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THE REPUBLIC OF UGANDA

**Ministry of Gender, Labour  
and Social Development**  
P.O. Box 7136  
Kampala,  
Uganda.

LEI 95/232/02

18<sup>th</sup> June 2020

All Proprietors of Private Educational Institutions  
All Head teachers of Private Educational Institutions

### **PERFORMANCE OF EMPLOYMENT CONTRACTS AND PAYMENT OF SALARIES DURING THE COVID -19 PANDEMIC**

Reference is made to the directive of the Permanent Secretary, Ministry of Education and Sports, to all directors and heads of education institutions dated, dated May 18, 2020, in relation to payment of full salaries and wages to teachers during the period of closure of all education institutions during the Covid-19 lockdown.

The Ministry has continued to register a lot of labour complaints in relation to the subject matter, which is an indication that some of your Institutions are facing challenges with regard to management of the employment relationships during the COVID-19 pandemic period. Key areas of concerns raised are mainly about salary reductions, unpaid leave and collective terminations.

The purpose of this letter is therefore to draw your attention to the position in the law regarding cost cutting measures instituted by your organisation:-

- (i) **Salary reduction:** Pursuant to Section 59 (1) and (4) of the Employment Act 2006, any changes affecting the wages which the employees are entitled to receive, including the means of calculation, intervals of payment, deductions and conditions of payment, need to be agreed with the employee before an employer issues a written notice about the change.
- (ii) **Unpaid leave for the months of May and June on wards:** The Employment Act, 2006 does not provide for unpaid leave. S.23 of the Employment Act, 2006 provides that a person shall not be employed under a contract of service except in accordance with this Act. It follows therefore that an employer may agree with his/her workers on such terms and conditions that don't conflict with Employment Act, 2006.

(iii) **Collective Termination:** Section 81 of the Employment Act 2006 and 44 of the Employment Regulation 2011 requires an employer to notify the commissioner in situations where collective termination becomes the only option. It also means that while underakeing collective terminations, all entitlements under the contract of employment including provisions of Section 58 of the Employment Act 2006 about notice, should be observed.

(iv) **Labour returns and Statistics:** Pursuant to Section 19 of the Employment Act 2006 and the Ministry's recent special announcement addressed to all Employers on submission of labour returns and statistics, you are required to provide details of all workers affected by the pandemic to the Commissioner, Labour, Industrial Relations and Productivity.

Please note that failure to adhere to the requirements highlighted above, while addressing matters mentioned, is an offence that will be dealt with in accordance with the Laws of Uganda.

The Ministry has Labour Officers at the Headquarters and in all District Local Governments and these offices are available for further consultation on the subject matter so as to ensure smooth implementation of the employment relations matters and avoid future ligitations due to non adherence to the provisions of the Labour Laws.



James Ebitu

**For: PERMANENT SECRETARY**

Copy to: 1<sup>st</sup> Lady and Minister of Education and Sports  
Minister of Gender, Labour and Social Development  
Minister of Local Government  
Minister of Kampala Capital City and Metropolitan Affairs  
Minister of State, Ministry of Gender, Labour and Social Development  
Head of Public Service and Secretary to the Cabinet  
Permanent Secretary, Ministry of Education and Sports  
Permanent Secretary, Ministry of Local Government  
All Chief Adminsitrative Officers  
All Resident District Commissioners  
All District Chairpersons  
All Mayors  
Director, Labour, Employment, Occupational Safety and Health  
Commissioner for Labour, Industrial Relations and Productivity