

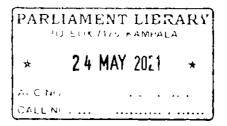
| ſ | PARLIAMENT LIERARY |
|---|--------------------|
| | * 24 MAY 2021 * |
| | CUNG. |

THE REPUBLIC OF UGANDA

THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT) (AMENDMENT) ACT, 2020.



-



I SIGNIFY my assent to the bill.

en President

Date of assent 10 3 2021.

THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT) (AMENDMEN1) ACT, 2020

ARRANGEMENT OF SECTIONS

Sections

- 1 Commencement,
- 2. Amendment of Act 8 of 2006,
- 3. Amendment of section 8 of principal Act.
- 4. Amendment of section 10 of principal Act.
- 5 Insertion of sections 10A, 10B and 10C in principal Act.
- 6 Repeal of section 11 of principal Act.
- 7 Amendment of section 12 of principal Act
- 8 Repeal of section 13 of principal Act.
- 9 Amendment of section 14 of principal Act
- 10. Amendment of section 18 of principal Act.
- 11. Amendment of section 41 of principal Act.
- 12. Insertion of section 45 in principal Act



THE REPUBLIC OF UGANDA



THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT) (AMENDMENT) ACT, 2020

An Act to amend the Labour Disputes (Arbitration and Settlement) Act, 2006 to provide for the official seal of the Industrial Court; to amend the composition of the Industrial Court and to provide for the powers of the Industrial Court; to provide for the terms and conditions of appointment of the Head Judge and other Judges of the Industrial Court to be similar to those of the Judges of the High Court; to provide for appointment of Registrar, Deputy Registrar and Assistant Registrar and for other related matters.

DATE OF ASSENT:

Date of Commencement.

BE IT ENACTED by Parliament as follows:

1. Commencement

This Act shall come into force on a date appointed by the Minister. by statutory instrument.

2. Amendment of Act 8 of 2006

The Labour Disputes (Arbitration and Settlement) Act, 2006 Act 8 of 2006, in this Act referred to as the principal Act is amended by inserting immediately after section 7 the following—

"7A . Official seal.

(1) The Industrial Court shall have a seal which shall be judicially noticed.

(2) The Head Judge shall be the custodian of the seal of the Industrial Court and may—

- (a) assign the custody of the seal or a duplicate of the seal to a Judge or Registrar of the Industrial Court; and
- (b) give directions, subject to this section as to the manner in which the seal shall be kept and used.

(3) Nothing in this section shall affect the validity of any document lawfully sealed before coming into force of this Act."

3. Amendment of section 8 of principal Act

Section 8 of the principal Act is amended by inserting immediately after subsection (2) the following—

- "(2a) In the performance of its functions, the Industrial Court shall have the powers of the High Court, and in particular shall have powers—
 - (a) to summon witnesses and administer oaths and affirmations;
 - (b) to order the discovery, inspection, or production of documents,

- (c) to require any person who appears to have special knowledge of any relevant matter, to furnish in writing or to confirm on oath or affirmation, that expert opinion or evidence; and
- (d) to make orders as to costs and other reliefs as the Industrial Court may deem fit, including an order for reinstatement of an employee subject to such conditions as the court may impose."

4. Amendment of section 10 of principal Act

The principal Act is amended by substituting for section 10 the following-

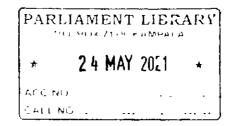
"10. Composition of Industrial Court

- (1) The Industrial Court shall consist of-
- (a) a Head Judge;
- (b) four Judges;
- (c) five independent members;
- (d) five representatives of employers; and
- (e) five representatives of employees.

(2) The Head Judge and the Judges of the Industrial Court shall be appointed by the President on the advice of the Judicial Service Commission and with the approval of Parliament.

(3) A person is not qualified to be appointed a judge of the Industrial Court unless that person is qualified to be appointed a judge of the High Court.

- (4) The Minister shall appoint—
- (a) the independent members of the Industrial Court;



- (b) the representatives of employees among the nominations submitted to the Minister by the Federation of Labour Unions ; and
- (c) the representatives of employers among the nominations submitted to the Minister by the Federation of Employers.

(5) The members of the Industrial Court, other than the judges, shall hold office for a term of five years and shall be eligible for re-appointment."

5. Insertion of sections 10A, 10B and 10C in principal Act.

The principal Act is amended by inserting immediately after section 10 the following—

"10A. Terms and conditions of appointment

(1) The Head Judge and other judges of the Industrial Court shall hold office on the same terms and conditions of service as a judge of the High Court.

(2) The Head Judge and other judges of the Industrial Court shall be subject to disciplinary action and removal from office on the same grounds and in the same manner as a judge of the High Court.

(3) Where—

- (a) the office of a judge of the Industrial Court is vacant:
- (b) a judge of the Industrial Court is for any reason unable to perform the functions of his or her office: or

(c) the Head Judge advises the Judicial Service Commission that the state of business in the Industrial Court so requires,

the President may, acting on the advise of the Judicial Service Commission, appoint a person qualified for appointment as a judge of the Industrial Court to act as judge even though that person has attained the age prescribed for retirement in respect of that office

(4) A person appointed under subsection (3) to act as a judge of the Industrial Court shall continue to act for the period of the appointment or if no period is specified, until the appointment is revoked by the President acting on the advice of the Judicial Service Commission. whichever is earlier.

10B. Constitution of Industrial Court.

(1) The Industrial Court shall be duly constituted where at any sitting there are four members present, consisting of—

- (a) a Head Judge or a judge;
- (b) an independent member;
- (c) a representative of employers; and
- (d) a representative of employees.

(2) The Head Judge or a judge of the Industrial Court shall preside over the hearing of a particular matter for which the Industrial Court is constituted.

(3) Notwithstanding subsection (1), where at any time before a matter is determined, the Industrial Court is constituted and one of the members ceases to be a member or is not available to attend the proceedings—

- (a) if the member is not the judge, the Presiding Judge in consultation with the Head Judge shall have power to co-opt another member of the Industrial Court to hear the matter until it is determined; or
- (b) if the member is the judge, the Head Judge shall assign another judge of the Industrial Court to preside over the hearing of that particular matter until it is determined.

10C. Termination of appointment.

(1) This section does not apply to the Head Judge and other judges of the Industrial Court.

(2) A member of the Industrial Court may resign his or her office by giving thirty working days notice in writing delivered to the Minister.

(3) A member may be removed from office only for-

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct.
- (c) failure to attend at least three consecutive hearings, without reasonable cause;
- (d) incompetence;
- (e) being an undischarged bankrupt; or
- (f) being convicted of an offence and sentenced to a term of imprisonment.

(4) The Minister shall remove a member of the industrial Court if the question of his or her removal has been referred to the Minister by the Head Judge, and the Minister is satisfied that the member ought to be removed from office on any ground referred to in subsection (3)."

6. Repeal of section 11 of principal Act.

Section 11 of the principal Act is repealed

7. Amendment of section 12 of principal Act.

The principal Act is amended by substituting for section 12 the following-

"12. Registrars of the Industrial Court and support staff

(1) The Industrial Court shall have a Registrar. Deputy Registrar and Assistant Registrar.

(2) The Registrar shall be appointed by the President on the advice of the Judicial Service Commission and shall be disciplined and removed from office in accordance with Article 147 of the Constitution.

(3) The Deputy Registrar and Assistant Registrar shall be appointed. disciplined and removed from office by the Judicial Service Commission in accordance with Article 148A of the Constitution.

(4) The qualifications of the Registrar, Deputy Registrar, and Assistant Registrar of the Industrial Court shall be similar to those of a Registrar, Deputy Registrar, and Assistant Registrar of the High Court respectively



Act

Labour Disputes (Arbitration and Settlement) 2020 (Amendment) Act

(5) The functions of the Registrar, Deputy Registrar, and Assistant Registrar of the Industrial Court shall be similar to those of a Registrar, Deputy Registrar, and Assistant Registrar of the High Court, respectively.

(6) The procedure for appointing, disciplining, and removing from office a Registrar, Deputy Registrar, and Assistant Registrar of the Industrial Court shall be similar to that of appointing, disciplining and removal from office of a Registrar, Deputy Registrar, and Assistant Registrar of the High Court, respectively.

(7) The Industrial Court shall have other staff appointed by the Public Service Commission, as may be necessary.

(8) The other staff of the Industrial Court shall be subject to the direction and supervision of the Registrar."

8. Repeal of section 13 of principal Act.

The principal Act is amended by repealing section 13.

9. Amendment of section 14 of principal Act.

The principal Act is amended by substituting for section 14 the following-

"14. Decisions and awards of the Industrial Court

(1) Where the Industrial Court is unable to reach a decision by consensus, the matter shall be decided by the Judge presiding over the matter.

(2) An award or decision of the Industrial Court shall be announced by the Judge presiding over the matter, on notice to the parties to the dispute or their representatives.

(3) An award of the Industrial Court shall take effect from the date that the Court may determine but in any case, not a date earlier than the date the dispute arose.

(4) Where the Industrial Court does not fix a date, the effective date shall be the date on which the award is announced.

(5) The Industrial Court may review its decisions or awards.

(6) A person who fails or refuses to abide by an award or decision of the Industrial Court shall be in contempt of court."

10. Amendment of section 18 of principal Act.

Section 18 of the principal Act is amended by substituting for subsection (3) the following—

"(3) A person who, without reasonable excuse, refuses or fails to produce a document or to comply with summons to appear, or fails to answer a question put to them, not being a document or answer referred to in subsection (2), commits the offence of contempt of court."

11. Amendment of section 41 of principal Act

The principal Act is amended by substituting for section 41 the following-

"41. Remuneration, allowances, and other expenses

(1) The remuneration, emoluments, and benefits including retirement benefits payable to the Head Judge and other Judges and Registrars of the Industrial Court shall be the same as those payable to the Judges and Registrars of the High Court.

(2) The Minister shall, in consultation with the Minister responsible for finance, determine the remuneration, including allowances payable to the members of Industrial Court who are not staff of the judiciary.

(3) The remuneration, emoluments, and benefits including retirement benefits payable to the Registrars. Deputy Registrar and Assistant Registrar shall be the same as that payable to the Registrars of equivalent rank in the High Court.

(4) The Public Service Commission shall determine the remuneration and allowances, payable to the other staff of the Industrial Court.

(5) The administrative expenses of the Industrial Court and all the other expenses incurred in the carrying into effect the provisions of this Act shall be paid out of the Consolidated Fund.

(6) The Head Judge, Judge, Registrar, Deputy Registrar and Assistant Registrar of the Industrial Court shall be entitled to the retirement benefits and other benefits applicable to such staff of the Judiciary under the Administration of the Judiciary Act, 2020."

12. Insertion of section 45 in principal Act

The Principal Act is amended by inserting immediately after 44 the following section—

"45. Continuation of existing appointments and proceedings.

(1) A person who at the commencement of this Act is a Judge, a Registrar or a member of the Industrial Court shall be deemed to be duly appointed to the Industrial Court under this Act

(2) A person who at the commencement of this Act is a staff of the Industrial Court shall be deemed to be a staff of the Industrial Court under this Act.

(3) All proceedings pending before the Industrial Court at the commencement of this Act shall continue to be heard in such manner as may be determined by the Head Judge."

| ſ | PARLIAMENT LIERARY | | | | | | | |
|---|--------------------|--|--|--|--|--|--|--|
| | * 24 MAY 2021 * | | | | | | | |
| ļ | Αυτ.ΝΟ | | | | | | | |

Act

;



| PARLIAMENT LIERARY | | | | | | |
|--------------------|-----|-----|----------|---------|--|--|
| * | 24 | MAY | 2021 | \$ | | |
| ALCIN | () | | •• •• • | | | |
| Lente | NO. | | <u> </u> | <u></u> | | |

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

lik Clerk to Parliament

Date of authentication 01/12/2020