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**BILLS**

**SUPPLEMENT No. 6**

**28th June, 2019**

**BILLS SUPPLEMENT**

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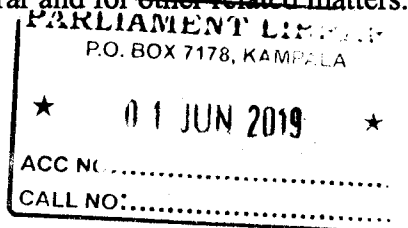
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**Bill No. 13** *Labour Disputes (Arbitration and Settlement)* **2019**  
*(Amendment) Bill*

**THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT)  
(AMENDMENT) BILL, 2018**

**MEMORANDUM**

The object of this Bill is to amend the Labour Disputes (Arbitration and Settlement) Act, to provide for the official seal of the Industrial Court; to amend the composition of the Industrial Court; to provide for the powers of the Industrial Court; to provide for the terms and conditions of appointment of the Head Judge, Deputy 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 the Registrar, Deputy Registrar and Assistant Registrar and for other related matters.



**MUKWAYA JANAT (HON.),**  
*Minister of Gender, Labour and Social Development.*

**Bill No. 13 Labour Disputes (Arbitration and Settlement) 2019**  
**(Amendment) Bill**

**THE LABOUR DISPUTES (ARBITRATION AND SETTLEMENT)**  
**(AMENDMENT) BILL, 2019**

**ARRANGEMENT OF CLAUSES**

*Clauses*

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.

A Bill for an Act

ENTITLED

**THE LABOUR DISPUTES (ARBITRATION AND  
SETTLEMENT) (AMENDMENT) ACT, 2019**

**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, Deputy 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.**

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 seal of the Industrial Court shall be affixed, by or with the authority of the Court, to such documents as are required by a direction of the Head Judge to be sealed with the seal of the Court.”

**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) a Deputy Head Judge;
- (c) three Judges;
- (d) five independent members;
- (e) five representatives of employers; and
- (f) five representatives of employees.

(2) The Head Judge, Deputy Head Judge, and the Judges of the Industrial Court shall be appointed by the President on the recommendation of the Judicial Service Commission.

(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. 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, Deputy 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, Deputy 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, and shall be subject to the Judicial Service Commission.

(3) The members of the Industrial Court, other than the judges, shall hold office for a term of three years.

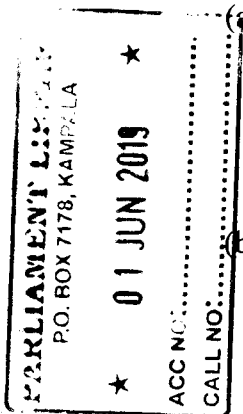
**10B. Constitution of Industrial Court.**

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

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

(2) The Head Judge, Deputy 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, during a hearing, the Industrial Court is constituted and one of the members ceases to be a member or ceases to be available for the hearing, before the matter is determined—



(a) if the parties to the case agree, the hearing shall be completed by the remaining members of the Industrial Court, if the person who ceases to be a member or ceases to be available is not a Head Judge, Deputy Head Judge or another Judge; or

(b) if the parties do not agree, the proceedings shall be adjourned until another member replaces the member who ceased to be a member and the matter shall be reheard.

(4) For avoidance of doubt, the hearing of a particular matter for which the Industrial Court is constituted shall be presided over by one Judge who shall be the Head Judge, Deputy Head Judge or another Judge.

#### **10C. Termination of appointment.**

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

(2) A member of the Industrial Court may resign his or her office by 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;

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**(Amendment) Bill**

- (e) being an un discharged bankrupt; or
- (f) being convicted of an offence and sentenced to a term of imprisonment.

(5) 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 who shall be appointed by the Judicial Service Commission.

(2) 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.

(3) 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.



(4) 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.

(5) The Registrar shall be the administrative head of the Industrial Court, under the supervision of the Head Judge.

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

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

**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.

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(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, shall, when making an award, have the power to determine the period during which the award shall remain in force and binding on the parties.

(6) If an order of the Industrial Court is directed to a body corporate, every partner, director, or other principal officer of that body corporate, by whatsoever title, shall comply with the order.

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

(8) 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 payable to the Head Judge, Deputy 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.

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(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 Judges.

(3) The remuneration, including allowances payable to the Registrar, 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.”

**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.”