



THE REPUBLIC OF UGANDA

**THE PUBLIC SERVICE (NEGOTIATING,
CONSULTATIVE AND DISPUTES SETTLEMENT
MACHINERY) ACT, 2008**



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Act 10

*Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act*

2008

THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE AND
DISPUTES SETTLEMENT MACHINERY) ACT, 2008

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**THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE
AND DISPUTES SETTLEMENT MACHINERY) ACT, 2008.**

An Act to provide for the establishment of a public service negotiating, consultative and disputes settlement machinery; to provide for the creation of consultative committees in each department or other unit or subdivision of Government and in each Local Government, to offer conciliation services in labour disputes; to establish a National Negotiating and Consultative Council to, among other things, facilitate consultations, dialogue and negotiations between the Government as employer and public service labour unions; to establish a Public Service Tribunal to arbitrate labour disputes and secure harmonious labour relations in the public service; and to provide for other related matters.

DATE OF ASSENT: 20th May, 2008.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.**1. Commencement.**

This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. Interpretation.

In this Act unless the context otherwise requires—

“arbitration” means the process of judging officially how an argument should be settled;

“autonomous body” means a government agency, authority, commission or institution, which is part of the public service but which, by virtue of the law establishing it or under which it is established has other control of its own affairs or is otherwise independent;

“collective bargaining agreement” means a written agreement relating to terms and conditions of employment concluded and signed between one or more labour unions and one or more employers or employers’ organizations;

“conciliation” means a process of trying to get people to agree;

“Council” means the Public Service Negotiating and Consultative Council established under section 4 of this Act;

“court” has the meaning assigned to it by the Constitution;

“currency point” has the value assigned to it in the First Schedule;

“department” means a department of a ministry, local authority or local government;

“disputes settlement machinery” means a process through which disputes are reported, registered and handled for the purpose of settlement;

“essential services” means services, which if withdrawn abruptly may—

- (a) cause loss of life;
- (b) threaten the well-being of society;
- (c) cause major disruption in the nation;
- (d) cause disaster;

“grievance” means a complaint or feeling of being marginalized due to unfair treatment;

“joint negotiating committee” means a committee of representatives nominated by the public service labour unions to represent them in bilateral negotiating and consultative fora with the employers' representatives;

“labour dispute” means any dispute between an autonomous body, a department or a local government as employer and a public officer or any other employee of the public service relating to the terms and conditions of service of a public officer or any other employee of the public service;

“labour union” means any organization of employees created by employees for purposes of representing the rights and interests of employees and includes a registered labour union in existence at the commencement of this Act;

“lock-out” means the withholding of work from employees by an employer in order to gain concession from the employees;

“local government” has the meaning assigned to it by the Local Governments Act;

“Minister” means the Minister responsible for public service;

“ministry” means a ministry of the Government;

“public officer” has the meaning assigned to it by article 257 of the Constitution;

“public service” has the meaning assigned to it by article 257 of the Constitution;

“public service labour union” means a registered labour union as defined in the Labour Unions Act, which is designated by the Minister by statutory instrument to be a public service labour union for the purposes of this Act;

“recognition Agreement” means the Agreement between the Government and the public service labour union set out in the Third Schedule to this Act;

“responsible officer” means an officer of government at the rank of commissioner or above, who is delegated the powers and responsibilities of a ministry, department, agency, authority, commissioner or institution, including a local government;

“strike” means the go slow or the sit down by a body of persons employed and acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling the employer, or to aid other employees, to accept or not to accept terms or conditions affecting the employment;

“Tribunal” means the Public Service Tribunal established under section 5(1);

“Union Representative” means a person appointed by a public service labour union to represent that union.

PART II—CONSULTATIVE COMMITTEES.

3. Consultative Committees and their functions.

(1) There shall be in each autonomous body, ministry, department, local government or such division or unit of the public service as may be prescribed by the Minister by statutory instrument, a Consultative Committee consisting of a Chairperson and not less than ten other members.

(2) Every Consultative Committee shall consist of five persons representing an autonomous body, ministry, department, division, or unit of the public service, as the case may be; and five union representatives.

(3) The functions of a Consultative Committee are—

(a) to hear and offer conciliation services in labour disputes in any autonomous body, ministry, department, local government, division or unit of the public service;

(b) to act as a forum for involving public officers and other employees in the public service in policy issues that affect them.

(4) The rules and procedures which shall govern a Consultative Committee are as set out in the Second Schedule to this Act.

(5) In the event of an impasse, a labour dispute shall be declared and reported to the Public Service Negotiating and Consultative Council.

PART III—PUBLIC SERVICE NEGOTIATING AND CONSULTATIVE COUNCIL.

4. Public Service Negotiating and Consultative Council and its functions.

(1) There shall be a Public Service Negotiating and Consultative Council consisting of a Chairperson and not less than five other members.

(2) The Chairperson and other members of the Council shall be appointed by the Minister on terms and conditions of service determined by the Minister in consultation with the Minister responsible for finance.

(3) The expenses of the Council shall be charged on the Consolidated Fund.

(4) The Chairperson of the Council shall be a person of high moral character and proven integrity, with considerable experience and demonstrated competence in the conduct of public affairs or in the settlement of disputes between contending employers and employees.

(5) A person shall resign his or her office or appointment as Chairperson of the Council if that person is or becomes—

(a) a member of Parliament;

(b) a member of a local government council;

(c) a member of the executive of a political party or a political organization;

(d) a member of any board or other authority responsible for the management of the public service; or

(e) a public officer.

(6) The functions of the Council are—

(a) to conduct and facilitate consultations, dialogue and negotiations between the Government, an autonomous body or a local government as the employer and the Public Service Labour Union, on the terms and conditions of service of members of the union;

(b) to act as a forum for discussions, consultations and negotiations on issues specified in the Recognition Agreement set out in the Third Schedule to this Act;

(c) to act as a forum for involving public officers and other employees in the public service in the process of formulating policy in the public service.

(7) During any negotiation or consultation, the persons representing the Government shall be led by the Head of the Public Service and shall be composed of representatives of the Ministries responsible for the public service, finance, justice, local governments and such other Ministries as the Minister may determine.

(8) The public service labour unions shall form a joint negotiating team consisting of at least two members from each public service labour union, to negotiate on issues of common interest; but individual labour unions may negotiate on matters peculiar to them.

(9) The Ministry responsible for the public service shall be the secretariat to the Council.

(10) The Ministry responsible for labour shall provide technical advisory services to the Council.

(11) The Council shall meet twice in a year with the option to convene any emergency meeting.

(12) The rules which shall govern the negotiation of terms and conditions of service in the public service are as set out in the Fourth Schedule to this Act.

(13) The rules and procedures which shall govern the handling of grievances in the public service are set out in the Fifth Schedule to this Act.

PART IV—PUBLIC SERVICE TRIBUNAL.

5. Public Service Tribunal and its functions.

(1) There shall be a Public Service Tribunal whose composition and functions are as specified in this section.

(2) The Tribunal shall consist of a Chairperson, a Vice Chairperson and not less than four or more than six other members, half of whom shall be nominated by the public service labour union and appointed by the Minister, with the approval of the Cabinet.

(3) The Chairperson shall be a person of high moral character and proven integrity, and appointed by the Chief Justice from among persons who are experienced and knowledgeable about the public service, but that person need not be a lawyer.

(4) The terms and conditions of service of the Chairperson, the Vice Chairperson and other members of the Tribunal shall be as determined by the Minister with the approval of Parliament.

(5) The functions of the Tribunal are—

(a) to hear and arbitrate, in accordance with the provisions of this Act, any labour dispute referred to it by the Minister;

(b) to make awards or recommendations to the Government on labour disputes referred to it;

(c) to secure harmonious labour relations in the public service.

(6) The awards of the Tribunal shall be binding on both parties to the labour dispute.

(7) The Tribunal shall sit as and when a labour dispute is referred to it.

(8) For the purposes of dealing with any matter referred to it in this Act, and subject to section 4, the Tribunal may—

(a) on its own volition or on the application of either party to the dispute, require any person to furnish, in writing or otherwise, such evidence in relation to the matter as the Tribunal may require;

(b) where necessary, call any person to attend in person and testify on oath or otherwise, or produce any document for the purpose of eliciting all such information as the Tribunal may consider necessary in the circumstances without being bound by the rules of evidence applicable in civil and criminal proceedings in a court.

(9) Where any witness objects to answering any question or to producing any document or thing—

(a) on the ground that answering the question or producing the document or thing will incriminate him or her; or

(b) on any other lawful grounds,

he or she shall not be required to answer the question or to produce the document or thing, nor shall he or she be liable to any penalty for refusing to do so; except that where a witness willfully and without any legal justification refuses to answer any question or produce any document or thing or give any information, he or she shall be liable to the penalty prescribed in section 9.

(10) Two thirds of the members of the Tribunal shall form a quorum.

(11) Subject to the provisions of this Act, the Tribunal shall regulate its own procedure.

(12) The expenses of the Tribunal shall be a charge on the Consolidated Fund.

6. Secretary to Public Service Tribunal.

(1) There shall be a Secretary to the Public Service Tribunal who shall be a person qualified to be appointed to the office of director in the public service.

(2) The appointment of the Secretary to the Tribunal shall be on terms and conditions applicable to a director in the public service.

(3) The Secretary to the Tribunal shall be responsible for—

(a) receiving and registering any labour disputes referred to the Tribunal;

(b) making arrangements for meetings of the Tribunal;

(c) the recording and keeping of the minutes of the decisions and proceedings of the Tribunal;

(d) performing such other functions as the Chairperson of the Tribunal shall assign to him or her from time to time.

PART V—ESSENTIAL SERVICES.

7. Essential services.

(1) Essential services are as specified in the Sixth Schedule to this Act.

(2) Where collective withdrawal of labour from any essential services is contemplated in furtherance of a labour dispute, notice of a strike shall not be valid unless it is accompanied by a certificate signed by the Chairperson of the Council stating that—

(a) ninety days have elapsed since the date of the report of the labour dispute to the Council; and

(b) the disputes settlement machinery has been exhausted.

(3) Labour disputes in essential services shall be dealt with expeditiously.

PART VI—STRIKES IN THE PUBLIC SERVICE.

8. Strikes in the public service.

(1) Workers in the public service shall have a right to withdraw labour or call a strike in furtherance of a labour dispute, provided the negotiating machinery is exhausted, according to section 7 (2) (b).

(2) Subsection (1) shall not apply to a lockout or a strike arising out of a labour dispute where—

(a) any machinery or arrangement under this Act or otherwise for the settlement, by conciliation or arbitration, of the dispute has been resorted to and exhausted;

(b) withdrawal of labour is due to unsafe and dangerous working environment.

(3) Prior to a strike—

- (a) advance notice shall be given in accordance with section 7 (2), or any other written law;
- (b) the parties shall exhaust all avenues for conciliation, arbitration or dispute settlement provided for under this Act.

PART VII—MISCELLANEOUS.

9. Offence and penalty.

A person who contravenes any provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or imprisonment not exceeding six months.

10. Amendment to Schedules.

The Minister may, by statutory instrument and with the approval of the Cabinet, amend the Schedules to this Act.

11. Repeal of Cap. 289.

The Public Service Negotiating Machinery Act is repealed.

12. Regulations.

The Minister may by statutory instrument, make regulations on matters of negotiations and dispute settlement under this Act.

SCHEDULES

FIRST SCHEDULE

Sections 2, 9, and 10

CURRENCY POINT.

One currency point shall be equivalent to twenty thousand Uganda shillings.

CONSULTATIVE COMMITTEE RULES AND PROCEDURES.

1. Where a public officer or other employee of the public service has a grievance or a complaint against any other public officer or other employee of the public service—

(a) the aggrieved party shall first report the grievance or complaint to his or her immediate supervisor or manager; and failing any action by the supervisor or manager, report the grievance to his or her Union Representative who will prepare a memorandum setting out the grievance or complaint and submit it to the Secretary of the relevant Consultative Committee with a copy to the other party affected by the grievance or complaint; and

(b) the Secretary to the Committee shall—

(i) register the grievance or complaint;

(ii) notify the other party to the grievance, the Chairperson and other members of the Committee about the grievance by furnishing each of them with a copy of the grievance or complaint;

(iii) in consultation with the Chairperson, set a date for the hearing of the grievance or complaint, which shall not be earlier than fourteen working days after the notification in subparagraph (ii), and circulate the hearing date to the other party to the grievance and other members of the Committee; and

(iv) call upon the other party to the grievance or complaint to prepare and submit the reply to the Secretary not later than four working days before the hearing date, a reply to grievance or complaint.

2. A Consultative Committee shall meet at least once in every three months.
3. A Consultative Committee shall be chaired by the head of the relevant autonomous body, ministry, department, local government, division or unit of the public service.
4. The Secretary to a Consultative Committee shall be a personnel officer of the relevant autonomous body, ministry, department, local government, division or unit of the public service and in his or her absence, the Committee shall choose from among its members someone to act as Secretary.
5. Subject to these Rules, a Consultative Committee may regulate its own procedure.
6. Two-thirds of the members of a Consultative Committee shall constitute a quorum.

THIRD SCHEDULE

Sections 2, 4(6)(b)

RECOGNITION AGREEMENT

This AGREEMENT is made this day of BETWEEN the Government of the Republic of Uganda (in this Agreement referred to as "the Government") of the one part and the Public Service Labour Unions (in this Agreement referred to as "the Union") of the other part, meeting together voluntarily to determine and regulate the relationship between them in the interests of mutual understanding and co-operation.

1. Interpretation.

In this Agreement, unless the context otherwise requires, the following terms and expressions shall have the following meanings—

"Act" means the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008;

"autonomous body" has the meaning assigned to it by the Act;

"employment unit" means the place of work of a union member;

"essential services" means the services specified in the Fifth Schedule to the Act;

"Government" includes a local government and an autonomous body;

"public officer" has the meaning assigned to it by the Act;

"public service labour union" has the meaning assigned to it by the Act;

"responsible officer" includes the Permanent Secretary of a Ministry or a public officer of equivalent rank, head of a department, a Chief Administrative Officer and Town Clerk of a local government council;

"terms and conditions of service" includes the subjects for negotiation and consultation set out in Appendix 2 to this agreement;

"Tribunal" has the meaning assigned to it by the Act;

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“union member” means a member of the public service Labour union;

“union official” means an elected or appointed officer of the union whose name has been placed on the Authorised Visitors’ list in accordance with rule 1 (a) of Appendix 1 to this Agreement;

“union representative” has the meaning assigned to it by the Act;

2. Recognition by Government.

The Government accords full recognition to—

(a) the union as the properly constituted and representative body representing the interests of union members in matters concerning their terms and conditions of service;

(b) all properly constituted branches of the unions as may be set up.

3. Union officials’ right of access.

(1) To enable officials of the union to contact union members in any employing unit of Government in an orderly manner, the Government agrees, subject to subparagraph (2) of this paragraph, to permit the Union officials to visit places of work; however, Union representatives shall have a right of access to employees in Ministries, Departments, autonomous bodies or Local Governments only where the union representatives are listed on the Authorised Visitors’ list as representing the Union.

(2) Visits may be made and conducted under subparagraph (1) only in accordance with the code of rules set out Appendix 1 to this Agreement.

4. Union Officials

(a) The Union undertakes to inform the Government without delay of the names of Union Officials and Union Representatives following their election in accordance with the Union’s Constitution.

(b) The Government agrees not to enter into negotiations with persons purporting to represent the Union other than its accredited representatives.

- (c) Union Officials and Representatives shall have the right of access mentioned in paragraph 3 subject only to the Code of Rules set out in Appendix 1 to this Agreement.

5. General principles

(1) The Government and the Union recognise the country's interest in—

- (a) attaining and maintaining the highest level of efficiency and effectiveness in the Public Service within the constraints of the limited resources of the country;
- (b) attaining and maintaining good and harmonious labour relations; and
- (c) achieving the highest possible standard of safe and conducive working conditions, consistent with the economic reforms of the Government; and agree to co-operate towards attaining these ends.

(2) To achieve the aims referred to in subparagraph (1), the Government and the Union agree—

- (a) to follow the procedures laid down in the Act; and
- (b) not to cause, countenance or support any lockout or strike, until those procedures have been exhausted.

6. Right of access to superior officers

The Union is aware that it is a constitutional duty of the Government to employ any person whether he or she is a member of the Union or not; and nothing in this Agreement shall prevent an employee from having direct access to his or her superior officers in the Public Service or to discuss any matter which may affect him or her in connection with his or her employment.

7. Discrimination

(1) The objective of establishing this relationship is to achieve industrial peace through collective bargaining or negotiations and free association; and in this spirit, both Government and the Union undertake not to discriminate against an employee in matters connected with his or her conditions of employment on account of his or her not being a member of the Union.

(2) The Government shall not interfere with the rights of employees to join or continue as Union members or discriminate, restrain, victimize or coerce an employee because of his or her recognised activity in a Union.

8. Intimidation

The Government and the Union agree to take all reasonable and practicable steps to ensure that neither party practises intimidation or uses abusive or intemperate language in their dealings with each other.

9. Negotiating Machinery and Disputes Settlement Procedure

(1) The machinery for negotiating terms and conditions of service of Union members and for consultation on matters concerning the interests, well-being and efficiency of Union members shall be such machinery as is laid down in the Act.

(2) The subjects for negotiation and consultation shall be as laid down in Appendix 2 of this Agreement.

(3) Any matter that contravenes any written law shall not be the subject of negotiation.

10. Compliance with the provisions of Agreement

(1) The Government and the union undertake to ensure that both parties and all their officials and representatives shall accept responsibility for compliance with the procedures laid down in the Act.

(2) The Government and the Union shall take every possible step to prevent or bring to an end any action by any of its members which is at variance with the provisions of the Act and the spirit of this Agreement.

(3) Any controversy relating to or arising out of the interpretation or breach of this Agreement shall, as far as possible, be settled in accordance with the disputes settlement machineries provided for in sections 3 and 4 and 5 of the Act.

11. Strikes and lock-outs

(1) The Union agrees not to resort to strike action over any subject for negotiation and consultation specified in Appendix 2, unless and until the machinery for negotiation and consultation provided for under the Act has been resorted to and exhausted.

(2) It is agreed that in the event of a strike or lockout or disturbance in essential services the Union shall ensure continuation of those services with minimum disruption.

12. Check-off System

(1) All unionised employees covered by this Recognition Agreement shall be required to contribute union dues by means of a check-off System under which Ministries, autonomous bodies, and Districts of Local Governments undertake to deduct from all unionised employees union dues as will be advised by the Union General Secretary from time to time in accordance with the relevant laws.

(2) The acceptance of the check-off system by each individual shall be entirely voluntary and shall be authorised by a form signed by the employee.

(3) The amount to be deducted under the check-off system shall be the monthly rate of subscription fixed by the Union in accordance with the Union Constitution.

(4) The Government shall not be responsible for issuing receipts to Union Members.

(5) The Government shall make no deductions on behalf of the Union other than the monthly subscription.

13. General

(1) It is agreed that no information during any discussions, negotiations or consultations between the Government and the Union shall be released to the press, radio, television or any information service bureau by either party except by mutual consent.

(2) The Union undertakes to take appropriate measures to educate and improve awareness of its Representatives and Members of the contents of this Agreement.

(3) In their dealings, the Government and the Union agree to adhere to and comply with the provisions of the Constitution, the Act, and any other applicable written law.

(4) The Government undertakes to take appropriate measures to educate and improve the awareness of managers of the provisions or contents of this Agreement.

14. Notices

All notices between the parties shall be addressed as follows—

- (a) FOR THE GOVERNMENT
HEAD OF PUBLIC SERVICE/SECRETARY TO CABINET
OFFICE OF THE PRESIDENT
P.O. BOX 7168, KAMPALA.
- (b) FOR THE UNION
GENERAL SECRETARY OF THE UNION
UNION HEADQUARTERS
UGANDA

15. Commencement and duration of Agreement

(1) While this Agreement remains in force, its observance by both parties is a condition of the continuous recognition of the Union by Government and vice versa.

(2) This Agreement shall—

- (a) come into force and take effect from (the date of the Agreement);
- (b) remain unaltered for a period of twelve months from that date of its coming into force;
- (c) be renewed automatically every year unless either party wishes to modify or alter any of its terms and conditions.

(3) Any modifications or alterations to this Agreement will be mutually agreed upon by either party giving at least three months' notice in writing of that fact to the other party together with the proposed amendments which shall be in writing.

(4) This agreement shall come into force and take effect upon signature by both parties.

WHEREFORE the parties have on the day and year as mentioned above affixed their signatures.

**FOR THE GOVERNMENT
HEAD OF THE PUBLIC SERVICE
AND SECRETARY TO CABINET.**

IN THE PRESENCE OF

**FOR THE PUBLIC SERVICE
LABOUR UNIONS
(GENERAL SECRETARIES
OF THE UNIONS)**

IN THE PRESENCE OF:

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APPENDIX 1

RULES GOVERNING ACCESS OF UNION OFFICIALS AND
REPRESENTATIVES TO EMPLOYING UNITS

1. (1) The Union shall furnish to each department, ministry, autonomous body or district local government, a list of all those Union Officials and Union Representatives (hereinafter referred to as "Officials") who are authorised by the Union to visit the department, ministry, autonomous body, or district for the purpose of conducting Union affairs; and the list shall be known as the "Authorised Visitors' list".

(2) Five copies of the "Authorised Visitors' list" shall be certified by both the responsible officer and the responsible Union Official and—

- (a) a copy as so certified shall be given to the Registrar of Labour Unions;
- (b) two copies as so certified shall be retained by each Department, autonomous body, District or a Local Government; and
- (c) two copies as so certified shall be retained by the Union.

(3) An Authorised Visitors' list shall be prepared in the manner prescribed in Rule (1) after the expiry of each twelve months.

(4) Where during the twelve months the Union desires to substitute one person for another person on the authorised Visitors' list, or to remove or to add a name, as the case may be, the Union shall inform the responsible officer, and the substitution or addition shall be effected accordingly and confirmed in writing by the union.

(5) Four copies of the Authorised Visitors' list as modified under sub-rule (3) shall be prepared and distributed in accordance with sub-rule (2).

2. Only officials whose names are on the Authorised Visitors' list of a ministry, department, autonomous body or local government shall be granted access to employing units for the purpose of conducting Union business.

3. Every official whose name is on an Authorised Visitors' list shall be provided by the Union with an identity card bearing a photograph of the official, which shall enable the official to be easily identified as the person he or she purports to be.

4. An official on visiting an employing unit shall—

(a) arrive at the employing unit only during the employing unit's normal working hours, unless special prior authority has been granted from the officer-in-charge of the employing unit for the visit to begin at some other time;

(b) report to the employing unit's office immediately upon arrival and inform the officer-in-charge of the employing unit about the nature of the business he or she wishes to conduct and the persons with whom he or she wishes to conduct such business;

(c) confine his or her attention to Union affairs.

5. (1) An official shall not hold any general meeting, whether of Union members or of other persons, except—

(a) in accordance with any applicable written law for the time being in force;

(b) with the consent of the officer-in-charge of the relevant employing unit, and in a manner that is mutually agreed upon;

(c) subject to such conditions as may be imposed by the officer-in-charge in accordance with the provisions of rule 6.

(2) Unions shall regulate their own procedure.

6. The conditions which may be imposed by the officer-in-charge of an employing unit with respect to the holding of a general meeting may include specifications of—

- (a) the date and the time at which the meeting may be held;
- (b) the place or building in which the meeting may be held;
- (c) the maximum duration of the meeting.

7. The Government reserves the right to withdraw or cancel any of the facilities or privileges granted to the Union under these Rules—

- (a) in the event of flagrant or persistent contravention of these Rules by the Union;
- (b) in the event of the Union conducting or carrying out its duties in a manner that is directly and manifestly contrary to the spirit of these Rules.

8. In the event of any disagreement or controversy between the officer-in-charge of an employing unit or his or her duly nominated representative and an official of the Union relating to contravention or alleged contravention of any of these Rules, the matter shall be reported in writing by either the officer-in-charge of the employing unit or his or her duly nominated representative or representative of the Union to the relevant responsible officer who shall inquire into the matter and either adjudicate or settle it or negotiate it with the Union.

APPENDIX 2

SUBJECTS FOR NEGOTIATION AND CONSULTATION**1. Negotiable items**

- (i) Salaries/Allowances
- (ii) Hours of work
- (iii) Health and Safety at work
- (iv) All types of leave
- (v) Principles and procedures of redundancy
- (vi) Medical expenses and sick pay
- (vii) Funeral expenses
- (viii) Retirement and other terminal benefits
- (ix) Any other matter by mutual agreement.

2. Items for consultation.

- (i) Disciplinary procedures
- (ii) Welfare
- (iii) Training
- (iv) Promotion
- (v) Methods of salary payment
- (vi) Technological changes
- (vii) Policy aspects that affect employment e.g. employment policy, Structural Adjustment Programmes (SAP), incomes policy, schemes of service etc.
- (viii) Any other matters that may be deemed necessary.

FOURTH SCHEDULE

Section 4 (12)

**RULES FOR NEGOTIATING TERMS AND CONDITIONS OF
SERVICE.**

1. Negotiations on remunerative items shall be made by a Collective Bargaining Agreement (CBA) which shall form part of the terms and conditions of service in the public service.
2. The centralised Collective Bargaining Agreement on salaries in the public service shall apply to local governments.
3. The provisions relating to negotiable items in a Collective Bargaining Agreement (CBA) shall only be varied by agreement of both parties; and any proposal by a party to vary any such provision shall be notified to the other party in writing within three (3) months after formulating the proposal.
4. In negotiating matters that have implications on monetary expenditure, parties shall conclude their negotiations during the budgetary phase in each financial year.

FIFTH SCHEDULE

Section 4 (13)

RULES AND PROCEDURES RELATING TO THE HEARING OF
GRIEVANCES BY THE COUNCIL.

1. The party with a grievance shall submit a written memorandum of the grievance to the Secretary to the Council with a copy to the other party.
2. The Secretary to the Council shall—
 - (a) register the grievance;
 - (b) notify the other party to the grievance, the Chairperson and all other members of the Council about the grievance by furnishing a copy of the memorandum of the grievance to each of them; and
 - (c) in consultation with the Chairperson, set a date for the hearing of the grievance, which shall not be earlier than fourteen working days after the date on which copies of the memorandum of the grievance are circulated to the other party to the grievance and the other members of the Council under subparagraph (b).
3. The Secretary shall request the other party to the grievance to prepare and submit to the Secretary, a reply to the grievance not later than four (4) working days before the date for hearing the grievance.
4. The hearing of a grievance shall be completed within sixty working days from the date of registration of the grievance.
5. During the hearing of a grievance, the parties to the grievance shall—
 - (a) negotiate in good faith;
 - (b) not victimise or intimidate one another;
 - (c) avoid taking to the press matters in dispute;

(d) exercise patience and restraint; and

(e) show mutual respect and trust.

6. A memorandum of agreement shall be signed after both parties have reached a consensus.

7. In case of a dead-lock, a report of the dispute which forms the basis of the grievance shall be sent by the Chairperson of the Council to the Minister within two (2) working days, requesting the Minister to refer the matter to the Tribunal.

8. The Minister may, within five (5) working days, refer the matter back to the Council with guidelines regarding how, and a time frame within which, the grievance may be resolved, or refer the matter to the Tribunal.

SIXTH SCHEDULE

Section 7(1)

ESSENTIAL SERVICES IN THE PUBLIC SERVICE.

- (a) Fire services;
- (b) Meteorological services;
- (c) Education services;
- (d) Uganda computer services;
- (e) Health, sanitary facilities and hospitals;
- (f) Transport services necessary for the operation of the services set out in this Schedule;
- (g) Water and electricity;
- (h) Air traffic services;
- (i) Telecommunications.

Cross References

Labour Unions Act, Act No.7 of 2006

Local Governments Act, Cap. 243.



THE REPUBLIC OF UGANDA

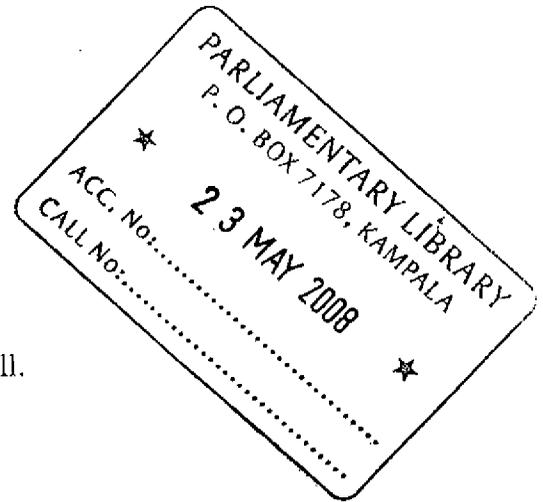


**THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE AND
DISPUTES SETTLEMENT MACHINERY) ACT, 2008.**

6/a



THE REPUBLIC OF UGANDA



I SIGNIFY my assent to the bill.

Yoweri Museveni
.....
President

Date of assent: 20 / 5 / 2008

616

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**
THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE AND
DISPUTES SETTLEMENT MACHINERY) ACT, 2008

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Commencement.
2. Interpretation.

PART II—CONSULTATIVE COMMITTEES.

3. Consultative Committees and their functions.

PART III—NATIONAL NEGOTIATING AND CONSULTATIVE COUNCIL.

4. National Negotiating and Consultative Council and its functions.

PART IV—PUBLIC SERVICE TRIBUNAL.

5. Public Service Tribunal and its functions.
6. Secretary to the Public Service Tribunal

PART V—ESSENTIAL SERVICES.

7. Essential services.

PART VI—STRIKES IN THE PUBLIC SERVICE.

8. Strikes in the public service.

PART VII—MISCELLANEOUS.

9. Offence and penalty.
10. Amendment of Schedules.

612

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act*

2008

FIRST SCHEDULE

Currency point.

SECOND SCHEDULE

Consultative Committee rules and procedures.

THIRD SCHEDULE

Recognition Agreement.

FOURTH SCHEDULE

Rules and procedures for negotiating terms and conditions of service.

FIFTH SCHEDULE

Rules and procedures relating to the hearing of grievances by
the Council.

SIXTH SCHEDULE

Essential services.

6/2

**THE REPUBLIC OF UGANDA****THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE
AND DISPUTES SETTLEMENT MACHINERY) ACT, 2008.**

An Act to provide for the establishment of a public service negotiating, consultative and disputes settlement machinery; to provide for the creation of consultative committees in each department or other unit or subdivision of Government and in each Local Government, to offer conciliation services in labour disputes; to establish a National Negotiating and Consultative Council to, among other things, facilitate consultations, dialogue and negotiations between the Government as employer and public service labour unions; to establish a Public Service Tribunal to arbitrate labour disputes and secure harmonious labour relations in the public service; and to provide for other related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Commencement.

This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Act

*Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act*

2008



THE REPUBLIC OF UGANDA

**THE PUBLIC SERVICE (NEGOTIATING, CONSULTATIVE
AND DISPUTES SETTLEMENT MACHINERY) ACT, 2008.**

An Act to provide for the establishment of a public service negotiating, consultative and disputes settlement machinery; to provide for the creation of consultative committees in each department or other unit or subdivision of Government and in each Local Government, to offer conciliation services in labour disputes; to establish a National Negotiating and Consultative Council to, among other things, facilitate consultations, dialogue and negotiations between the Government as employer and public service labour unions; to establish a Public Service Tribunal to arbitrate labour disputes and secure harmonious labour relations in the public service; and to provide for other related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Commencement.

This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

678

2. Interpretation.

In this Act unless the context otherwise requires—

“arbitration” means the process of judging officially how an argument should be settled;

“autonomous body” means a government agency, authority, commission or institution, which is part of the public service but which, by virtue of the law establishing it or under which it is established has other control of its own affairs or is otherwise independent;

“collective bargaining agreement” means a written agreement relating to terms and conditions of employment concluded and signed between one or more labour unions and one or more employers or employers’ organizations;

“conciliation” means a process of trying to get people to agree;

“Council” means the Public Service Negotiating and Consultative Council established under section 4 of this Act;

“court” has the meaning assigned to it by the Constitution;

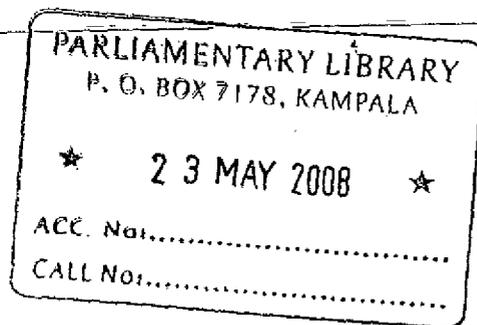
“currency point” has the value assigned to it in the First Schedule;

“department” means a department of a ministry, local authority or local government;

“disputes settlement machinery” means a process through which disputes are reported, registered and handled for the purpose of settlement;

“essential services” means services, which if withdrawn abruptly may—

- (a) cause loss of life;
- (b) threaten the well-being of society;
- (c) cause major disruption in the nation;
- (d) cause disaster;



Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

“grievance” means a complaint or feeling of being marginalized due to unfair treatment;

“joint negotiating committee” means a committee of representatives nominated by the public service labour unions to represent them in bilateral negotiating and consultative fora with the employers' representatives;

“labour dispute” means any dispute between an autonomous body, a department or a local government as employer and a public officer or any other employee of the public service relating to the terms and conditions of service of a public officer or any other employee of the public service;

“labour union” means any organization of employees created by employees for purposes of representing the rights and interests of employees and includes a registered labour union in existence at the commencement of this Act;

“lock-out” means the withholding of work from employees by an employer in order to gain concession from the employees;

“local government” has the meaning assigned to it by the Local Governments Act;

“Minister” means the Minister responsible for public service;

“ministry” means a ministry of the Government;

“public officer” has the meaning assigned to it by article 257 of the Constitution;

“public service” has the meaning assigned to it by article 257 of the Constitution;

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Act *Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act* **2008**

“public service labour union” means a registered labour union as defined in the Labour Unions Act, which is designated by the Minister by statutory instrument to be a public service labour union for the purposes of this Act;

“recognition Agreement” means the Agreement between the Government and the public service labour union set out in the Third Schedule to this Act;

“responsible officer” means an officer of government at the rank of commissioner or above, who is delegated the powers and responsibilities of a ministry, department, agency, authority, commissioner or institution, including a local government;

“strike” means the go slow or the sit down by a body of persons employed and acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling the employer, or to aid other employees, to accept or not to accept terms or conditions affecting the employment;

“Tribunal” means the Public Service Tribunal established under section 5(1);

“Union Representative” means a person appointed by a public service labour union to represent that union.

PART II—CONSULTATIVE COMMITTEES.

3. Consultative Committees and their functions.

(1) There shall be in each autonomous body, ministry, department, local government or such division or unit of the public service as may be prescribed by the Minister by statutory instrument, a Consultative Committee consisting of a Chairperson and not less than ten other members.

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Act

Public Service Commission Act
FIRST SCHEDULE

2008

SECTION 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* 2008

(2) Every Consultative Committee shall consist of five persons representing an autonomous body, ministry, department, division, or unit of the public service, as the case may be, and five union representatives.

(3) The functions of a Consultative Committee are—

(a) to hear and offer conciliation services in labour disputes in any autonomous body, ministry, department, local government, division or unit of the public service;

(b) to act as a forum for involving public officers and other employees in the public service in policy issues that affect them.

(4) The rules and procedures which shall govern a Consultative Committee are as set out in the Second Schedule to this Act.

(5) In the event of an impasse, a labour dispute shall be declared and reported to the Public Service Negotiating and Consultative Council.

PART III—PUBLIC SERVICE NEGOTIATING AND CONSULTATIVE
COUNCIL.

4. Public Service Negotiating and Consultative Council and its functions.

(1) There shall be a Public Service Negotiating and Consultative Council consisting of a Chairperson and not less than five other members.

(2) The Chairperson and other members of the Council shall be appointed by the Minister on terms and conditions of service determined by the Minister in consultation with the Minister responsible for finance.

~~(3) The expenses of the Council shall be charged on the Consolidated Fund.~~

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(4) The Chairperson of the Council shall be a person of high moral character and proven integrity, with considerable experience and demonstrated competence in the conduct of public affairs or in the settlement of disputes between contending employers and employees.

(5) A person shall resign his or her office or appointment as Chairperson of the Council if that person is or becomes—

- (a) a member of Parliament;
- (b) a member of a local government council;
- (c) a member of the executive of a political party or a political organization;
- (d) a member of any board or other authority responsible for the management of the public service; or
- (e) a public officer.

(6) The functions of the Council are—

- (a) to conduct and facilitate consultations, dialogue and negotiations between the Government, an autonomous body or a local government as the employer and the Public Service Labour Union, on the terms and conditions of service of members of the union;
- (b) to act as a forum for discussions, consultations and negotiations on issues specified in the Recognition Agreement set out in the Third Schedule to this Act;
- (c) to act as a forum for involving public officers and other employees in the public service in the process of formulating policy in the public service.

(7) During any negotiation or consultation, the persons representing the Government shall be led by the Head of the Public Service and shall be composed of representatives of the Ministries responsible for the public service, finance, justice, local governments and such other Ministries as the Minister may determine.

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(8) The public service labour unions shall form a joint negotiating team consisting of at least two members from each public service labour union, to negotiate on issues of common interest; but individual labour unions may negotiate on matters peculiar to them.

(9) The Ministry responsible for the public service shall be the secretariat to the Council.

(10) The Ministry responsible for labour shall provide technical advisory services to the Council.

(11) The Council shall meet twice in a year with the option to convene any emergency meeting.

(12) The rules which shall govern the negotiation of terms and conditions of service in the public service are as set out in the Fourth Schedule to this Act.

(13) The rules and procedures which shall govern the handling of grievances in the public service are set out in the Fifth Schedule to this Act.

PART IV—PUBLIC SERVICE TRIBUNAL.

5. Public Service Tribunal and its functions.

(1) There shall be a Public Service Tribunal whose composition and functions are as specified in this section.

(2) The Tribunal shall consist of a Chairperson, a Vice Chairperson and not less than four or more than six other members, half of whom shall be nominated by the public service labour union and appointed by the Minister, with the approval of the Cabinet.

(3) The Chairperson shall be a person of high moral character and proven integrity, and appointed by the Chief Justice from among persons who are experienced and knowledgeable about the public service, but that person need not be a lawyer.

Gm

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(4) The terms and conditions of service of the Chairperson, the Vice Chairperson and other members of the Tribunal shall be as determined by the Minister with the approval of Parliament.

(5) The functions of the Tribunal are—

- (a) to hear and arbitrate, in accordance with the provisions of this Act, any labour dispute referred to it by the Minister;
- (b) to make awards or recommendations to the Government on labour disputes referred to it;
- (c) to secure harmonious labour relations in the public service.

(6) The awards of the Tribunal shall be binding on both parties to the labour dispute.

(7) The Tribunal shall sit as and when a labour dispute is referred to it.

(8) For the purposes of dealing with any matter referred to it in this Act, and subject to section 4, the Tribunal may—

- (a) on its own volition or on the application of either party to the dispute, require any person to furnish, in writing or otherwise, such evidence in relation to the matter as the Tribunal may require;
- (b) where necessary, call any person to attend in person and testify on oath or otherwise, or produce any document for the purpose of eliciting all such information as the Tribunal may consider necessary in the circumstances without being bound by the rules of evidence applicable in civil and criminal proceedings in a court.

(9) Where any witness objects to answering any question or to producing any document or thing—

- (a) on the ground that answering the question or producing the document or thing will incriminate him or her; or

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(b) on any other lawful grounds,

he or she shall not be required to answer the question or to produce the document or thing, nor shall he or she be liable to any penalty for refusing to do so; except that where a witness willfully and without any legal justification refuses to answer any question or produce any document or thing or give any information, he or she shall be liable to the penalty prescribed in section 9.

(10) Two thirds of the members of the Tribunal shall form a quorum.

(11) Subject to the provisions of this Act, the Tribunal shall regulate its own procedure.

(12) The expenses of the Tribunal shall be a charge on the Consolidated Fund.

6. Secretary to Public Service Tribunal.

(1) There shall be a Secretary to the Public Service Tribunal who shall be a person qualified to be appointed to the office of director in the public service.

(2) The appointment of the Secretary to the Tribunal shall be on terms and conditions applicable to a director in the public service.

(3) The Secretary to the Tribunal shall be responsible for—

(a) receiving and registering any labour disputes referred to the Tribunal;

(b) making arrangements for meetings of the Tribunal;

(c) the recording and keeping of the minutes of the decisions and proceedings of the Tribunal;

(d) performing such other functions as the Chairperson of the Tribunal shall assign to him or her from time to time.

Act

*Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act*

2008

PART V—ESSENTIAL SERVICES.

7. Essential services.

(1) Essential services are as specified in the Sixth Schedule to this Act.

(2) Where collective withdrawal of labour from any essential services is contemplated in furtherance of a labour dispute, notice of a strike shall not be valid unless it is accompanied by a certificate signed by the Chairperson of the Council stating that—

(a) ninety days have elapsed since the date of the report of the labour dispute to the Council; and

(b) the disputes settlement machinery has been exhausted.

(3) Labour disputes in essential services shall be dealt with expeditiously.

PART VI—STRIKES IN THE PUBLIC SERVICE.

8. Strikes in the public service.

(1) Workers in the public service shall have a right to withdraw labour or call a strike in furtherance of a labour dispute, provided the negotiating machinery is exhausted, according to section 7 (2) (b).

(2) Subsection (1) shall not apply to a lockout or a strike arising out of a labour dispute where—

(a) any machinery or arrangement under this Act or otherwise for the settlement, by conciliation or arbitration, of the dispute has been resorted to and exhausted;

(b) withdrawal of labour is due to unsafe and dangerous working environment.

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(3) Prior to a strike—

(a) advance notice shall be given in accordance with section 7 (2),
or any other written law;

(b) the parties shall exhaust all avenues for conciliation,
arbitration or dispute settlement provided for under this
Act.

PART VII—MISCELLANEOUS.

9. Offence and penalty.

A person who contravenes any provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or imprisonment not exceeding six months.

10. Amendment to Schedules.

The Minister may, by statutory instrument and with the approval of the Cabinet, amend the Schedules to this Act.

11. Repeal of Cap. 289.

The Public Service Negotiating Machinery Act is repealed.

12. Regulations.

The Minister may by statutory instrument, make regulations on matters of negotiations and dispute settlement under this Act.

SCHEDULES

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**
FIRST SCHEDULE

Sections 2, 9, and 10

CURRENCY POINT.

One currency point shall be equivalent to twenty thousand Uganda shillings.

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

2. A Consultative Committee shall meet at least once in every three months.
3. A Consultative Committee shall be chaired by the head of the relevant autonomous body, ministry, department, local government, division or unit of the public service.
4. The Secretary to a Consultative Committee shall be a personnel officer of the relevant autonomous body, ministry, department, local government, division or unit of the public service and in his or her absence, the Committee shall choose from among its members someone to act as Secretary.
5. Subject to these Rules, a Consultative Committee may regulate its own procedure.
6. Two-thirds of the members of a Consultative Committee shall constitute a quorum.

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* 2008

THIRD SCHEDULE

Sections 2, 4(6)(b)

RECOGNITION AGREEMENT

This AGREEMENT is made this day of
BETWEEN the Government of the Republic of Uganda (in this Agreement referred to as "the Government") of the one part and the Public Service Labour Unions (in this Agreement referred to as "the Union") of the other part, meeting together voluntarily to determine and regulate the relationship between them in the interests of mutual understanding and co-operation.

1. Interpretation.

In this Agreement, unless the context otherwise requires, the following terms and expressions shall have the following meanings—

"Act" means the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008;

"autonomous body" has the meaning assigned to it by the Act;

"employment unit" means the place of work of a union member;

"essential services" means the services specified in the Fifth Schedule to the Act;

"Government" includes a local government and an autonomous body;

"public officer" has the meaning assigned to it by the Act;

"public service labour union" has the meaning assigned to it by the Act;

"responsible officer" includes the Permanent Secretary of a Ministry or a public officer of equivalent rank, head of a department, a Chief Administrative Officer and Town Clerk of a local government council;

"terms and conditions of service" includes the subjects for negotiation and consultation set out in Appendix 2 to this agreement;

"Tribunal" has the meaning assigned to it by the Act;

614

THIRD SCHEDULE

Sections 2, 4(6)(b)

RECOGNITION AGREEMENT

This AGREEMENT is made this day of
BETWEEN the Government of the Republic of Uganda (in this Agreement referred to as "the Government") of the one part and the Public Service Labour Unions (in this Agreement referred to as "the Union") of the other part, meeting together voluntarily to determine and regulate the relationship between them in the interests of mutual understanding and co-operation.

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"Act" means the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008;

"autonomous body" has the meaning assigned to it by the Act;

"employment unit" means the place of work of a union member;

"essential services" means the services specified in the Fifth Schedule to the Act;

"Government" includes a local government and an autonomous body;

"public officer" has the meaning assigned to it by the Act;

"public service labour union" has the meaning assigned to it by the Act;

"responsible officer" includes the Permanent Secretary of a Ministry or a public officer of equivalent rank, head of a department, a Chief Administrative Officer and Town Clerk of a local government council;

"terms and conditions of service" includes the subjects for negotiation and consultation set out in Appendix 2 to this agreement;

"Tribunal" has the meaning assigned to it by the Act;

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

“union member” means a member of the public service Labour union;

“union official” means an elected or appointed officer of the union whose name has been placed on the Authorised Visitors’ list in accordance with rule 1 (a) of Appendix 1 to this Agreement;

“union representative” has the meaning assigned to it by the Act;

2. Recognition by Government.

The Government accords full recognition to—

(a) the union as the properly constituted and representative body representing the interests of union members in matters concerning their terms and conditions of service;

(b) all properly constituted branches of the unions as may be set up.

3. Union officials’ right of access.

(1) To enable officials of the union to contact union members in any employing unit of Government in an orderly manner, the Government agrees, subject to subparagraph (2) of this paragraph, to permit the Union officials to visit places of work; however, Union representatives shall have a right of access to employees in Ministries, Departments, autonomous bodies or Local Governments only where the union representatives are listed on the Authorised Visitors’ list as representing the Union.

(2) Visits may be made and conducted under subparagraph (1) only in accordance with the code of rules set out Appendix 1 to this Agreement.

4. Union Officials

(a) The Union undertakes to inform the Government without delay of the names of Union Officials and Union Representatives following their election in accordance with the Union’s Constitution.

(b) The Government agrees not to enter into negotiations with persons purporting to represent the Union other than its accredited representatives.

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Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

- (c) Union Officials and Representatives shall have the right of access mentioned in paragraph 3 subject only to the Code of Rules set out in Appendix 1 to this Agreement.

5. General principles

(1) The Government and the Union recognise the country's interest in—

- (a) attaining and maintaining the highest level of efficiency and effectiveness in the Public Service within the constraints of the limited resources of the country;
- (b) attaining and maintaining good and harmonious labour relations; and
- (c) achieving the highest possible standard of safe and conducive working conditions, consistent with the economic reforms of the Government; and agree to co-operate towards attaining these ends.

(2) To achieve the aims referred to in subparagraph (1), the Government and the Union agree—

- (a) to follow the procedures laid down in the Act; and
- (b) not to cause, countenance or support any lockout or strike, until those procedures have been exhausted.

6. Right of access to superior officers

The Union is aware that it is a constitutional duty of the Government to employ any person whether he or she is a member of the Union or not; and nothing in this Agreement shall prevent an employee from having direct access to his or her superior officers in the Public Service or to discuss any matter which may affect him or her in connection with his or her employment.

7. Discrimination

(1) The objective of establishing this relationship is to achieve industrial peace through collective bargaining or negotiations and free association; and in this spirit, both Government and the Union undertake not to discriminate against an employee in matters connected with his or her conditions of employment on account of his or her not being a member of the Union.

6/2

Act *Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act* **2008**

(2) The Government shall not interfere with the rights of employees to join or continue as Union members or discriminate, restrain, victimize or coerce an employee because of his or her recognised activity in a Union.

8. Intimidation

The Government and the Union agree to take all reasonable and practicable steps to ensure that neither party practises intimidation or uses abusive or intemperate language in their dealings with each other.

9. Negotiating Machinery and Disputes Settlement Procedure

(1) The machinery for negotiating terms and conditions of service of Union members and for consultation on matters concerning the interests, well-being and efficiency of Union members shall be such machinery as is laid down in the Act.

(2) The subjects for negotiation and consultation shall be as laid down in Appendix 2 of this Agreement.

(3) Any matter that contravenes any written law shall not be the subject of negotiation.

10. Compliance with the provisions of Agreement

(1) The Government and the union undertake to ensure that both parties and all their officials and representatives shall accept responsibility for compliance with the procedures laid down in the Act.

(2) The Government and the Union shall take every possible step to prevent or bring to an end any action by any of its members which is at variance with the provisions of the Act and the spirit of this Agreement.

(3) Any controversy relating to or arising out of the interpretation or breach of this Agreement shall, as far as possible, be settled in accordance with the disputes settlement machineries provided for in sections 3 and 4 and 5 of the Act.

11. Strikes and lock-outs

(1) The Union agrees not to resort to strike action over any subject for negotiation and consultation specified in Appendix 2, unless and until the machinery for negotiation and consultation provided for under the Act has been resorted to and exhausted.

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(2) It is agreed that in the event of a strike or lockout or disturbance in essential services the Union shall ensure continuation of those services with minimum disruption.

12. Check-off System

(1) All unionised employees covered by this Recognition Agreement shall be required to contribute union dues by means of a check-off System under which Ministries, autonomous bodies, and Districts of Local Governments undertake to deduct from all unionised employees union dues as will be advised by the Union General Secretary from time to time in accordance with the relevant laws.

(2) The acceptance of the check-off system by each individual shall be entirely voluntary and shall be authorised by a form signed by the employee.

(3) The amount to be deducted under the check-off system shall be the monthly rate of subscription fixed by the Union in accordance with the Union Constitution.

(4) The Government shall not be responsible for issuing receipts to Union Members.

(5) The Government shall make no deductions on behalf of the Union other than the monthly subscription.

13. General

(1) It is agreed that no information during any discussions, negotiations or consultations between the Government and the Union shall be released to the press, radio, television or any information service bureau by either party except by mutual consent.

(2) The Union undertakes to take appropriate measures to educate and improve awareness of its Representatives and Members of the contents of this Agreement.

(3) In their dealings, the Government and the Union agree to adhere to and comply with the provisions of the Constitution, the Act, and any other applicable written law.

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* **2008**

(4) The Government undertakes to take appropriate measures to educate and improve the awareness of managers of the provisions or contents of this Agreement.

14. Notices

All notices between the parties shall be addressed as follows—

- (a) FOR THE GOVERNMENT
HEAD OF PUBLIC SERVICE/SECRETARY TO CABINET
OFFICE OF THE PRESIDENT
P.O. BOX 7168, KAMPALA.
- (b) FOR THE UNION
GENERAL SECRETARY OF THE UNION
UNION HEADQUARTERS
UGANDA

15. Commencement and duration of Agreement

(1) While this Agreement remains in force, its observance by both parties is a condition of the continuous recognition of the Union by Government and vice versa.

(2) This Agreement shall—

- (a) come into force and take effect from (the date of the Agreement);
- (b) remain unaltered for a period of twelve months from that date of its coming into force;
- (c) be renewed automatically every year unless either party wishes to modify or alter any of its terms and conditions.

(3) Any modifications or alterations to this Agreement will be mutually agreed upon by either party giving at least three months' notice in writing of that fact to the other party together with the proposed amendments which shall be in writing.

(4) This agreement shall come into force and take effect upon signature by both parties.

WHEREFORE the parties have on the day and year as mentioned above affixed their signatures.

6/2/21

Act *Public Service (Negotiating, Consultative
and Disputes Settlement Machinery) Act* 2008

FOR THE GOVERNMENT
HEAD OF THE PUBLIC SERVICE
AND SECRETARY TO CABINET.

IN THE PRESENCE OF

FOR THE PUBLIC SERVICE
LABOUR UNIONS
(GENERAL SECRETARIES
OF THE UNIONS)

IN THE PRESENCE OF:

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APPENDIX 1

RULES GOVERNING ACCESS OF UNION OFFICIALS AND
REPRESENTATIVES TO EMPLOYING UNITS

1. (1) The Union shall furnish to each department, ministry, autonomous body or district local government, a list of all those Union Officials and Union Representatives (hereinafter referred to as "Officials") who are authorised by the Union to visit the department, ministry, autonomous body, or district for the purpose of conducting Union affairs; and the list shall be known as the "Authorised Visitors' list".

(2) Five copies of the "Authorised Visitors' list" shall be certified by both the responsible officer and the responsible Union Official and—

- (a) a copy as so certified shall be given to the Registrar of Labour Unions;
- (b) two copies as so certified shall be retained by each Department, autonomous body, District or a Local Government; and
- (c) two copies as so certified shall be retained by the Union.

(3) An Authorised Visitors' list shall be prepared in the manner prescribed in Rule (1) after the expiry of each twelve months.

(4) Where during the twelve months the Union desires to substitute one person for another person on the authorised Visitors' list, or to remove or to add a name, as the case may be, the Union shall inform the responsible officer, and the substitution or addition shall be effected accordingly and confirmed in writing by the union.

(5) Four copies of the Authorised Visitors' list as modified under sub-rule (3) shall be prepared and distributed in accordance with sub-rule (2).

2. Only officials whose names are on the Authorised Visitors' list of a ministry, department, autonomous body or local government shall be granted access to employing units for the purpose of conducting Union business.

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3. Every official whose name is on an Authorised Visitors' list shall be provided by the Union with an identity card bearing a photograph of the official, which shall enable the official to be easily identified as the person he or she purports to be.

4. An official on visiting an employing unit shall—

(a) arrive at the employing unit only during the employing unit's normal working hours, unless special prior authority has been granted from the officer-in-charge of the employing unit for the visit to begin at some other time;

(b) report to the employing unit's office immediately upon arrival and inform the officer-in-charge of the employing unit about the nature of the business he or she wishes to conduct and the persons with whom he or she wishes to conduct such business;

(c) confine his or her attention to Union affairs.

5. (1) An official shall not hold any general meeting, whether of Union members or of other persons, except—

(a) in accordance with any applicable written law for the time being in force;

(b) with the consent of the officer-in-charge of the relevant employing unit, and in a manner that is mutually agreed upon;

(c) subject to such conditions as may be imposed by the officer-in-charge in accordance with the provisions of rule 6.

(2) Unions shall regulate their own procedure.

6. The conditions which may be imposed by the officer-in-charge of an employing unit with respect to the holding of a general meeting may include specifications of—

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- (a) the date and the time at which the meeting may be held;
 - (b) the place or building in which the meeting may be held;
 - (c) the maximum duration of the meeting.
7. The Government reserves the right to withdraw or cancel any of the facilities or privileges granted to the Union under these Rules—
- (a) in the event of flagrant or persistent contravention of these Rules by the Union;
 - (b) in the event of the Union conducting or carrying out its duties in a manner that is directly and manifestly contrary to the spirit of these Rules.
8. In the event of any disagreement or controversy between the officer-in-charge of an employing unit or his or her duly nominated representative and an official of the Union relating to contravention or alleged contravention of any of these Rules, the matter shall be reported in writing by either the officer-in-charge of the employing unit or his or her duly nominated representative or representative of the Union to the relevant responsible officer who shall inquire into the matter and either adjudicate or settle it or negotiate it with the Union.

SUBJECTS FOR NEGOTIATION AND CONSULTATION

1. Negotiable items

- (i) Salaries/Allowances
- (ii) Hours of work
- (iii) Health and Safety at work
- (iv) All types of leave
- (v) Principles and procedures of redundancy
- (vi) Medical expenses and sick pay
- (vii) Funeral expenses
- (viii) Retirement and other terminal benefits
- (ix) Any other matter by mutual agreement.

2. Items for consultation.

- (i) Disciplinary procedures
- (ii) Welfare
- (iii) Training
- (iv) Promotion
- (v) Methods of salary payment
- (vi) Technological changes
- (vii) Policy aspects that affect employment e.g. employment policy, Structural Adjustment Programmes (SAP), incomes policy, schemes of service etc.
- (viii) Any other matters that may be deemed necessary.

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FOURTH SCHEDULE

Section 4 (12)

RULES FOR NEGOTIATING TERMS AND CONDITIONS OF
SERVICE.

1. Negotiations on remunerative items shall be made by a Collective Bargaining Agreement (CBA) which shall form part of the terms and conditions of service in the public service.
2. The centralised Collective Bargaining Agreement on salaries in the public service shall apply to local governments.
3. The provisions relating to negotiable items in a Collective Bargaining Agreement (CBA) shall only be varied by agreement of both parties; and any proposal by a party to vary any such provision shall be notified to the other party in writing within three (3) months after formulating the proposal.
4. In negotiating matters that have implications on monetary expenditure, parties shall conclude their negotiations during the budgetary phase in each financial year.

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FIFTH SCHEDULE

Section 4 (13)

RULES AND PROCEDURES RELATING TO THE HEARING OF
GRIEVANCES BY THE COUNCIL.

1. The party with a grievance shall submit a written memorandum of the grievance to the Secretary to the Council with a copy to the other party.
2. The Secretary to the Council shall—
 - (a) register the grievance;
 - (b) notify the other party to the grievance, the Chairperson and all other members of the Council about the grievance by furnishing a copy of the memorandum of the grievance to each of them; and
 - (c) in consultation with the Chairperson, set a date for the hearing of the grievance, which shall not be earlier than fourteen working days after the date on which copies of the memorandum of the grievance are circulated to the other party to the grievance and the other members of the Council under subparagraph (b).
3. The Secretary shall request the other party to the grievance to prepare and submit to the Secretary, a reply to the grievance not later than four (4) working days before the date for hearing the grievance.
4. The hearing of a grievance shall be completed within sixty working days from the date of registration of the grievance.
5. During the hearing of a grievance, the parties to the grievance shall—
 - (a) negotiate in good faith;
 - (b) not victimise or intimidate one another;
 - (c) avoid taking to the press matters in dispute;

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(d) exercise patience and restraint; and

(e) show mutual respect and trust.

6. A memorandum of agreement shall be signed after both parties have reached a consensus.

7. In case of a dead-lock, a report of the dispute which forms the basis of the grievance shall be sent by the Chairperson of the Council to the Minister within two (2) working days, requesting the Minister to refer the matter to the Tribunal.

8. The Minister may, within five (5) working days, refer the matter back to the Council with guidelines regarding how, and a time frame within which, the grievance may be resolved, or refer the matter to the Tribunal.

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