Labour Dispute Resolution and Prevention

Case Study: Uganda
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Uganda’s basic regime phases

- 1894 - 1962 (Pre – independence)
- 1962 – 1971 (Milton Obote 1)
- 1971 - 1979 (Idi Amin)
- 1980 – 1985 (Milton Obote 11)
- 1986 – 2005 (NRM)
- 2005 – date (NRM, multiparty system)
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- Uganda has ratified 31 ILO conventions
- 26 are still in force
- 1 convention denounced
- 4 have been abrogated by disuse

- 8 fundamental labour conventions
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Constitution Article 40 (1995)

4 Acts enacted in 2006

- Employment Act
- Labour Disputes (Arbitration and Settlement) Act, LADASA
- Labour Unions Act
- Occupational Safety and Health Act
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Government of Uganda

Ministry of Gender Labour and Social Development

Gender

Labour

Occupational Safety and Health

Industrial Relations and Productivity

Employment and Labour Services

Labour Officers

Social Development

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Procedure of Dispute Resolution

- Dispute claim to be reported to labour officer within 4 weeks
- Labour officer to attend to dispute within 8 weeks (According to LADASA)
- If not resolved, refer to Industrial Court
  - Dispute to be resolved within 21 days
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Labour Officers

- Courts of first instance
- S9 of Employment Act - Each district to have 1 labour officer

Industrial Court

- Established under section 7 of LADASA
- The Court became operational in Mid 2014
- The Coram of the Court is composed of:
  - two judges
  - representative of the Employers
  - representative of the Employees
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Trade Unions
Article 40 of the Constitution allows employees the right to form or organise
Two national trade union centres
- National Organisation of Trade Unions (NOTU)
- Central Organisation of Free Trade Unions (COFTU)
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Labour Officers

Roles

- Meet with the parties involved and endeavour to resolve dispute through
  - Negotiation
  - Conciliation
  - Mediation
- Carry out inspections and write reports to Ministry
- Carry out criminal and civil litigations
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Industrial court

Roles

- Provide a timely and an efficient mechanism for resolution of industrial disputes through mediation and arbitration
- Avail quick, uncomplicated and inexpensive justice to workers
- Promote sound labour relations through promotion of freedom of association and encouraging effective collective bargaining.
- Defining the fundamental rights of employees, and
- Apply international law to our domestic labour market in order to match international labour standards
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Trade Unions

Roles

- Carry out collective bargaining i.e. negotiations
- Represent rights and interest of workers
- Provide information and advice to workers
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Successes And Failures

Successes

- Stronger emphasis on mediation and conciliation by the new legislation that was enacted in 2006
- Introduction of the Industrial Court by the LADASA – specialized court in labour matters
- Establishment of a Court Users Committee forum – formulate best practices of resolving and preventing labour disputes
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Failures

- There are inconsistencies between the provisions of the LADASA and the Employment Act;
  - the LADASA sates that, any dispute not settled within 8 weeks must be referred to the Industrial Court
  - the Employment Act sates that, any dispute not settled within 3 months must be referred to the Industrial Court
- Decentralization in the ministerial structures
  - Distribution of funds; as the biggest percentage is allocated to Social Development
  - Funds allocated to Labour Directorate hardly reach the labour officers to facilitate their work
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Labour Officer challenges

- Limited number of labour officers in the country
  - 40 labour officers out of 127 districts
- Lack of the necessary training to carry out dispute resolution
  - MGLSD has no training program for the officers
- Failure to carry out labour inspections due to the insufficient funds
  - Insufficient data collection i.e. workplace conditions, abuse of worker’s rights, wages etc.
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Industrial court challenges

- Only one industrial court in the whole country (Ugandan workforce at 14million)
- Workers trek long journeys to access the court
- Lack of judges specialised in labour matters
  - No training programme designed by the ministry to train judges
- Limited resources to make proper legal research and judgement on labour issues
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Trade Union challenges

- No legal standard for determining the representativity of trade unions within an enterprise or for collecting bargaining
- Wrangles between various trade unions
- Trade unions unrecognised by private sector
- Government interference
  - Threats to trade unions
  - Biased representation in the Parliament
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Uganda National Teachers Union Strike in vain for better working conditions, May 2019
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Recommendations

- Re-establish a standalone Ministry of Labour
- Ministry to reassert active role in providing technical support to labour officers
- Ministry to adopt a budgeted national training plan
- ILO should urge Ministry to publish annual reports on labour inspections
- Government should set up regional courts or empower the industrial court to have more than one panel
- A single piece of legislation / Act to address labour issues should be adopted to avoid inconsistencies i.e. LADASA vs Employment Act
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Questions?
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