection and validation of disaggregated labour market data should be improved by regularly inviting employers' organizations and national trade unions centers, and other relevant stakeholders on board the National Implementation Committees (NICs).
11. Furthermore, the EAC Scorecard should in future include progress on implementation of the Common Market Protocol provisions on free movement of labour.
12. Expedite the implementation of the standardized work/residence permit classes. This should include amendment of national laws of Partner States to conform to the new work/residence permit regime.
13. Bureaucracy should be addressed by having competent authorities of work/residence permits which are centralized into national one-stop centers established on tri-partite basis composed of representatives from relevant ministries, employers' organizations and trade union centers and other relevant stakeholders
14. Work/residence permit fees should be abolished for EAC citizens in the spirit of oneness, for furthering the regional integration, thus instituting equal treatment for EAC citizens.
15. Besides recommending actions to be taken in securing easy issuance of work/residence permits for EAC citizens, further EATUC and EAEO recommend fast tracking the portability of social security benefits across borders in the EAC region, and for implementing common identity cards to be used as travel documents.
16. National employment policies and labour legislation should be amended in a process of gradual approximation and harmonization to secure the rights of workers in the EAC region no matter if they reside and work in their country of origin or in another Partner State.
17. EAEO/EATUC petition Hon. Speaker of the East African Legislative Assembly to initiate the process of ensuring that recommendations raised by the two apex bodies are tabled and debated through the existing frameworks so that the free movement of workers can be expedited.

Signature of Petitioners and date

R. W. Ssenabulya

Ratna

The Chairperson, EAEO

The Chairperson, EATUC

For and on behalf of the East African
Employers Organization

For and on behalf of the East African
Trade Union Confederation

cc Secretary General, EAC
Chair of Council of Ministers
EAC Ministers of all Partner States
CLERK - East African Legislative Assembly (EALA)