Chapter 23
Comparing Foreign Workers' Rights in Uganda and Turkey

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ABSTRACT

The issue of foreign workers has received increased media and national attention. However, to date there has been limited research on the nature and consequences of employment of foreign workers in various countries. Introduction of significant changes in recruitment phenomenon has ended in painful and traumatic atmosphere which is barely acceptable by local workforce in many countries. This conceptual paper examines the foreign workers' rights specifically in Uganda and Turkey. Foreign workers are likely to face challenges and difficulties as compared to the nationals for obvious reasons, thus the need for the enactment of laws and, or instruments to protect them and fill in the loopholes.

INTRODUCTION

A foreign worker is a person who is employed in a country to which he or she is not a citizen. These workers are hired to work in the host country (Uslegal, n. d.). The term foreign worker is used interchangeably with the term migrant worker under the United Nations treaties and resolutions.

According to Article 2 of *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (United Nations [UN], 1990), the term migrant worker refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. This carries the same meaning as a foreign worker.

Under The Work permit for foreigners, Law No. 4817 of the Republic of Turkey, a foreigner is defined to signify the person that is not a Turkish citizen as per the Turkish Citizenship Law No. 5901.

The foreigners' right to work in turkey is mainly regulated by the Work Permit for Foreigners Law. Article 1 of this Law states the Objective of this Law aiming to regulate the work of foreigners in Turkey with a system of work permit and to specify the rules regarding the working permits to be given to these foreigners.

Under the Uganda's Employment Act (Government of Uganda [GU], 2006), migrant worker is defined as a person who migrates or has migrated from one country to another with an aim of being employed by another person and this includes any person regularly admitted as migrant worker.

Foreign workers face many challenges and the foreign workers in Uganda and Turkey are no exception. A number of challenges are registered but below are the common ones.

- Discrimination is among the most common challenges that make it difficult to work in a foreign country. In almost all countries, people are over protective of their jobs, and in most cases, the Human resource officers do not have the ability to protect them or overcome the feeling of insecurity. An example is when budgets are cut, migrant or foreign workers are the first ones to feel the impact by may be being laid off or getting their salaries cut.

There's also discrimination based on nationality which is never in the interest of company and more often than not illegal, particularly under free trade agreements which trump national law in almost all cases, but this still happens anyway. The organisations or companies employing a foreigner will not directly attack them on nationality grounds but will rather cite an internal policy as a reason for discriminating a foreigner. Such situations are hard to be tackled by the International Laws since municipal laws always supersede international laws and as long as the law isn't directly discriminative, the International laws cannot apply.

- Adjusting to a diverse working place is yet another challenge faced by foreign workers. Each country is different in almost every aspect of life, thus foreign/migrant workers are often shaped by their own countries of origin with different goals, cultures, customs and expectations. In certain cases, language too becomes a barrier yet communication is a key to successful functioning of any organisation and in such aspects, foreign workers are therefore left behind and in difficulty.
- For any job, having good references is quite an important aspect to the success of your career yet to many foreigners this is still a big setback. In most cases, most – if not all foreign workers' references are from a different country than that to which they are working. This is a challenge because some human resource managers will be reluctant to call international numbers and thus a foreign worker may be left as though they have no references.
- The difference in living conditions is an obvious obstacle to any migrant be it a worker or otherwise. Take an example of someone from a developed country sent to work in a developing or under developed country. Some countries hardly experience water or power shortages while in others, it's something perceived as normal. Another example is the weather conditions that may hinder foreign workers' living conditions. In Africa, there's hardly no winter or snow where as in most other continents, the weather can be as cold as negatives. For an African working in any of these countries in this weather, it may be extremely difficult and may in some instances tamper with his or her services at work.

Due to the above named challenges and many more, various countries have enacted laws to protect the foreign workers and guide them too in a way. Some of these laws make the working conditions and policies uniform for both the nationals and foreign workers while others protect the nationals against unemployment by specifying what kind of jobs the foreigners should do. The international Laws too

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