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Legal Alert: Labour Disputes Law in Uganda

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Uganda's labour disputes law was amended in 2020 and came into force on July 23, 2021. The amendments strengthen the Industrial Court with more judges (and panels) and the powers, tenure, and conditions of service of the court's judges (and registrars) have been made similar to that of judicial officers in the High Court.

New changes introduced by the Labour Disputes (Arbitration & Settlement) (Amendment) Act, 2020

Background

The *Labour Disputes (Arbitration and Settlement) Act* 2006 was amended by the *Labour Disputes (Arbitration and Settlement) (Amendment) Act, 2020*. The amendment came into force on July 23, 2021 vide the *Labour Disputes (Arbitration and Settlement) (Amendment) Act, (Commencement) Instrument, 2021* published in the *Uganda Gazette* on August 13, 2021.

The 2020 Amendment Act amends several key provisions in 2006 Act as highlighted below.

Key changes introduced by the 2020 Amendment Act

1. The introduction of the Industrial Court Seal that will be in the custody of the Head judge.
2. The Industrial Court has been given powers of the High Court in the performance of its duties and in particular to:
 - (a) Summon witnesses and administer oaths and affirmations.
 - (b) Order discovery, inspection and production of documents.
 - (c) Require persons with special knowledge to furnish in writing that expert opinion or evidence.
 - (d) Make orders as to costs and other reliefs.
3. The composition of the Industrial Court, under s. 10 of the Act, has been increased to comprise of a head judge, 4 judges, 5 independent members, 5 representatives of the employer, and 5 representatives of the employee.
4. The term of office for the independent members and representatives of employer and employee has been increased from 3 years to 5 years subject to reappointment.
5. The term of the judges which was 5 years has been changed to follow the same terms and conditions of service as a judge of the High Court.
6. The quorum of the Industrial Court is any 4 members of the Industrial Court that are the head judge or a judge, an independent member, a representative of employers, and a representative of the employees.
7. The Act has added a provision, s. 10C, to provide for conditions for termination of appointment of members of the Industrial Court except for the judges of the Court.
8. The introduction of a Deputy Registrar and Assistant Registrar appointed and supervised by the Judicial Service Commission in accordance with article 148A of the Constitution. The qualification, functions, procedure of appointment, disciplining, and removing of the registrar, deputy and assistant registrar shall be as those of registrars in the High Court.

9. The introduction of offence of contempt of court for a witness who refuses to produce a document or comply with summons to appear or failing to answer a question not being a document or answer that incriminates him or her or failure to honour an award of the Court.
10. The remuneration and benefits payable to the judges and registrars shall be as that of judges and registrars of the High Court.

Conclusion

The above changes are very welcome especially because:

- (a) By amending the quorum of the Court and providing for more than one panel of Judges, there will be less backlog hence expeditious handling and determination of matters.
- (b) By introducing the offence of contempt of Court and also being given powers of the High Court, the Industrial Court has been fully enhanced to operate and fully administer justice.

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