

**LIFE AFTER SPORTS, EXAMINING UGANDA'S LEGAL FRAMEWORK ON  
SOCIAL SECURITY FOR ATHLETES**

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DECLARATION STATEMENT.

I, **KATENDE MATHIAS**, a law student at Uganda Christian University, Mukono, affirm that the work in this research study is founded on my own research, and that this work has never been submitted to any other University or institution of Higher learning to obtain any academic qualifications.

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DATE .....

APPROVAL.

This Dissertation by KATENDE MATHIAS titled “Life after Sports, Examining Uganda’s Legal Framework on Social Security for Athletes”, has been under my supervision and is approved for submission to the examining authority.

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## LIST OF ABBREVIATIONS AND ACRONYMS

1. ASPC. Athletes Social Protection Check.
2. I.L.O. International Labour Organization.
3. NSSF. National Social Security Fund.
4. URBRA. Uganda Retirement Benefits Regulatory Authority.
5. SOPROS. Assessing Athletes' Social Protection in Olympic Sports.

## ABSTRACT.

The aim of this paper was to analyze Uganda's legal framework on social security for athletes. The cessation of athletic careers precipitates a myriad of challenges for Ugandan athletes, including pecuniary insecurity, paucity of career support, and limited access to social services. This study scrutinized Uganda's legal framework regarding athlete social security, identifying lacunae, analyzing international practices, and proposing ameliorative recommendations. A doctrinal approach was employed, analyzing Uganda's statutory framework, policies, and institutional mechanisms governing athlete's social security. Uganda's extant legal framework exhibited significant deficiencies in providing comprehensive social security for athletes, rendering many vulnerable to financial instability post-retirement. Comparative analysis with international paradigms revealed opportunities for Uganda to fortify its athlete social security framework, leveraging best practices from nations like USA, France, and Germany.

Recommendations are proposed to enhance Uganda's athlete social security framework, including development of bespoke pension plans, institutional strengthening, and enhanced access to career support services. This research contributes to the development of a more efficacious athlete social security framework in Uganda, promoting financial security and well being for athlete's post-retirement.

## 1.0. GENERAL INTRODUCTION.

Former president of the International Olympic Committee for a period 3rd August 1980 to 16 July 2001, Juan Antonio Samaranch stated “That sports activities are the largest social force of our times”. Therefore, it would rightfully be reasonable if social security for specifically athletes is put in place. The legal framework for social security consists of laws, regulations, and policies designed to provide financial support and protection to individuals in cases of retirement, disability, unemployment, or other social risks<sup>1</sup>. It varies across countries but typically includes government programs like pensions, healthcare, unemployment benefits, and social welfare, these systems are often funded through taxes or contributions from employers and employees. How even after athletes being part of the employment system, the law Doesn’t cover their social security. Therefore, this proposal is to outline a comprehensive examination on the influence of the legal framework on social security for athletes in Uganda, with the growing nature of sports in Uganda, its important to examine the legal framework in shaping social security for athletes.

## 1.1. BACKGROUND STUDY

Sports began in prehistoric times as survival activities like hunting and combat. Ancient civilizations, including Egypt, Greece, and Rome, formalized sports with events like wrestling, chariot racing, and the Olympic Games. In the modern era, organized rules, leagues, and global competitions transformed sports into a major cultural and professional phenomenon. Sports became regulated by law through the establishment of governing bodies, standardized rules, and legal frameworks. Ancient societies had informal regulations, but modern sports laws emerged in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Organizations like FIFA, the IOC, and national sports laws govern fair play, contracts, doping, and safety, ensuring integrity and accountability in athletics.

In Uganda sports began to take shape during the colonial era when British colonialists introduced various sports, such as cricket, rugby and football. The country’s first sports clubs and facilities were established during this period and mostly in traditional schools<sup>2</sup>. Sports today is defined as

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<sup>1</sup> Cigdem Gokduman, Cenk Temel, Yusuf Alper in the article Social security for professional Athletes. Viewed at <https://www.researchsquare.com> accessed on 26<sup>th</sup> April 2025.

<sup>2</sup> SSB Kasoma, K Hallman, K Petry in the book Comparative Sport Development: Systems, Participation and Public Policy 8, 269, 2013 in the chapter sport system and structure of organized Sport. Viewed at <https://www.books.google.com> accessed on 27<sup>th</sup> April 27, 2025.

an activity involving physical exertion and skill in which an individual or a team participates or competes<sup>3</sup>. The sports system is divided into professional and amateur sports, which are, in the words of the National Sports Act Cap 151, an activity involving physical exertion or skill in which an individual or team competes against another for pleasure as a pastime event or for recreational or health purposes or as training to become professional for the amateur sports, and for professional sports to mean an activity involving physical exertion or skill in which an individual or team competes against another as an economic activity with the objective of earning fees or making profit. These are governed by National Sports associations and national sports federations.

On the other hand, National Social Security Fund Act Cap 230 establishes the National social security fund and it is a government- mandated agency that collects contributions from private sector employees and their employers, invests those funds, and then distributes them as retirement benefits to members when they reach retirement age, essentially providing a pension scheme for individuals not covered by the government retirement plan.<sup>4</sup>

Therefore, the research is focused on examining Uganda's legal framework on social security for athletes to enhance a better life for sports men and women after their sports career.

## 1.2.PROBLEM STATEMENT.

Social security has been established to protect the workers after their employment. This social security however has not been set aside for athletes.

In Uganda, social security exists for the purpose of protecting employees after their careers. However social security has not provided protection for athletes. This has resulted in Uganda not being able to exploit the full potential of sports in the country. This paper seeks to expose the loopholes in the social security legal framework that are negatively impacting the lives of athletes after their careers, and to make necessary recommendations that an athlete's social security scheme is put in place and enforced in the country.

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<sup>3</sup> Section 3 of the National Sports Act CAP 151.

<sup>4</sup> Section 2 of the National Social Security Fund Act Cap 230.

### 1.3. OBJECTIVES OF THE STUDY

#### 1.3.1. GENERAL OBJECTIVES.

To critically examine Uganda's legal framework on social security for athletes.

#### 1.3.2. SPECIFIC OBJECTIVES.

2. To identify the issue surrounding social security for Athletes in Uganda
3. To provide the history of social security and the current legal framework governing athletes
4. To analyze the legal framework for social security for athletes in comparison to the international practices.
5. To establish possible recommendations.

### 1.4. RESEARCH QUESTIONS.

2. What are the gaps in providing social security for athletes in Uganda?
3. What is the history of social security and the governing legal framework for athletes?
4. What is the legal framework governing social security for athletes in Uganda?
5. What is the international legal framework and best practice in providing social security for athletes?
6. How can Uganda improve the status quo surrounding social security for athletes?

### 1.5. SIGNIFICANCE OF THE STUDY.

This study will give a clear insight on the concept of social security for athletes which will in turn provide athletes with financial protection, career transition support, health care and wellness benefits, family and dependent support, tax benefits, and international protection. These benefits are essential for athletes' financial stability and well-being during and most especially after their careers.

### 1.5. JUSTIFICATION OF THE STUDY.

Without this study, athletes will continue to face financial instability after retirement, especially if injuries cut careers short. They will continue to lack healthcare benefits, making medical expenses a burden. Without this research, many will continue to struggle with post-career income, increasing the risk of financial hardships. Furthermore, the absence of this study shall result in the further absence of disability benefits, leaving injured athletes without support. Additionally, there shall be a lack of unemployment benefits which will make career transitions difficult. Overall, without this

study, athletes will remain vulnerable to economic insecurity, health risks, and limited long term financial planning options.

## 1.6. SCOPE OF THE STUDY.

### 1.6.1. SUBJECT SCOPE.

The research paper will look at scope of social security for athletes which will generally includes financial protection, healthcare, and retirement benefits. It will cover areas such as;

**Retirement benefits;** the pension schemes that will help athletes secure income after their playing careers end, assisting in transitioning to new careers post-retirement.

**Health care and insurance;** medical coverage for injuries, rehabilitation, and post-career health issues.

**Disability benefits;** compensation for athletes who suffer career-ending injuries.

### 1.6.2. GEOGRAPHICAL SCOPE.

This study will be centered around the Republic of Uganda as a whole.

### 1.6.3. TEMPORAL (time based) SCOPE.

This study will not be limited to a specific time frame in order to understand Uganda's legal framework on social security for athletes.

## 1.7. METHODOLOGY

This part of the research shall show the scope within which the data was collected and ways in which it was further analyzed to achieve its intended objective for this study. It will also show the methods that were used during the research and the methods shall vary depending on the kind of information require, the sources of data among others.

### 1.7.1. RESEARCH DESIGN

The Research to be completed, the analytical methodology shall be purely qualitative entailing library and internet research.

### 1.7.2. DATA COLLECTION STRATEGIES

The Researcher shall carryout a **Desktop Research**, because the nature of the study is legal research, and the researcher will analyze existing literature. Therefore, different literature

authorities and journals on the internet will be used by viewing authors and their analysis on the topic.

### 1.8. CONCEPTUAL FRAMEWORK.

Where the law ably provides for social security for athletes, the welfare of athletes after retirement shall be immensely improve that's to say, financial stability after retirement especially if injuries cut careers shot shall be bettered, improved healthcare benefits, post-career income shall be steadily available and finally, disability benefits in terms of injured athletes without support shall be easily covered.

On the other hand, where the law leaves out provision of social security for athletes, the welfare of athletes after retirement shall continue to be over looked. that's to say, financial stability after retirement, especially if injuries cut careers shot, shall remain low, appalling healthcare benefits, post-career shall deteriorate, and finally disability benefits in terms of injured athletes without support shall remain stagnant.

### 1.9. LITERATURE REVIEW.

Some of the literature the author intends to use will involve articles around the world, the current knowledge and other sports experts' opinions as well, as evident herein after;

An Article by Dexin Zou, Haochen Zou, Jian Liu on a study on **retired Athletes' Security Policy Optimization Based on the capacity**<sup>5</sup>. "This article studies the influencing factors of retired athletes' life satisfaction with Amartya. Sen' capability theory. The result shows that five instrumental freedoms have great impact on retired athletes' life satisfaction, including rights security, political freedom, economic situation, social mechanism, transparency assurance, protective security. It puts forwards suggestions: optimizing the athletes' security policy, building up security policy idea based on capability and focusing on the athletes' development; setting available right expressing channels to ensure retired athletes' rights; perfecting retirement compensation mechanism and building up retired athletes' economy foundation; improving human capital investment and accumulation to provide more chances for retired athletes; developing the

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<sup>5</sup> Dexin Zou, Haochen Zou, Jian Liu on the article Retired Athletes' Security Policy Optimization Based on the capacity, at the 2018 3<sup>rd</sup> International Conference on Communications, Information Management and Network Security (CIMNS 2018), 183-187, 2018.

supportive function to achieve maximum effectiveness of help resources; perfecting social security system and enhancing retired athletes' protective security." The Researcher intends to side with the suggestions hence brought forward by the article, hence they could aid in enhancing social security for athletes.

An Article by Paul Bukuluki, John-Bosco Mubiru named **The status of social security systems in Uganda**.<sup>6</sup> "The paper seeks to provide an overview of the evolution of social security systems in the country from the pre-colonial era through the colonial period to the post-colonial with focus on challenges and opportunities. The authors of the make mention of trends and yet they left out the growing spirits of sports which make athletes themselves." The researcher intends to use this article and point out the trend on protection of social security for athletes.

An Article by Cigdem Gokduman, Cenk Temel and Yusuf Alper named **Social security for professional athletes**<sup>7</sup>. "Under the Article they examine the risk factors that necessitate social security for athletes across various sports disciplines, exposed the conditions required for professional athletes to be recognized as insured employees within the sports industry. Their research offered the definitive guide to the occupational, physiological, and social economic risks professional athletes encounter and also highlighted branch-specific differences in necessary social security measures." The researcher as well sides with the authors of the article however they left out the aspect of how can the law be of use in solving the social risks faced by the athletes, thus during the research, the author intends to list a few recommendations.

An Article by Dexin Zou and Chong Jiang named **Research on optimization of athletes' social security system in China**.<sup>8</sup> "This Article shows the results China has initially established the framework for athletes' social security which fits market economic system and the whole-nation system of competitive sports industry, where there framework put emphasis at the income level

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<sup>6</sup> Paul Bukuluki, John-Bosco Mubiru on the article The status of social security in Uganda. Kampala: Konrad Adenauer Stiftung, 2014. From pages 34 to 39, pages 103 to 107 and page 111.

<sup>7</sup> C Gokduman, C Temel, Y Alper in the article named Social security for professional - 2025. Viewed at <http://www.researchsquare.com> . accessed on 27<sup>th</sup> April 2025.

<sup>8</sup> Dexin Zou and Chong Jiang on the article Research on optimization of athletes' social security system in china. 2010 Chinese control and decision conference, 2070-2075, 2010. Viewed at <http://www.ieeexplore.ieee.org>. Accessed on 27<sup>th</sup> April 2025

of top athletes, the address and risk awareness to list a few.” This article will guide the author on examining the absence of a framework to protect athlete’s social security in Uganda.

An Article by J Maseko and J Surujlal named **retirement planning among South African professional soccer players: a qualitative study of players’ perceptions: job satisfaction in sport**<sup>9</sup>. “Where the research suggested that professional soccer players do not take retirement planning seriously and often confuse retirement planning with savings and investments.” The Author intends to use this research as a starting point to making athletes aware of the reality of retirement and thus encourage a framework.

An Article by Victor V Timchenko named **Risks in sport**<sup>10</sup>, “the Article emphasizes the importance of risk management strategies, including safety protocols, financial planning, legal compliance and strategic adaptability to mitigate these risks. It explains the role of sport managers in identifying and evaluating risks, developing comprehensive management plans, and ensuring proper education and training to prevent and respond to risks effectively. The abstract concludes by underscoring the significance of risk management in decision-making processes and the necessity for sport managers to possess a sophisticated understanding of the sports industry to safeguard and advance sport entities.” The Researcher disagrees with the author with the fact that he only looked at the role of sport managers as the center of most of the sport risks. The Researcher how ever intend to use this article to explore the role of law in handling social security for athletes.

A News Paper Article (New vision) by Dr. Mariam Mell’Osiime Mpaata titled **how athletes can survive poverty**<sup>11</sup>. “She begins by stating that many athletes do not come to stardom all by themselves and often feel the obligation to give back to those who have helped them achieve success, in other words many athletes think and care less about life their sports career and its mostly because the law is not in place to guide them into planning for life after sports. She gives some examples of athletes that have suffered due lack of retirement plan such as the famous **Jimmy Kirunda**, whose passing ignited a never-ending debate about lack of support and

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<sup>9</sup> J Maseko and Surujlal in the article retirement planning among south African professional soccer players. African journal for physical health education, recreation and Dance 17 (sup-2), 157-171,2011. Viewed at <http://www.journals.co.za>. Accessed on 27<sup>th</sup> April 2025.

<sup>10</sup> Victor V Timchenko on the article named Encyclopedia of sport management, 816-817, 2024. Viewed at <http://www.elgaronline.com>. Accessed on 20<sup>th</sup> April 2025.

<sup>11</sup> Dr. Mariam Mell’ Osiime Mpaata in the Newspaper (New vision) October 14, 2020 viewed at <http://www.newvision.co.ug>. Accessed on 20<sup>th</sup> April 2025.

recognition for several unsung sports heroes.” Therefore, by suggesting ways such a way placing legal framework to protect social security for athletes is betterment of the athletes.

#### **1.10. LIMITATION OF THE STUDY.**

There is limited access to information about sports in the country as most of the information is internationally based and there is little information in Uganda most especially around social security in regards to athletes.

#### **1.11. SYNOPSIS**

In furtherance of this research, Chapter two will delve into the history of social security and the governing legal framework for athletes. Chapter three shall entail an elaborate analysis of the legal framework in comparison with the international practices. In Chapter four, the researcher shall showcase the lessons that Uganda can learn from the international practices in the field of social security for athletes laying down the recommendations, and finally, conclude this study.

## CHAPTER TWO.

### 2.0. HISTORY OF SOCIAL SECURITY AND SOCIAL SECURITY TODAY

#### 2.1. INTRODUCTION.

Uganda is a country with a rich cultural heritage and the passion for sport has made significant effort to develop the sports sector around the different sporting activities in the country thus this has therefore enabled the country to boost a diverse range of sports disciplines. One of the critical aspect that has gained increasing attention in the recent years is the social security, but its also undoubtedly true that athletes are left out of the picture

In order to understand this chapter, we shall look at a brief History of social security and then explore the non legal aspects of social security for athletes.

#### 2.2. HISTORY OF SOCIAL SECURITY IN UGANDA.

Social security refers to the protective and preventative interventions to mitigate factors that lead to income shocks and affect consumption.<sup>12</sup>

Uganda's social security system has evolved through distinct phases, reflecting the nation's socioeconomic and political transformation as explored more below.

##### 2.2.1. Pre-colonial period.

“In the pre-colonial period, Africans lived in mutual support networks of community, extended family and clan groups. Social security was embedded within the cultural norms as a form of solidarity and assistance to people within clans and communities, who were unable to take care of themselves. These normally included orphans and vulnerable children, widows, older persons, persons with disability, and the terminally ill.”<sup>13</sup>

“Everybody knew each of their neighbors sufficiently and intimately in society. Clan organization and authority was reinforced by the system of extended families in ensuring area-based development through the exercise of collective responsibility in such areas as housing, creating and maintaining access roads, farming, food harvesting and its storage, hunting down wild animals

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<sup>12</sup> The national social protection policy handbook, November 2015. page 01.

<sup>13</sup> Paul Bukuluki, John-Bosco Mubiru: The Status of Social Security Systems in Uganda: Challenges and Opportunities. page 34.

and destroying vermin that were a potential danger to both human security and food crops, caring for the elderly sick, consoling and assisting the clan”.<sup>14</sup>

In other words, family members in bereavement relied on mutual aid assistance and reciprocity. “In the circumstances, these acts of reciprocity, atrium, social cohesion and personal intimacies were sufficient to guarantee social protection in both good and bad times to all members of any ethnic community by ensuring equity and social justice.”<sup>15</sup>

“Social security resulted in extensive local commitment to culture and tradition and indeed area-based development. Some of the traditional social organizations through which social security was delivered included Bulungi Bwa Nsi (For the good of the country), which represented the tradition of voluntary work on public projects and Muno Mu Kabi (‘Friend in need’) representing the tradition of mutual assistance”.<sup>16</sup>

“These community-based and mutual support networks pooled resources to respond to emergencies in times of death, sickness and celebrations. In cases of death, community members contributed food, their labour and cash for funeral expenses.”<sup>17</sup>

“For instance, in most of northern Uganda (particularly the Lango and Acholi sub regions), in addition to mechanisms that guaranteed access to food, clothing and shelter, social security mechanisms were also formed around labour with cooperative work groups (locally known as wang tic, awak, akiba) to open up fields, weed and maintain land for production.”<sup>18</sup>

“In general terms, traditional and pre-colonial social security systems in East Africa, Uganda inclusive, depended upon the social structure of a particular community. The structure was defined by, for instance, whether the members of the community were settled agriculturalists or pastoralists or, as stated above, whether they were organized in a state – such as the Buganda and Bunyoro Kitara kingdoms – or whether they were stateless – such as the Bakiga and Acholi. There were no

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<sup>14</sup> Paul Bukuluki, John-Bosco Mubiru: The status of Social Security Systems in Uganda: Challenges and Opportunities, (the evolution of social security). page 34.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Paul Bukuluki, John-Bosco Mubiru: The status of Social Security Systems in Uganda: Challenges and Opportunities, (the evolution of social security). page 35.

formal social security systems, but society relied on the traditional family and kinship relationships to deal with issues of social protection.”<sup>19</sup>

### 2.2.2. Colonial period 1894 – 1962

As societies transitioned from pre-colonial systems of communal support, where collective responsibility and local traditions ensured care for the elderly, ill, and vulnerable, the advent of colonial rule brought with it new economic structures and governmental policies. These changes not only disrupted traditional forms of social safety nets but also laid the groundwork for the introduction of formal, state-controlled systems of social security, which would evolve throughout the colonial era.

“During the colonial period of **1894 – 1962**, Uganda's social Securities system was limited and mainly served colonial officers and government employees. There were no formal pension laws for the general population, as retirement benefits were primarily designed for expatriate administrators.”<sup>20</sup>

“Social security and social protection were conceived and laws were made in consonance with the interests and objectives of colonization and colonial policy. One of the hallmarks of colonial labor policy was to have cheap labor. In Uganda forced paid labor (kasanvu) was used up to 1923, when it became costly and unsustainable. Not only were wages arbitrarily fixed but, in the case of Uganda, they were kept low due to the abundant supply of migrant labor, especially from Rwanda, Burundi and the Belgian Congo – the current Democratic Republic of Congo”<sup>21</sup>.

“The result was that because of low wages, administrators were prepared to use force to obtain African labour for public works and also for private employers. The wages paid were not enough to maintain a worker and his dependents and, in fact, could hardly sustain a worker himself, so that many looked to the subsistence sector to provide their food.”<sup>22</sup>

“The British colonialists provided social security essentially for the white settler community, and this excluded the Africans from accessing social security. The Africans depended on the family,

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<sup>19</sup> John Jean B. Barya: Interrogating the Right to Social Security and Social Protection in Uganda. page 18.

<sup>20</sup>Paul Bukuluki, John-Bosco Mubiru: The status of Social Security Systems in Uganda: Challenges and Opportunitites, (the evolution of social security). page 34.

<sup>21</sup> John Jean B. Barya: Interrogating the right to social security and social protection in Uganda. page 23.

<sup>22</sup> Ibid.

clan members and members of the community for assistance. Therefore, the majority of the African population was not affected by the social security systems put in place by the colonialists. The colonial state assumed that Africans would take care of their own social security. It is further reported that the colonial economy extracted labour and raw materials from the people and society generally without any significant reciprocal benefits for the Africans.”<sup>23</sup>

“The colonial state had been set up to serve the interests of the colonizers and, as a result, social security for the Ugandans was not at the forefront of colonial state concerns. The formal social security systems put in place were indeed initially meant only for the (white) settler community or colonial officials and employees. The coming of colonialists was reported to have weakened the traditional social security systems that are met through family system based on kinship relations, tribal or clan or village as whole. The principle of communal responsibility and solidarity was eroded by westernization and its attendant individualism. Urbanization, high mobility as well as European influence caused people to gradually become more individualistic which eventually resulted into weakening kinship relations. Urbanization during the colonial era separated family members who were detached from their traditional, social and cultural settings.”<sup>24</sup>

“In addition, missionaries introduced hospitals and endeavored to cure the sick, established a system of care, and looked after the elderly, the sick, orphans, blind people, and the disabled as well as the handicapped in institutional care centers. The traditional responsibilities and family obligations were beginning to weaken, which left many community members helpless when religious bodies and other private organizations could no longer cope with the overwhelming responsibilities. This forced the British Empire to establish social welfare in its colonies”<sup>25</sup>

“In Uganda, Social Security covered Europeans, Asians and a few Africans in certain types/levels of colonial government employment. The British government established a public service pension scheme in **1927** to cater for its employees in the **Uganda Protectorate (International Policy**

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<sup>23</sup> John Jean B. Barya: Interrogating the right to social security and social protection in Uganda. page 23

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

**Centre for Inclusive Growth, n. d.).**<sup>26</sup> The employees were covered by different legislation from **1921**<sup>27</sup> for Europeans and for Asians from 1927<sup>28</sup> and for a few African civil servants from **1929**.

**The Government Employees Provident Fund Ordinance No. 1/1941**<sup>29</sup> catered for some employees, while the **Provident Fund (African Local Governments) Ordinance No. 38/1950**<sup>18</sup> established a provident fund ‘for the benefit of employees of such African Local Governments as may desire to become contributors thereto and for the control and management thereof. It was a provident fund for ‘non pensionable servants in the service of local governments’<sup>30</sup>

**The Armed Forces Pension Scheme** is the oldest Social Security scheme. It was first implemented in **1935** to provide social protection to retired soldiers. Following the establishment of this scheme, a number of other schemes were created, including the Public Sector Pension Scheme, which was first established on **1 January 1946 to provide retirement benefits to public servants (World Bank Economic Outlook, June 2014)**. In **1946**, the Department of Compensation, originally known as the Pension Department, was created after the enactment of the **Pension Act (Ministry of Public Service, 2014)**<sup>31</sup>

In line with **Article 22 of the Universal Declaration of Human Rights, 12 December 1948**, the colonial government in Uganda formed a social security department in the Ministry of Labour, which was the precursor of the present National Social Security Fund.<sup>32</sup>

“While pensions were introduced much earlier in Uganda, workers’ compensation followed almost immediately, being introduced in **1946**. A requirement under the workman's compensation scheme was and is for employers to protect themselves through a private or public insurance against their liability to injured workers. In addition, it is reported that in **1953**, the teachers fund was introduced

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<sup>26</sup> National Experience Social Transfer Programs Uganda.pdf. <http://www.ipc-undp.org/publications/cct/africa>. (Accessed on 20 February 2025)

<sup>27</sup> The Asiatic Officers’ Pensions Ordinance 1935 (Cap. 8) and The European Widows’ and Orphans’ Ordinance No. 2/1921

<sup>28</sup> The Asian Widows’ and Orphans’ Pension Ordinance No. 6/1927

<sup>29</sup> Cap. 53, Laws of Uganda 1951

<sup>30</sup> John Jean B. Barya: Interrogating the Right to Social Security and Social Protection in Uganda. page 18.

<sup>31</sup> Paul Bukuluki, John-Bosco Mubiru, The status of social security systems in Uganda. Kampala: Konrad Adenauer Stiftung, 2014. page 38.

<sup>32</sup> Claude Rusibana, Role-of-social-security-fund scheme-in-enhancing-the-socio-economic-development-of-Rwanda. Kampala international University – MBA 2009. Available at <http://www.memoireonline.com/09/10/3894/m> accessed on 10<sup>th</sup> May 2025

and all the money that had been collected under the provident fund was distributed to them.”<sup>33</sup>

“This was the period when the teachers joined the non-contributory pension scheme – the current public service pension scheme in Uganda targeting all the civil servants. Initially the teachers had a different pension arrangement through the provident fund, which was a contributory scheme. They used to contribute to this fund and money would later be distributed back as pension.”<sup>34</sup>

“There was, however, institutional care covering very few people, which the British administration established for the elderly, the physically disabled and the handicapped as well as orphans. The system did not have any form of cash benefit. However, such practice has been retained by the governments in the post-independence era and in most cases such countries’ provision of social assistance is made directly by the ministries responsible for social welfare.”<sup>35</sup>

### **2.2.3. Post-independence period (1962- to date)**

Having established the status of social security systems in the pre-colonial era; where it is depicted that people depended on one another and the community as a whole for support and sustenance, with programs such as “bulungi bwansi” among others.

“A shift in such a system is seen with the coming of colonialism in Uganda. As much as at first the colonial government focuses on establishing social security systems for white and Asian workers, neglecting the African laborers to fend for themselves and still depend on communities, with the budding of modernization, Christianity and individualism, we see a weakening in the traditional social security systems. The colonial government commences with the establishment of social security systems for Asians, whites and a few African civil servants but is later forced to establish other systems which develop over years to be almost encompassing all workers including the Africans.”<sup>36</sup>

Social security systems in Uganda after independence continued just as they had been established during the colonial era with a few changes to fit the African societal systems. it is therefore

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<sup>33</sup>Paul Bukuluki, John-Bosco Mubiru, The status of social security systems in Uganda. Kampala: Konrad Adenauer Stiftung, 2014. page 38.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

important to note that just like most of Uganda’s jurisprudence, the current social security systems are based on its colonial history just like most Anglophone countries.

“In the first decade of independence (1961-1971), majority of the population which comprised of peasants, self-employed, and those in the informal sector were excluded. However, permanent public servants were protected under a non-contributory defined benefit pension scheme under the **Pensions Act**. A range of other benefits such as worker’s compensation, sick pay, maternity leave, etc. were merely provided directly by the employers.”<sup>37</sup>

Additionally, **the National Social Security Fund (NSSF)** which was a provident fund for private sector workers that was based on earnings contributed by workers and employers was later established in **1985**. However, the NSSF and Public Sector Pension Scheme were criticized and rendered useless between the **1970s and 1980s** for their low wages, high inflation in the country and also due to the use of the workers’ pensions by government without adequate repayment or interest.

On the other hand, however in the 1980s and early 1990s, there were no major challenges faced by the social security systems partly owing to the fact that these continued to work for the formal sector and there still existed informal or traditional social security with still an easy access to resources.

### 2.3.0. SOCIAL SECURITY TODAY

#### 2.3.1. INTERNATIONAL PRACTICES IN DIFFERENT COUNTRIES.

#### 2.3.2. GERMANY.

“In Germany, sport is not legally recognized as a profession under the German Labor Code, resulting in the athletes contract disputes typically being resolved on a case to case basis.”<sup>38</sup>

“However, athletes benefit from the mandatory health insurance that includes specialized coverage for sports-related accidents. These insurance premiums are typically paid through athletes’ clubs, with contributions coming from federations, umbrella sports associations, and the clubs themselves. A significant development occurred on January 1, 2022, when 15 state sports

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<sup>37</sup>Paul Bukuluki, John-Bosco Mubiru, The status of social security systems in Uganda. Kampala: Konrad Adenauer Stiftung, 2014. page 38.

<sup>38</sup> I.L.O. International Labour Organization. Available at <http://www.ilo.org/topic-and-sectors/social-protection>. Accessed on 10<sup>th</sup> May 2025.

associations across Germany partnered with ARAG, a leading European and German sports insurance provider”<sup>39</sup>. This partnership provides comprehensive sports insurance coverage for clubs affiliated with the designated sports associations, as well as athletes. While encompassing most club activities, the insurance focuses on sports-specific risks, safeguarding associations, clubs, and athletes from liability claims, and offering supplementary coverage beyond private/state health insurance in the event of sports accidents.

### 2.3.3. FRANCE.

“In France, the “Sports Code” serves as the comprehensive legal framework for the legal status of athletes and clubs”<sup>40</sup>. “The code designates sports as a recognized profession under the Labor Code, with athletes considered as employees”<sup>41</sup>. “As such, athletes are provided with insurance coverage through sports clubs and associations, ensuring their access to all legal rights. Furthermore, even athletes who are not covered by mandatory insurance but are actively engaged in professional sports are considered health insured under the social security system. This comprehensive approach demonstrates a robust system of protection for athletes within the French Social Security Framework.”

### 2.3.4. UNITED STATES.

“In the United States, the legal framework concerning the social security rights of professional athletes is primarily outlined in the Fair Labor Standards Act of America, although notably, its provisions appear to be limited to golf employees”<sup>42</sup>. “This leaves American athletes bearing the full responsibility for health insurance outside the scope of their employment contracts. The US Centers for Disease Control and Prevention report a concerning statistic: approximately 300,000 young people annually sustain traumatic brain injuries and concussions from sports participation,

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<sup>39</sup> Garner J, Humphrey PR, Simkins B. The Business of sport and the sport of Business: A review of the compensation literature in Finance and sport. 2016; 47: 197 – 204.

<sup>40</sup> Lannuzel A, Moulin T, Amsallem D, Galmiche J, Rumbach L, Vertebral-artery dissection following a judo session: a case report. *Neuropediatric*. 1994; 25(2): 106 – 8.

<sup>41</sup> Svinth JR. Death under the spotlight: The Manuel Velazquez boxing fatality collection. *J Combat sport* 2007. Available at <http://www.ejmas.com/jcs/jcscart-svinth-a-0700.htm> accessed on 10th May 2025.

<sup>42</sup> The Universal Declaration of Human Rights (UDHR). Available at <http://www.un.org/en/about-us/universal-declaration-of-human-rights,2022>. Accessed on 10<sup>th</sup> May 2025.

injuries with potentially severe long-term and short – term health implications. In response, state-level anti – traumatic brain injury laws have been enacted”<sup>43</sup>

## 2.4. THE NATIONAL STANDARDS.

In Uganda today, social security is a vital safety net that provides financial protection to individuals and families in need. It encompasses various programs and benefits designed to support people during times of unemployment, disability, retirement, or other life challenges. By providing a basic level of income security, social security helps reduce poverty, promote economic stability, and ensure that individuals can maintain a dignified standard of living. The social security systems vary across countries, but their core objective remains the same; to provide a foundation for social welfare and economic security.

The programs include the following;

### 2.4.1. The National Social Security Fund (NSSF)

The National social security fund (NSSF) is a provident fund that provides social benefits to employees in the private sector, its mandatory in nature aimed at providing a lump benefits to members upon retirement, or death and the fund is managed by the national social security fund Board, which oversees the collection of contributions, investment of funds, and payment of benefits<sup>44</sup>

NSSF manages a substantial asset base, exceeding UGX 22 trillion. However, despite this significant holding, the effective coverage of the NSSF and the broader formal social security system remains relatively low as a percentage of the total working population. This is due to the large informal sector.<sup>45</sup> The fund majorly features mandatory contribution where both employer and employees contribute a percentage of the employees’ salary to the fund, lump sum benefit where members receive a lump sum payment upon retirement, resignation or death and investment that involves the fund investing contributions in various assets to generate returns and grow the fund.

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<sup>43</sup> Zazryn TR, McCrory PR, Camron PA. Neurologic injuries in boxing and other Combat Sports. *Neurol Clin* 2008;26(1) :257- 70.

<sup>44</sup> P Bukuluki, JB Mubiru in the Article The status of Social security systems in Uganda 2014. page 50.

<sup>45</sup> The national social security Digital Integrated Report, FY 2023/24

#### **2.4.2. Public Service Pension Scheme.**

The public service pension scheme traditionally operated on a non-contributory basis, covering a wide range of public sector employees.<sup>46</sup> However, a significant shift occurred with the recent proposal of the public service pension fund Bill 2024.<sup>47</sup> This landmark legislation seeks to transform the scheme into a contributory model. Under this framework, public servants will contribute 5% of their monthly salaries to the pension fund, with the government contributing an additional 10%<sup>48</sup>. This aims to create more sustainable funding source for pension benefits and addresses the long standing issue of pension arrears.

#### **2.4.3. Uganda Retirement Benefits Regulatory Authority. (URBRA).**

Prior to the enactment of the URBRA Act Cap 232 in 2011, the regulation of the retirement benefits sector in Uganda was fragmented and largely inadequate. While the National Social security fund(NSSF) was established in 1985 and the pensions act governed the public service pension scheme, there was no comprehensive regulatory framework to oversee the burgeoning private occupational and voluntary retirement schemes. This lack of robust regulation exposed the sector to potential risks, including mismanagement of funds, inadequate governance structures, and insufficient protection for the savings of future retirees.

“The Retirement Benefits Regulatory Authority does the management and operation of retirement benefits schemes in Uganda in both the private and public sectors, to provide for the supervision of institutions which provide retirement benefits provide for the supervision of institutions which provide retirement benefits products and services, to protect the interests of members and beneficiaries of retirement benefits schemes, to provide for the licensing of custodians, trustees, administrators and fund managers of retirement benefits schemes and the appointment of inspectors and interim administrators, to provide for the establishment of a retirement benefits appeals tribunal and for related matters.”<sup>49</sup>

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<sup>46</sup> Tatiana Bogomolova, Gregorio Impavido, Montserrat Pallares – Miralles in the research paper, An assessment of reform options for the public service pension fund in Uganda. World Bank Policy Research Working Paper, 2006.

<sup>47</sup> Parliament Proposal of the public service Pension fund Bill 2024. Available at <http://www.parliament.go.ug>. Accessed on 12<sup>th</sup> May 2025.

<sup>48</sup> Charoline Komukama in the article an assessment of uptake of pension (scheme) services in the informal sector: Makerere University, 2024.

<sup>49</sup> Long title (The Uganda Retirement Benefits Regulatory Authority Act Cap 232).

## 2.5. CONCLUSION.

In a nutshell, social security for athletes goes beyond legal framework, requiring holistic support systems that address emotional, financial, and psychological well-being. This includes mental health resources, career transition programs, and financial planning, ensuring athletes' stability and success beyond their competitive careers, and promoting a sustainable sports ecosystem.

## CHAPTER 3.

### 3.0. ANALYSIS OF THE LEGAL FRAMEWORK OF SOCIAL SECURITY FOR ATHLETES IN UGANDA.

#### 3.1.Introduction.

While Uganda celebrates its athletic achievements, the legal framework for social security for its athletes remains underdeveloped. Unlike traditional employment, the transient nature of athletic careers requires a specific approach to social protection. Currently, no dedicated legislation exists, leaving athletes reliant on general laws with limited applicability.

J Maseko and J Surujlal<sup>50</sup>, in their article retirement planning among South African professional soccer players, suggest that professional soccer players do not take retirement planning seriously and often confuse retirement planning with saving and investment. For Uganda its largely due lack of proper law on social security.

In order to ensure better social protection for athletes, this chapter is going to give an overview of the legal framework on social security in Uganda and how its excluded social protection for athletes.

#### 3.2 THE LEGAL FRAMEWORK ON SOCIAL SECURITY IN UGANDA.

##### 3.2.1. The 1995 Constitution of the Republic of Uganda as Amended.

In Uganda the supreme law of the land is the 1995 constitution of the Republic of Uganda as amended and its binding on all people and authority on the land. Hence, the constitution is the law that governs the land and all laws formed must conform to it.<sup>51</sup>

Objective XVII of the 1995 Constitution of Uganda as amended provides for recreation and sport and furthermore states that the state shall promote recreation and sports for the citizens in Uganda.

Under Article 8 A (2)<sup>52</sup>, the parliament shall make relevant laws for purposes of giving full effect to clause (1) of Article 8 A<sup>53</sup> which briefly provides that the Uganda shall be governed based on

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<sup>50</sup> African journal for physical health education, recreation and dance 17 (sup-2), 157-171, 2011.

<http://www.journals.co.za>. Accessed 10<sup>th</sup> May 2025.

<sup>51</sup> Article 2 of the 1995 Constitution of Uganda as amended by articles 61, 77,102, 104, 105, among others.

<sup>52</sup> The 1995 Constitution of Uganda as amended by articles 61, 77, 102, 104, 105, among others.

<sup>53</sup> Ibid.

principles of national interest and common good enshrined in the national objectives and directive principles.

Objective XIV<sup>54</sup> of the 1995 Constitution of the republic of Uganda as amended provides that;

The state shall endeavor to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that

- a. All development efforts are directed at ensuring the maximum social and cultural well-being of the people; and
- b. All Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and **pension and retirement benefits**.

Therefore, the constitution in its self mandates the government to ensure there is social protection for all citizens which include athletes. In the case of **Tinyefuza v Attorney General**<sup>55</sup>, justice Egonda Ntende added that the national objectives are in them selves legally binding Therefore the 1995 Constitution of the Republic of Uganda perfectly provides for the sport sector and social protection.

### 3.2.2. Employment Act Cap 226.

The Employment Act Cap 226 in Uganda constitutes a paradigmatic legislative framework that governs the employer-employee dialectic, delineating the parameters of contractual engagements and safe guarding the corpus of workers' rights. By regulating myriad facets of employment, including contractual stipulations, remuneration, temporal obligations and severance protocols, the Act furnishes a juridical scaffolding for equitable labor practices. Through the establishment of explicit rights and obligations for both employers and employees, the Act endeavors to promote social justice, augment productivity, and stimulate economic growth, thereby fostering a propitious environment for workers to flourish and contribute to Uganda's socio-economic development.

However, in the athletic world players can be employed and others not. Under the section 2 of the Employment Act Cap 226 it divides employment into Contract of Service and Contract for service.

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<sup>54</sup> The 1995 constitution of Uganda as amended.

<sup>55</sup> Constitutional petition number 1 of 1996 [1997] UGCC 3 (25 April 1997).

Contract of service means any contract, whether oral or in writing, whether express or implied, where a person agrees in return for remuneration, to work for employer and includes a Contract of apprenticeship.<sup>56</sup> In Uganda many players are under Contracts of employment where key considerations include; Contractual obligations that's to say athletes' rights and responsibilities, termination clauses including conditions for contract termination and dispute resolution where the mechanisms for resolving conflicts are also included.

Athletes under a contract of employment in Uganda include;

- I. Football players in the Uganda premier League, employed by clubs like SC Villa, Kampala Capital City Authority Football Club (KCCA FC) where players like Umar Lutalo signed a six-month contract to play with KCCA FC until the end of the 2024-2025 season.<sup>57</sup>
- II. Rugby players in the Uganda Rugby Union, contracted to teams like the Uganda Cranes.
- III. Athletes in the Uganda athletics Federation, contracted to train and compete for specific clubs or sponsors.
- IV. Cricket players in the Uganda Cricket Association, employed by teams like the Uganda Cricket team.

The employment Act Cap 226, establishes that any Ugandan can enter into employment and contract for service and contract of service can be signed and the same applies to athletes.

Therefore, athletes have a liberty to negotiate terms that can affect the nature of the careers and their lives after sports.

### **3.2.3. The National Social Security Fund (NSSF).**

The National social security fund as stated is a retirement escape plan for employees in the private, for example NSSF is working on introducing casual workers to the savings scheme as a way of aiding them upon retirement.<sup>58</sup>

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<sup>56</sup> Section 2 of the Employment Act Cap 226.

<sup>57</sup> Available at <https://sports.mtn.co.ug>. Accessed 24<sup>th</sup> May 2025.

<sup>58</sup> Daily Monitor, Monday, April 21, 2025. Available at <https://www.moniter.co.ug>. Accessed 22<sup>nd</sup> April 2025.

In this part, the NSSF Act Cap 230 is one of the pertinent law in respect of protection of athletes' Social Security. This is because a bigger number of the athletes are employees in the private sector. This was concluded in a study by Joshua Hernandez<sup>59</sup>

Section 6 of the NSSF Act Cap 230 provides for eligibility of employees to be members of the fund and according to the provision an employee shall be eligible if;

- i. They are above the age of sixteen and below the age of fifty-five years.
- ii. They are not in any exempted employment.
- iii. They are resident employees.

Therefore, according to the above provision, only Ugandan athletes employed in Uganda and are above sixteen but below fifty-five years can qualify for protection under the NSSF Act Cap 230. I find that according to this provision the NSSF Act Cap 230 actually provides for protection of social security of athletes and athletes are eligible for the NSSF Fund.

The Act goes on to establish the benefits enjoyed by members of the fund under section 19.<sup>60</sup> As such, members of the fund enjoy the following benefits:

**i. Age Benefit**

Under Section 20<sup>61</sup>, an employee only qualifies for age benefit if he or she attains the age of 55 or retires from regular employment at the age of 50 and is not under any gainful occupation. This also applies to athletes as employees in the private sector.

However, this may not be reasonable to athletes as their average retirement age is much lower than that of other employees. According to Mazin, sport opportunities are short term. The average career in a team sport lasts between 3 to 7 years, and that means that after one's sport career ends, there are about forty extra years in a persons work life. A career in sport is much shorter than other careers and occupations as most athletes voluntarily or involuntarily retire during their mid to late twenties.<sup>62</sup>

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<sup>59</sup> Joshua Hernandez, the largest wave in the NCAA's Ocean of Orange: The "college Athletes Are Employees" issue reevaluted, 33 Marq. Sports L. Rev. 781 (2023). Available at: <https://scholarship.law.marquette.edu/sportslaw/vol33/iss2/4>. Accessed on 10<sup>th</sup> May 2025.

<sup>60</sup> Section 19(1) of the NSSF Act cap 230.

<sup>61</sup> Ibid Section 20.

<sup>62</sup> Mazin R. Hatamleh, PhD, the life transitions of high performance athlete's retirement from sport, European Scientific Journal April 2013 edition vol.9, number. 11. page 337.

In conformity with this, it would not be reasonable for an athlete who retires in his late twenties or late thirty to wait until he or she attains 50 years so as to receive their age benefit.

ii. **Withdrawal Benefit.**

According to Section 22, an employee is entitled to a withdrawal benefit if he or she attains the age of 50 years and has not been employed for a period of one year immediately preceding his or her claim<sup>63</sup>. An employee also qualifies for withdrawal benefit when he or she ceases to be a member of the fund by virtue of being employed in exempted employment<sup>64</sup>. Therefore, this provision as well applies to athletes as employees in the private sector

iii. **Invalidity Benefit.**

Relying on Section 23, an employee qualifies for an invalidity benefit if he or she is a subject to such physical mental disability or rendering his or her to be suffering from permanent total or permanent partial incapacity<sup>65</sup>.

This applies in circumstances where athletes are injured and incapacitated from continuing in the sport, athletes stand a very high chance of getting life threatening injuries and this provision lines with the circumstances of strong injuries thus is favors athletes in times of injury.

From the National Social Security Fund Act Cap 230 provides a mandatory savings scheme for private sector employees in Uganda, offering a lump sum benefit upon retirement, resignation, or death. The act aims to promotes social security and provide financial protection to workers, enhancing their welfare and stability. The Researcher found that many of the benefits do not line with the best interests of the athletes and thus something must be done to equally benefit athletes.

#### **3.2.4. The Workers Compensation Act Cap 233.**

The Workers Compensation Act Cap 233 provides Compensation to workers for injuries suffered and scheduled incurred during the course of employment<sup>66</sup>. This also caters for athletes since they are susceptible to injuries that are as a result of their employment as athletes. This part looks at how athletes will be compensated for the different injuries that they sustain.

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<sup>63</sup> Section 22(1) of the NSSF Act Cap 230.

<sup>64</sup> Ibid sub Section 2.

<sup>65</sup> Ibid Section 23(1).

<sup>66</sup> The long title of the Worker's Compensation Act Cap 233.

According to the Act the injuries include the following:

**a. Fatal injuries.**

These are injuries that result to the death of an employee ( in this case an athlete), a case in point Ray Chapman who died in 1920 during a major league baseball game after being hit by a pitch ball<sup>67</sup>.

According to Section 4<sup>68</sup> where an injury results to the death of an employee, his or her family members are entitled to compensation worth 60 month earnings. The same is applicable to athletes.

**b. Injuries that result in permanent total incapacity.**

Permanent total incapacity is defined under Section 2(3)<sup>69</sup> as deemed to result from an injury or from any combination of injuries specified in schedule 3 to this act where the percentage or aggregate specified in that schedule in relation to the injury or injuries amounts to one hundred percent or more. The third schedule specifies all the injuries that result in permanent incapacity.

According to Section 5<sup>70</sup>, an injury that results in the permanent total incapacity shall entitle that employee 60 times his or her monthly allowance. Similarly, an athlete that sustains such injuries shall be compensated a some equal to 60 times his or her monthly earnings.

**c. Injuries that result to permanent Partial incapacity.**

Permanent Partial incapacity is defined Section 2(2)<sup>71</sup> as every injury specified in schedule 3 to this act except an injury or combination of injuries in respect of which the percentage or aggregate percentage of loss of earning capacity specified in that schedule in relation to that injury or those injuries amounts to one hundred percent or more shall be taken to result in permanent partial disability.

According to Section 5 an employee that has sustained injuries resulting to permanent partial incapacity shall be compensated in accordance with the percentage specified in schedule 3 of 60

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<sup>67</sup> Withers, Tom (March 29, 2007). Indians uncover lost Chapman plaque. ESPN.com. associated press. Accessed on 22 April 2025.

<sup>68</sup> Workers Compensation Act Cap 233.

<sup>69</sup> Ibid Section 2(3)

<sup>70</sup> Workers Compensation Act Cap 233.

<sup>71</sup> Ibid.

times worth of that employee's monthly earnings. In the same way athletes who sustain such injuries are entitled to the same compensation.

**d. Injuries that result to temporary incapacity.**

Temporary incapacity may be defined as that incapacity that does not last for a life time. Case in point Lisandro Martinez a Manchester united player who under went a foot surgery regarding a foot injury and was ruled out for a minimum of six months, in other words his expected to return.

According to Section 7(2)<sup>72</sup>, an injury results to temporary total incapacity if the employee is either hospitalized or absence from duty is certified by a medical practitioner, any other period is deemed temporary partial incapacity. The act under sub section one is to the effect that compensation shall be determined by magistrate's court. As such athletes such injuries shall have their compensation determined by court.

**3.2.5. The Uganda Retirement Benefits Regulatory Authority Act Cap 232 (URBRA).**

The Uganda Retirement Benefits Regulatory Authority Act Cap 232 establishes the Uganda Retirement Benefits Regulatory Authority which is a statutory entity entrusted with the oversight and regulation of retirement benefits schemes in Uganda, thereby ensuring the efficacious management of post-employment remuneration. Through the promulgation of stringent regulatory frameworks and supervision of fiduciary agents, URBRA endeavors to safeguard the interests of scheme members and beneficiaries, fostering an environment of transparency, accountability, and prudence. By dint of its regulatory mandate, URBRA provides a bulwark against malfeasance and mismanagement, ultimately enhancing the financial security of Ugandans in their retirement. URBRA's role is thus paramount.

The Uganda Retirement Benefits Regulatory Authority is established under the Uganda Retirement Benefits Regulatory Authority Act Cap 232 and is a body corporate, can sue and be sued, acquire, hold, manage and dispose of movable and immovable property.<sup>73</sup>

Section 5 of the URBRA Act Cap 232 brings out the functions of the authority which include; regulate and supervise the establishment, management and operation of retirement benefits schemes in Uganda, in both the public and private sector, license retirement benefits schemes in

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<sup>72</sup> Workers Compensation Act Cap 233.

<sup>73</sup> Section 2 of the URBRA Act Cap 232.

Uganda. therefore, this law is applicable to athletes as well, thus athletes can be a part of scheme registered under the authority.

### 3.3 INTERNATIONAL FRAMEWORK.

International social security standards for athletes aims to ensure they receive adequate social protection, including income security, health care, and other benefits, regardless of their nationality or sport. This is achieved through various mechanisms like the ILO's International Social Security Standards and the Athletes Social Protection Check (ASPC). The ASPC allows athletes to assess their social protection situation and compare it with other countries and sports<sup>74</sup>. It is a project worked on by Erasmus and SOPROS and funded by the European Union Some of the international practices include;

#### 3.3.1. The International Labour Organization (ILO).

The International Labour Organization (ILO) recognizes that athletes, like all other workers, are entitled to social security protection.<sup>75</sup> The ILO also emphasizes that many athletes, especially women and those in lower- paying positions, may not have access to social security benefits due to lack of recognized employment contracts or short term contracts and that there is improve the earnings<sup>76</sup>.

#### 3.3.2. The Universal Declaration of Human Rights (1948)

Under Article 22 of the declaration states that everyone, has a member of the society, has a right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of the state. However, when it comes to athlete's social security does not cover thus to say that athletes in Uganda are deprived of their right to social security.

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<sup>74</sup> International Labour Office; Social security Department, Setting Social Security Standards in a Global Society, Paper 2, Geneva: ILO, 2008, viii, 75 p.

<sup>75</sup> International Labour Organization. Equality of Treatment (social security) convention, 1962 (No.118) available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100> ILO CODE:C118 accessed on 28<sup>th</sup> April 2025.

<sup>76</sup> I.L.O. Technical Brief on Professional athletes and the fundamental principles and rights at work. 4<sup>th</sup> May 2024. Available at <http://www.ilo.org>. Accessed on 28<sup>th</sup> April 2025.

### **3.3.3. International Covenant on Economic, Social and Cultural Rights.**

It came into force on January 3, 1976, the International Covenant on Economic, social and cultural rights outlines a range of rights, including self-determination, non-discrimination, the right to work, social security, education, and cultural freedoms.

Uganda ratified on the 21 January 1987, and under article 9 it recognizes the right of everyone to social security, including social insurance.

### **3.4. CONCLUSION.**

In conclusion, this chapter has looked at the legal aspects of social security for athletes which play a crucial role in providing protection and support during and after their competitive careers. The efficacy of these legal constructs is contingent upon the provision of robust protections against exploitation, injury, and career termination. Athletes' entitlements to pecuniary benefits, dispute resolution mechanisms, and access to requisite resources are paramount. A fortiori, the legal infrastructure must prioritize athlete welfare, mitigate risks, and foster a sustainable sports ecosystem.

By establishing a nuanced and multifaceted juridical framework, policymakers can ensure that athletes are afforded dignity, security, and support throughout their careers and beyond. Ultimately, the promulgation of efficacious legal standards is crucial for promoting athlete well-being and upholding the integrity of sports.

## **4.0 CHAPTER FOUR.**

### **4.1 FINDINGS, RECOMMENDATIONS AND CONCLUSION.**

#### **Introduction.**

This last Chapter presents the findings of this research study on examining Uganda's legal framework on the social security for athletes.

It mainly looked at the out comes of not having a legal framework for athletes and a deep research into the existing framework both on the international level and the national level. The international practices from a few countries. That's to say, what are other countries doing to ensure social security for athletes and on the national level the present law and what is missing or the loopholes in the national legal framework.

In addition, based on these findings, the researcher offers recommendations aimed at improving the wellbeing of athletes both during and after their careers and effectively gain from the given sport and also to aid their families.

## 4.2. FINDINGS.

It is paramount to note that, the study's findings were to point out the what is missing in Uganda' legal framework, thus the researcher intends to point out the loopholes in the different laws that apply to athletes.

### 4.2.1. The National Social Security Fund Act Cap 230.

The study established that this fund is a retirement escape plan for employees in the private sector in Uganda. the study established that The National Social Security Fund Act Cap 230 is one of the pertinent laws in respect of protection of athletes' social security.

The study revealed that Section 6 of the National Social Security Fund Cap 230 provides for eligibility of employees of members to the Fund, where requirement such as being a resident employee, not being in exempted employment and being above the age of sixteen and below the age of fifty-five years.

From the provision the researcher concluded that athletes can be part of the National Social Security Fund as long as they meet the set standards.

#### I. Age Benefits.

This study looked at Section 20 of the National Social Security Fund Act Cap 230 which pointed out that an employee only qualifies for the age benefit if he or she attains the age 55 or retires from regular employment at the age 50 and is not under any gainful occupation.

The study went a head to point out that in the athletic world many of the athletes retire between the late twenties and the early thirties. Therefore, the study pointed out that loophole that needs to be looked into.

## II. Withdrawal Benefit.

The study also looked at Section 22, of the National Social Security Fund Act Cap 230 which provided for an employee getting a withdraw benefit upon attaining the age of 50 years and has not been employed for a period of one year immediately preceding his or her claim. Thus the study went a head and analyzed that such would not be favorable for athletes.

## III. Invalidity Benefit.

The study also looked at Section 23 of the National Social Security Fund Act Cap 230 which provided for an employee qualifying for an invalidity benefit he or she being subjected to such physical mental disability or rendering his or her to be suffering from permanent total or permanent partial incapacity. The study pointed out that since many games evolve physical contact a specialized benefit for athletes is best to be put in place.

### 4.2.2. [The Workers Compensation Act Cap 233.](#)

The study looked at the Workers Compensation Act Cap 233 which looks at compensation to workers for injuries suffered and scheduled incurred during the course of employment. The study went a head and established that athletes can as well be put in the same category to claim for compensation in the event of injury during and after employment.

### 4.3. [Recommendations.](#)

Based on the findings of this study and the analysis presented, the following recommendations as proposed to improve the well being of athletes during and after their careers.

#### 4.3.1. [Recommendations to The National Council of Sport.](#)

First of all, the National Council of Sports should consider a compulsory insurance policy for athletes in regards to injuries got during and after an athlete's career. This is aimed at cabbng the risks that come as a result of some the games engaged in. that's to say, head injuries, heart failures, among others.

The National Council of Sport should through the National Sports federations and National Sports Associations introduce compulsory retirement benefits schemes in all the different Sports

disciplines in Uganda. this should be the stepping stones to improve athletes lives after their careers.

I would recommend the National Council for Sport to increase awareness to the athletes about how they can better their lives after sports careers and also seek ideas from the athletes them selves on how to be the same

#### **4.3.2. Recommendations to The Government and The Ministry of Education and Sports.**

Alternatively, the Workers Compensation Act Cap 233 can be revised to include an athletes Compensation Section or Sections since many games that these athletes involve in can result to long term and life threatening injuries. Games as such Kick Boxing, Rugby, Motor sport, Taekwondo, football, Cycling among others.

An Athletes benefits section should be included in the National Social Security Fund Act Cap 233, to cover the athletes. This is because athletes have a different retirement system compared to the other professions and since they usually have short careers thus it is only important that their lives after are properly secured.

The government of Uganda should also increase on the funds allocated to the National Sports Council and the department of Sports at the Ministry of Education. The government in doing this should ensure that the National Council of Sports makes a contribution for NSSF for athletes to boost the wellbeing of athletes most especially after their careers.

I would recommend that the government adopts some of the international best practices for example countries such as Germany where athletes benefit from the mandatory health insurance that includes specialized coverage for sports-related accidents. These insurance premiums are typically paid through athletes' clubs, with contributions coming from federations, umbrella sports associations, and the clubs themselves.

Finally, an athletes fund can be put in place to cover both employed and non employed athletes as a method to both boost the well being of athletes after their and also to cover them incase of any other unforeseen circumstances during the sports careers.

#### 4.4. CONCLUSION.

Uganda's Judicial infrastructure pertaining to athlete social security necessitates a paradigm shift to efficaciously address the multifaceted needs of athletes. The study has critically examined and revealed lacunae in the extant framework, including occupational injuries, career termination and retirement benefit differences. To rectify these deficiencies, Uganda should consider adopting salient international best practices, such as mandatory insurance for all athletes in the countries and an athletes code where issues for social security for athletes can be addressed.

A fortiori, more comprehensive and cohesive legal framework would facilitate athlete's welfare, mitigate risks, and foster a sustainable sports eco system. By interrogating the existing framework and identifying areas for amelioration, Uganda can create a more propitious environment for athletes to flourish, thereby contributing to the country's sporting prowess and development. Efficacious implementation of these measures would undoubtedly redound to the benefit of Uganda athletes.

#### BIBLIOGRAPHY.

##### **STATUTES**

1. The Constitution of the Republic of Uganda, 1995

2. The National Sports Act, CAP 151.
3. The National Social Security Fund Act, Cap 230.
4. The Asiatic Officers' Pensions Ordinance 1935 (Cap. 8) and The European Widows' and Orphans' Ordinance No. 2/1921
5. The Asian Widows' and Orphans' Pension Ordinance No. 6/1927
6. Cap. 53, Laws of Uganda 1951
7. The Uganda retirement benefits regulatory authority Act, Cap 232.
8. The NSSF Act, Cap 230.
9. The Workers Compensation Act, Cap 233.

### **CASES.**

- 1) *Tinyefuza v Attorney General* Constitutional Petition Number 1 of 1996 [1997] UGCC 3 (25 April 1997).

### **BOOKS**

- 1 The National Social Protection Policy Handbook, November 2015

### **ARTICLES**

- 1 Dexin Zou, Haochen Zou, Jian Liu on the article Retired Athletes' Security Policy Optimization Based on the capacity, at the 2018 3<sup>rd</sup> International Conference on Communications, Information Management and Network Security (CIMNS 2018), 183-187, 2018.
- 2 Paul Bukuluki, John-Bosco Mubiru on the article The status of social security in Uganda. Kampala: Konrad Adenauer Stiftung, 2014.
- 3 Paul Bukuluki, John-Bosco Mubiru: The Status of Social Security Systems in Uganda: Challenges and Opportunities
- 4 John Jean Barya: Interrogating the Right to Social Security and Social Protection in Uganda.
- 5 International Labour Office; Social security Department, Setting Social Security Standards in a Global Society, Paper 2, Geneva: ILO, 2008, viii, 75 p.

- 6 The national social security Digital Integrated Report, FY 2023/24
- 7 Daily Monitor, Monday, April 21, 2025.
- 8 Mazin R. Hatamleh, PhD, the life transitions of high performance athlete's retirement from sport, European Scientific Journal April 2013 edition vol.9, number. 11.
- 9 Withers, Tom (March 29, 2007). Indians uncover lost Chapman plaque. ESPN.com. associated press.
- 10 Garner J, Humphrey PR, Simkins B. The Business of sport and the sport of Business: A review of the compensation literature in Finance and sport. 2016; 47: 197 – 204.
- 11 Zazryn TR, McCrory PR, Camron PA. Neurologic injuries in boxing and other Combat Sports. Neurol Clin 2008;26(1) :257- 70.

## WEBSITES

- 1 Cigdem Gokduman, Cenk Temel, Yusuf Alper in the article Social security for professional Athletes. Viewed at <https://www.researchsquare.com>
- 2 SSB Kasoma, K Hallman, K Petry in the book Comprative Sport Development: Systems, Participation and Public Policy 8, 269, 2013 in the chapter sport system and structure of organized Sport. Viewed at <https://www.books.google.com>
- 3 C Gokduman, C Temel, Y Alper in the article named Social security for professional - 2025. Viewed at <http://www.researchsquare.com> .
- 4 Dexin Zou and Chong Jiang on the article Research on optimization of athletes' social security system in china. 2010 Chinese control and decision conference, 2070-2075, 2010. Viewed at <http://www.ieeexplore.ieee.org>.
- 5 J Maseko and Surujlal in the article retirement planning among south African professional soccer players. African journal for physical health education, recreation and Dance 17 (sup-2), 157-171,2011. Viewed at <http://www.journals.co.za>.
- 6 Victor V Timchenko on the article named Encyclopedia of sport management, 816-817, 2024. Viewed at <http://www.elgaronline.com>.
- 7 Dr . Mariam Mell' Osiime Mpaata in the Newspaper (New vision) October 14, 2020.viewed at <http://www.newvision.co.ug>.

- 8 National Experience Social Transfer Programmed Uganda.pdf <http://www.ipc-undp.org/publications/cct/africa>.

See <http://publicservice.go.ug/index.php/services/dept-compesation>

- 9 [http://www.memoireonline.com/09/10/3894/m\\_Role-of-social-security-fund-scheme-in-enhancing-the-socio-economic-development-of-Rwanda10.htm](http://www.memoireonline.com/09/10/3894/m_Role-of-social-security-fund-scheme-in-enhancing-the-socio-economic-development-of-Rwanda10.htm)
- 10 International Labour Organization. Equality of Treatment (social security) convention, 1962 (No.118) available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100> ILO CODE:C118
- 11 I.L.O. Technical Brief on Professional athletes and the fundamental principles and rights at work. 4<sup>th</sup> May 2024. Accessed at <http://www.ilo.org>.
- 12 African journal for physical health education, recreation and dance 17 (sup-2), 157-171, 2011. <http://www.journals.co.za>
- 13 Joshua Hernandez, the largest wave in the NCAA’s Ocean of Orange: The “college Athletes Are Employees” issue reevaluated, 33 Marq. Sports L. Rev. 781 (2023). Available at: <https://scholarship.law.marquette.edu/sportslaw/vol33/iss2/4>
- 14 I.L.O. International Labour Organization. Available at <http://www.ilo.org/topic-and-sectors/social-protection>
- 15 Lannuzel A, Moulin T, Amsallem D, Galmiche J, Rumbach L, Vertbral-artery dissection following a judo session: a case report. Neuropediatric. 1994; 25(2): 106 – 8.
- 16 Svinth JR. Death under the stoplight: The Manuel Velazquez boxing fatality collection. J Combat sport 2007. Available at <http://www.ejmas.com/jcs/jcscart-svinth-a-0700.htm>