



THE REPUBLIC OF UGANDA

NATIONAL TRIPARTITE CHARTER ON LABOUR RELATIONS

**MINISTRY OF GENDER, LABOUR AND
SOCIAL DEVELOPMENT**



**FEDERATION
OF UGANDA
EMPLOYERS**



**NATIONAL
ORGANISATION
OF FREE
TRADE UNIONS
(NOTU)**



**CENTRAL ORGANISATION
OF FREE TRADE UNIONS
COFTU**

**NATIONAL TRIPARTITE CHARTER ON LABOUR
RELATIONS**

is made this.....^{23rd} day of.....^{MAY}2013

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF UGANDA
(hereinafter referred to as ‘the Government’)**

AND

**THE FEDERATION OF UGANDA EMPLOYERS
(hereinafter referred to as ‘the Employers’)**

AND

**THE NATIONAL ORGANIZATION OF TRADE UNIONS
(NOTU)**

**AND CENTRAL ORGANISATION OF FREE TRADE UNIONS
(COFTU)**

(Hereinafter referred to as ‘the Workers’)

The three parties are collectively hereinafter referred to as ‘the Parties’

ACRONYMNS

AIDS	Acquired Immune Deficiency Syndrome
CBA	Collective Bargaining Agreement
CL	Child Labour
COFTU	Central Organization of Free Trade Unions
DLO	District Labour Officer
EACMP	East African Common Market Protocol
FUE	Federation of Uganda Employers
HIV	Human immune deficiency virus
IC	Industrial Court
ILO	International Labour Organization
LAB	Labour Advisory Board
LO	Labour Officer
LU	Labour Union
MAB	Medical Arbitration Board
MGLSD	Ministry of Gender Labour and Social Development
NOTU	National Organization of Trade Unions
NTC	National Tripartite Council
OSH	Occupational Safety and Health
SD	Social Dialogue
SP	Social Protection

DEFINITIONS

Child Labour	Work which by its nature or circumstances in which it is performed is likely to harm the health, safety or morals of children.
Collective Bargaining Agreement	A negotiated written labour contract/ document signed by both the employer and the union specifying wages, wage classification and conditions of work.
Decent Employment	Refers to opportunities for safe work that is productive and delivers meaningful income, security in the workplace & social protection for family, etc.
Employment	The state of gainful engagement in any economic activity.
Equal Opportunity	This means equal access and participation in all economic, political and social issues without any barriers on grounds of sex.

Equity	This means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities. Equity is a means, equality is the goal.
Essential Services	These are areas of work as defined in the Labour Disputes (Arbitration and Settlement) Act 2006, and in the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act 2008.
Due Process	Means just treatment in accordance with the rules of natural justice.
Informal sector	Covers enterprises that are not incorporated according to the Companies Act (Cap 110, Laws of Uganda 2000), do not have complete books of accounts, do not separate the legal entity independently from the owners and operate without a fixed location.

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Labour Officer	Means the Commissioner for Labour or a District Labour Officer as defined in the Employment Act, 2006.
Labour Relations	Refers to the relations between all labour (the workers) and management (the employers).
Management	Means a process of accomplishing tasks through others.
Productivity	The efficiency with which inputs are transformed into outputs.
Social dialogue	All types of negotiation, consultation or simply exchange of information between the representatives of government, employers and workers on issues of common interest.
Social Partners	Workers' Unions and Employers organisations.
Social Protection	Nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion. Such guarantees may be achieved through contributory or non-contributory schemes.

Tripartite Charter	A document on industrial peace written by the representatives of employers, employees and the government to commit themselves to matters affecting labour.
Under employment	Refers to a situation where working individuals aged 14-64 years are not fully utilized in terms of hours of work, skills and earnings.
Unemployment	A situation whereby persons aged 14-64 years, who during a reference period are without work but are available for paid employment or self employment.
Vulnerable persons	Categories of people who lack security and / or are susceptible to risk and / or are exploited.

PREAMBLE

TAKING COGNIZANCE of the political, economic and social situation in the country, dictated by the challenges of competitiveness, efficiency, and the increasing unemployment in the country, globalization and regional integration;

REALIZING that it is in the national interest for Government, the Employers and Workers to cooperate in creating employment, enhancing productivity and competitiveness through collaboration, consultation and negotiation on the basis of mutual trust and understanding;

CONVINCED that economic transformation, leading to accelerated prosperity and social progress can only be achieved on a foundation of a conducive working environment, decent employment, industrial harmony and a positive work culture which include among others, security of tenure and income, mutual respect, transparency, accountability, equity and promotion of labour standards and workers' rights;

DESIRING to make a contribution towards increased profitability, competitiveness and poverty eradication through employment creation and skills improvement;

COMMITTED to promoting effective tripartism, social dialogue, good governance, a stable environment for free enterprise and prosperity for all;

AND the need for vibrant social security and social protection for all including the vulnerable;

THE PARTIES undertake to partner with each other in the oversight of implementation and monitoring of relevant government policies and programmes.

THE AIM OF THE CHARTER

The aim of the Charter is to contribute to national development through strengthening of social dialogue and tripartism, promotion of decent employment, social protection, enhanced skills development, productivity, enterprise growth and competitiveness.

PRINCIPLES OF THE CHARTER

The Charter shall be guided by the following principles:

1. Tripartism and Social Dialogue

It is recognized that tripartism and social dialogue are drivers of economic growth and generate cooperation, inclusion, consensus and stability. The parties shall be engaged for active participation and sustainability of efforts to promote decent employment, social protection, enhanced skills development, productivity, enterprise growth and competitiveness.

2. Non-Interference

Workers' Unions and employers' organizations shall have the right to draw up their constitutions and rules and to regulate their internal arrangements without interference from public authorities having the effect of restricting this right or of impeding its lawful exercise.

3. Collective Bargaining

Workers and employers shall employ collective bargaining as a vehicle for determining terms and conditions of employment and copies of collective bargaining agreements shall be registered with a Labour officer in accordance with the provisions of the Labour Disputes (Arbitration and Settlement) Act 2006

4. Equity, Fairness and Justice

Workers' Unions and employers' organizations shall employ their best endeavors to conclude appropriate collective agreements on the basis of equity, fairness and justice and with a view to promoting stability in industrial relations.

5. Equality of Opportunity and Treatment

All parties shall undertake to adopt and pursue measures designed to promote methods appropriate to national conditions and practice, equality of opportunity and treatment in all aspects with a view to eliminating any discrimination on the basis of gender, disability, race, colour, sex, religion, political opinion, national extraction or social origin.

6. Mutual Trust and Respect

The parties shall respect one another and avoid the use of language that is incompatible with the spirit of tripartism and shall exhaust all avenues for conciliation, arbitration or dispute settlement.

7. Restriction on Publication of Information in the Media

The parties shall respect the confidentiality of matters that are still under discussion or negotiation and shall restrain from the use of media.

PART ONE

ALL THE PARTIES HEREBY AGREE AS FOLLOWS:

1. To promote, respect and protect the rights of workers as enshrined in Article 2, 20, 29 and 40 of the Constitution of the Republic of Uganda.
2. To respect democratic principles, settle all differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration in accordance with the laid down machinery.
3. To create a vibrant social security sector that provides for the welfare of workers, retired persons, the unemployed, orphans, the sick, persons with disabilities, youths and other disadvantaged groups.
4. To promote policies that will enhance skills and human resource training and development for competitiveness; encourage local and foreign investment for the creation of more quality and decent jobs that bring about socio-economic transformation.
5. To strengthen the statutory tripartite bodies as a fora to regularly meet, discuss and advise on labour administration issues.
6. To abide by the provisions contained in the laws of Uganda, the East African Common Market Protocol (EACMP) and regulations made thereunder on the free movement of labour and ILO Labour standards in respect of fundamental principles and rights at work.

7. To expeditiously settle labour disputes whenever they arise through dialogue, failure of which recourse to the statutory machinery shall be made.
8. To create awareness to their respective constituencies regarding their rights and obligations for the purpose of good industrial relations that promote mutual benefit and development.
9. To work together towards prevention and elimination of the worst forms of child labour and the management of HIV/AIDS at the work place and other work related diseases.
10. To work towards the transformation of the informal sector.
11. To promote and sustain a National Productivity Centre.
12. To foster industrial peace and harmony, which is necessary for enhancing productivity and competitiveness.
13. To promote dialogue and respect for collective agreements.
14. To promote the growth of the Employers' Organizations and Workers' Unions in all workplaces.
15. To lobby / advocate for the creation of a National Tripartite Council.
16. For the purposes of this Charter, persons whose positions or posts may cause conflict of interest shall be excluded from union activities. The categories are attached as appendix 1 to this Charter.

PART TWO

GOVERNMENT FURTHER AGREES AS FOLLOWS:

17. To promote good governance and compliance with the national laws and ratified regional and international treaties.
18. To facilitate free movement of labour in accordance with the East African Common Market Protocol and other relevant legislation.
19. To provide mechanisms for dialogue, tripartite consultations and negotiations to enable the parties to implement the terms of this Charter.
20. To develop and implement policies on employment and labour issues in consultation with social partners and other stakeholders, which enhance productivity and industrial harmony in the work place.
21. To provide an enabling environment for workers to negotiate for a living wage as reflected in the National Employment Policy and the ILO Recommendation on Social Protection.
22. To promote legislation that enhances the machinery for conciliation, mediation and arbitration in dealing with industrial disputes.
23. To encourage representation of government, employers and workers in tripartite bodies and fora.

24. To strengthen the statutory bodies such as the Industrial Court, the Minimum Wages Advisory Board, the Labour Advisory Board and the National Tripartite Council, as tripartite fora.
25. To publish and disseminate annual labour reports.
26. To advocate for and promote continuous education, training and skills development of workers and
27. To strengthen labour administration, implementation and provision of remedies in accordance with the labour laws.

PART THREE

THE EMPLOYERS FURTHER AGREE AS FOLLOWS:

28. To provide a decent, safe and healthy working environment for competitiveness and enterprise growth.
29. To create and safeguard jobs, maintain good management practices and business acumen;
30. To discourage practices such as:
 - i. Interference with the rights of workers to enroll or continue as Union members;
 - ii. Discrimination, restraint or coercion against any worker on the grounds of race, creed, gender, nationality, HIV/AIDS status, disability and or activity in labour unions;
 - iii. victimization of any worker and abuse of authority in any form;
 - iv. use of abusive or contemptuous language; and
 - v. assault, sexual harassment and other bad practices.
31. To investigate all cases of misconduct in accordance with the grievance handling procedure laid down in the collective bargaining agreements and in conformity with the national laws.
32. To give full publicity to the Charter and raise awareness among the members.

33. To encourage, diligence at work, punctuality, best human resource practices, corporate social responsibility, cleaner production and protection of the environment.

34. To abide by the terms and conditions of service, the operating collective bargaining agreements and applicable laws when exercising the employers' rights to recruit, develop, discipline, dismiss and terminate.

35. To recognize the workers' right to unionize in accordance with the Uganda Constitution, ILO standards and national legislation and to provide necessary facilities to enable labour unions perform their duties.

36. To promote the principle of one union one enterprise.

PART FOUR

THE UNIONS FURTHER AGREE AS FOLLOWS:

37. To support good management practices maintained by the employer and comply with such measures as agreed upon through collective bargaining and / or consultations for decent work and increased productivity.

38. To respect management's roles to manage, engage, promote, transfer, demote or lay off workers, discipline, suspend or discharge workers, for just cause (provided that this does not preclude the Union's right to raise any grievances through the laid down grievance handling procedures) so as to ensure justice, equity and fairness as good labour management practices.

39. Not to engage in any activities, which are contrary to the spirit of the Charter.

40. To discourage industrial action that does not conform to the provisions of the laws of Uganda.

41. To discourage acts of negligence of duty, damage to property, sexual harassment, assault, failure to comply with lawful instructions, use of abusive language, fraud, forgery, theft, corruption and other practices of similar nature.

42. To promote ethical conduct, integrity, diligence at work, punctuality, observance of provisions for health and safety at work.

43. To maintain democratic and good management practices within the labour unions.
44. To ensure the maintenance of essential services in the event of a strike in accordance with the law.
45. To give full publicity of the Charter and raise awareness among the workers.
46. To respect the principle of freedom of association and expression for the promotion of increased productivity, competitiveness and enterprise growth.
47. To participate in policy development, implementation, monitoring and evaluation of labour and employment programs.
48. To promote the principle of one union one enterprise.

PART FIVE

THE EMPLOYERS AND UNIONS FURTHER AGREE AS FOLLOWS:

49. To speed up settlement of grievances and orders by conciliators and mediators and the implementation of awards and decisions of the Industrial Court and arbitration tribunals.

50. To guard against undue delay in the conclusion of Collective Bargaining Agreements.

51. To support and cooperate with Government in the implementation of policies and programmes aimed at promoting skill development, social security, decent employment, competitiveness and enterprise growth.

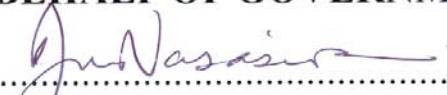
PART SIX

GENERAL AND MISCELLANEOUS

52. The parties express the intention that all disputes in connection with this Charter and the execution thereof shall be settled through friendly negotiations and dialogue. In the event that no settlement can be reached through amicable negotiations, such matters shall be handled in accordance with the law in place.
53. The Charter shall remain in force until mutually amended.

IN WITNESS WHEREOF the parties hereunto affix their respective hands the day and year thereof.

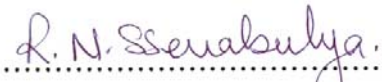
FOR AND ON BEHALF OF GOVERNMENT BY:

Signature: 

Name: JOHN NASASIRA

Title: MINISTER OF GENDER, LABOUR & SOCIAL DEVELOPMENT

FOR AND ON BEHALF OF THE EMPLOYERS BY:

Signature: 

Name: ROSEMARY N. SSENABULYA

Title: EXECUTIVE DIRECTOR

FOR AND ON BEHALF OF THE WORKERS BY:

Signature: 

Name: PETER CHRISTOPHER WERIKITE

Title: SECRETARY GENERAL - NDIH

Signature: 

Name: WAWUZI ROBERTI MATUKHU

Title: AG. SECRETARY GENERAL - COFTU

WITNESSES:

a) Signature: 

Name: GWATHUNDE CHRISTIANO

Title: PERMANENT SECRETARY

Institution: MINISTRY OF GENDER, LAB & SOC. DEV.

b) Signature: 

Names: NICHOLAS JOHN OKWIR

Title: CHAIR PERSON

Institution: FEDERATION OF UGANDA EMPLOYERS

c) Signature: 

Name: DWERE USHER WILSON

Title: CHAIRMAN GENERAL

Institution: NATIONAL ORGANISATION OF TRADE UNION

d) Signature: 

Name: KAITIRITA CHRISTOPHER

Title: CHAIRMAN GENERAL

Institution: CENTRAL ORGANISATION OF FREE TR

56. The postal addresses and telephone contacts of the parties to this agreement are as per the details in Appendix II

APPENDIX I

PERSONS EXCLUDED FROM UNION ACTIVITIES

- a) Labour Officers.
- b) Persons who are or belong to the management functions should not unionize i.e. persons having authority in their organizations to hire, fire, transfer, appraise, suspend, promote, reward, discipline and handle grievances.
- c) The details of such categories of staff shall be defined in the Collective Bargaining Agreements.

APPENDIX II

For the purposes of this Charter the following addresses shall be used and any change thereof shall be communicated to the other parties within seven days of the change. These are:

Ministry of Gender Labour and Social Development

P.O. Box 7136 Kampala-Uganda

Tel. 345002 Fax 231715

E-mail : ps@mglsd.go.ug

Website: www.mglsd.go.ug

Executive Director

Federation of Uganda Employers

P.O. Box 3820 Kampala - Uganda

Tel. 220201, Fax 221257 e-mails:

E-mail: info@fuemployers.org

website: fuemployers.org

Secretary General

National Organization of Trade Unions

P.O. Box 2150 Kampala - Uganda

Tel. 0414-256295, Fax 0414-259833

E-mail: notu@infocom.co.ug

Website: www.notu.co.ug

Secretary General

Central Organization of Free Trade Unions

P.O. Box 36119 Kampala - Uganda

Tel. 0414-374487, Fax 0414-533172

E-mail: info@coftu.co.ug

Website: www.coftu.co.ug