



**AN ANALYSIS OF THE ROLE OF LABOUR UNIONS IN THE  
PROTECTION OF EMPLOYMENT RIGHTS.**

**A Case Study of the Uganda National Teachers Union (UNATU).**

**By**

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SCHOOL IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE  
AWARD OF THE DEGREE OF MASTER OF LAWS OF MAKERERE  
UNIVERSITY**

**27 October 2025**

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Great achievement is born of great sacrifice.

- (Napoleon Hill)

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**DEDICATION**

**To:**

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## LIST OF ACRONYMS

<b>ACHPR</b>	African Charter on Human and Peoples' Rights
<b>CBA</b>	Collective Bargaining Agreement
<b>CEACR</b>	Committee of Experts on the Application of Conventions and Recommendations
<b>CSO</b>	Civil Society Organization
<b>CTF</b>	Canadian Teachers' Federation
<b>EAC</b>	East African Community
<b>EEOC</b>	Equal Employment Opportunity Commission
<b>EOCA</b>	Equal Opportunities Commission Act
<b>FAWE</b>	Forum for African Women Educationalists
<b>GPE</b>	Global Partnership for Education
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICPAU</b>	Institute of Certified Public Accountants of Uganda
<b>ILO</b>	International Labour Organization
<b>INSET</b>	In-Service Training
<b>ITC-ILO</b>	International Training Centre of the International Labour Organization
<b>LADASA</b>	Labour Disputes (Arbitration and Settlement) Act
<b>MGLSD</b>	Ministry of Gender, Labour and Social Development
<b>NEC</b>	National Executive Committee
<b>NEP</b>	National Employment Policy
<b>NGO</b>	Non-Governmental Organization
<b>NOTU</b>	National Organisation of Trade Unions Uganda
<b>NSSF</b>	National Social Security Fund

<b>O-Level</b>	Ordinary Level
<b>OSHA</b>	Occupational Safety and Health Act
<b>PLE</b>	Primary Leaving Examination
<b>PSPS</b>	Public Service Pension Scheme
<b>PTA</b>	Parent Teacher Association
<b>UNATU</b>	Uganda National Teachers Union
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNGEI</b>	United Nations Girls' Education Initiative
<b>UNICEF</b>	United Nations Children's Fund
<b>UNUT</b>	Uganda National Union of Teachers
<b>UPE</b>	Universal Primary Education
<b>USE</b>	Universal Secondary Education
<b>UTA</b>	Uganda Teachers Association

## GLOSSARY

**Collective Bargaining:** The process of negotiation between an employer and a group of employees (usually represented by a union) to determine the conditions of employment, including wages, working hours, benefits, and other terms of employment.

**Collective Bargaining Agreement (CBA):** A written legal contract between an employer and a union representing the employees that outlines the terms and conditions of employment resulting from collective bargaining negotiations.

**Employment Rights:** The legal protections and entitlements afforded to employees under domestic and international law, including fair wages, safe working environments, freedom from discrimination, the right to organize, and protection from unfair dismissal.

**Essential Services:** Services whose interruption would endanger the life, personal safety, or health of the whole or part of the population, often subject to restrictions on industrial action under labour law.

**Freedom of Association:** The right of workers and employers to establish and join organizations of their own choosing without previous authorization, as guaranteed under international labour conventions and domestic constitutional provisions.

**Industrial Action:** Collective action taken by workers, usually through their union, to pressure employers during labour disputes, including strikes, work stoppages, go-slow campaigns, and other forms of work protest.

**Labour Dispute:** A disagreement between employers and employees (often represented by unions) regarding terms and conditions of employment, working conditions, or other employment-related matters.

**Labour Union:** An organized association of workers formed to protect and advance their collective interests through negotiation with employers, advocacy for better working conditions, and representation in disputes.

**Legal Framework:** The system of laws, regulations, policies, and judicial decisions that govern a particular area, in this context, the protection of employment rights and regulation of labour relations.

**Occupational Safety and Health:** The protection of workers from work-related injuries, illnesses, and hazards through the implementation of safety standards, training, and preventive measures in the workplace.

**Social Movement Unionism:** A form of trade unionism that extends beyond traditional workplace concerns to address broader social and political issues affecting workers and their communities.

**Strike:** A work stoppage initiated by employees as a form of protest to pressure employers to meet demands, typically regarding wages, working conditions, or other employment terms.

**Teachers' Rights:** The specific employment rights and professional protections afforded to educators, including academic freedom, fair remuneration, professional development opportunities, job security, and safe working conditions.

**Trade Union:** An organization of workers who have banded together to achieve common goals in key areas such as wages, hours, and working conditions, with the legal right to negotiate with employers on behalf of members.

**Tripartite:** Involving three parties, particularly in labour relations referring to cooperation between governments, employers' organizations, and workers' organizations in policymaking and implementation.

**Workers' Compensation:** A system providing medical benefits and wage replacement to employees injured in the course of employment, typically administered through insurance or government programs.

**Working Conditions:** The environment in which employees perform their job duties, including physical conditions, hours of work, health and safety measures, and other factors affecting worker well-being and productivity.

## ABSTRACT

This study analyses the role of the Uganda National Teachers Union (UNATU) in protecting the employment rights of teachers in Uganda. Using a mixed-methods approach combining doctrinal legal research with semi-structured interviews of 49 respondents, including teachers, UNATU representatives, government officials, legal experts, and civil society organizations, the research examines the legal strategies employed by UNATU, assesses their effectiveness, and identifies challenges hindering the protection of teachers' rights.

The study finds that while Uganda has a comprehensive legal framework for protecting teachers' employment rights, including constitutional guarantees, statutory protections, and international treaty obligations, significant gaps exist between legal provisions and practical implementation. UNATU has employed various strategies including collective bargaining, lobbying, capacity building, and industrial action to advocate for teachers' rights. The union has achieved notable successes in securing salary increments, improving working conditions, and influencing policy development, particularly through the National Teachers' Policy (2018) and various collective bargaining agreements.

However, UNATU faces substantial challenges including limited financial resources, fragmented government systems, legal restrictions on essential services, and inadequate enforcement mechanisms for collective bargaining agreements. The classification of education as an essential service creates constitutional tensions between teachers' rights to strike and statutory limitations. The study reveals significant disparities in UNATU's effectiveness, with primary school teachers generally expressing more positive views than secondary school teachers, who feel inadequately represented.

Key legal gaps identified include the absence of binding enforcement mechanisms for public sector collective bargaining agreements, overly broad interpretation of essential services restrictions, jurisdictional fragmentation in labour dispute resolution, and inadequate protection for individual teachers facing employment rights violations. The research concludes that while UNATU has played a significant role in advancing teachers' rights, comprehensive legal and institutional reforms are needed to create a more effective framework for protecting teachers' employment rights.

The study recommends strengthening collective bargaining enforcement mechanisms, clarifying essential services definitions, enhancing UNATU's organizational capacity, improving coordination between government ministries, and developing specialized legal protections for teachers. These findings contribute to understanding the complex dynamics between labour unions, legal frameworks, and employment rights protection in developing countries' education sectors.

**Keywords:** Teachers' unions, employment rights, collective bargaining, labour law, education policy, Uganda, UNATU

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

The role of labour unions in protecting the employment rights of workers has been a subject of ongoing debate and analysis. While some view unions as essential safeguards against exploitation and unfair labour practices, others perceive them as disruptive forces that hamper economic growth and efficiency.<sup>1</sup>

Within the education sector, the role of labour unions has evolved with the emphasis on education as a universal social service. In the context of the education sector, teachers' unions have played a crucial role in advocating for the rights and welfare of their members. The rights of teachers like any other worker include a right to be given particulars of work,<sup>2</sup> right to be paid (fairly),<sup>3</sup> right to annual leave,<sup>4</sup> maternity and paternity leave,<sup>5</sup> a right to belong to a labour union,<sup>6</sup> a right to work under a safe and healthy environment,<sup>7</sup> a right to rest and reasonable working hours.<sup>8</sup> The ongoing challenge has been one of realisation of these rights.

In Uganda, the Uganda National Teachers Union (UNATU) has been at the forefront of this struggle, representing the interests of teachers across the country. As the largest and most influential teachers' union in Uganda, UNATU has been instrumental in shaping the discourse on employment rights and ensuring that teachers' voices are heard.<sup>9</sup> This study sought to analyse the role of UNATU in protecting the employment rights of teachers in Uganda. It aimed to shed light on the union's strategies,

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<sup>1</sup> Institute of Certified Public Accountants of Uganda (ICPAU) (2019), *Information Paper on Labour Law in Uganda* p.7. Accessed on the 15<sup>th</sup> January 2023.

<sup>2</sup> Section 58 of the Employment Act.

<sup>3</sup> Section 40 Ibid.

<sup>4</sup> Section 53 Ibid.

<sup>5</sup> Section 55 and 56 Ibid.

<sup>6</sup> Article 40(3) of the 1995 Constitution.

<sup>7</sup> Section 12 of the Occupational Safety and Health Act.

<sup>8</sup> Section 52 of the Employment Act.

<sup>9</sup> Wageindicator (2022), "Freedom to Join and Form a Union." Available at <https://africapav.org/uganda/labour-laws/legal-advice>. Accessed on the 15<sup>th</sup> January 2023.

achievements, and challenges in advocating for fair labour practices, decent working conditions, and the overall well-being of its members.

The significance of this study cannot be overstated. Teachers play a vital role in shaping the future generations of a nation, and their working conditions and rights directly impact the quality of education provided. By examining the role of UNATU, this research aimed to contribute to the broader discourse on the importance of labour unions in safeguarding workers' rights and promoting social justice. The findings of this research may assist in decision making regarding teachers' affairs and facilitate constructive dialogue between stakeholders, including the government, employers, and labour organizations. It can potentially strengthen the position of UNATU and other teachers' unions in their efforts to advocate for their members' rights and improve the overall working conditions in the education sector.

## 1.2 Background to the study

The labour union landscape in Uganda has a rich and complex history, shaped by the country's socio-political and economic developments. The origins of organized labour movements in Uganda can be traced back to the colonial era, when workers in various sectors, including agriculture, mining, and transportation, began to form associations to demand better working conditions and fair treatment.<sup>10</sup>

Trade unions in Uganda began in the 1930s, with the first registered union being the Uganda Motor Drivers' Association in 1938, initially formed around issues like wages and political opposition to colonial rule. They experienced growth during the post-independence era but suffered a major decline under Idi Amin's regime (1971-1979), which curtailed workers' rights and disbanded many unions. Since 1986, unions have been revived and operate under a framework established by laws such as the Labour Unions Act of 2006.<sup>11</sup>

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<sup>10</sup> Ssekamwa, JC. (1997), *History and Development of Education in Uganda*, Fountain Publishers, Uganda, p.245.

<sup>11</sup> [https://www.google.com/search?q=a+history+of+trade+unions+in+uganda&scq\\_esv=aaf6d8e1b8e2a090&svsr=AE3TijOTY7v4MzUFec\\_-gFIZb5pk6iSvGA%3A1760181030758&ei=jivqaPeGLqmlhbIP8-](https://www.google.com/search?q=a+history+of+trade+unions+in+uganda&scq_esv=aaf6d8e1b8e2a090&svsr=AE3TijOTY7v4MzUFec_-gFIZb5pk6iSvGA%3A1760181030758&ei=jivqaPeGLqmlhbIP8-). Retrieved on the 11<sup>th</sup> October 2025.

The earliest union activity emerged in the 1930s, with the first registered union being the Uganda Motor Drivers' Association in 1938, which also served a political role against colonial rule. Early unions were influenced by British practices, and colonial ordinances like the 1937 Trade Union Ordinance were used to regulate and control them, aiming to prevent them from becoming too politically powerful.<sup>12</sup>

Post-Independence Era (1962-1971); The period after independence saw a relative strengthening of the trade union movement, with close ties developing between unions and political parties like the Uganda Peoples' Congress (UPC).<sup>13</sup>

However, the government also moved to bring unions under state control, with measures like the 1965 Trade Unions Act, which introduced compulsory registration and expanded ministerial power.<sup>14</sup>

Following Uganda's independence in 1962, the labour movement gained momentum, with the formation and ratification of key International Labour Organization (ILO) conventions. In 1963 Uganda made significant progress by ratifying ILO Convention 98, and ILO Convention 87 was ratified in 2005. Article 8(1)<sup>15</sup> and Article 15(1) of ILO 98<sup>16</sup> stipulate that these conventions shall be binding only upon those Members of the International Labour Organization whose ratification has been registered with the Director-General.<sup>17</sup> Uganda intentionally, by ratifying these conventions, allowed itself to be bound by them to protect the international rights therein.

However, the labour movement faced significant challenges during the tumultuous political periods of the 1970s and 1980s, marked by dictatorial regimes and civil unrest. Many unions were suppressed or disbanded, and their activities were severely curtailed, hampering their ability to effectively represent workers' interests.<sup>18</sup> With the restoration of democratic governance and the adoption of economic liberalization policies, that the labour movement in Uganda began to revive.<sup>19</sup> During this period of resurgence,

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<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> Right to Organise and Collective Bargaining Convention, 1949.

<sup>16</sup> Freedom of Association and Protection of the Right to Organise Convention, 1948.

<sup>17</sup> Right to Organise and Collective Bargaining Convention, note 6.

<sup>18</sup> Ssekamwa, op cit. p.245.

<sup>19</sup> Ibid. Page 245.

teachers' unions emerged as prominent forces in advocating for workers' rights in the education sector.

The political challenges not only affected the labour unions. The challenges had far reached negative implications. Some of the documented challenges included poor remuneration, inadequate teaching resources, dilapidated infrastructure, and lack of promotional opportunities. These issues have had a direct impact on the quality of education provided and the overall morale of the teaching profession. In response to these challenges, teachers have organized themselves into unions to collectively advocate for better working conditions and protection of their employment rights.

UNATU has played a crucial role in this advocacy, representing teachers across various educational levels and engaging in activities ranging from collective bargaining with government bodies to organizing capacity building programs for its members.<sup>20</sup> The union's efforts have included securing salary increments, advocating for improved working conditions, and ensuring that teachers' voices are heard in education policy discussions.<sup>21</sup>

Despite its achievements, UNATU has faced various challenges in its pursuit of protecting teachers' rights, including resource constraints, government resistance, and the need to maintain unity among a diverse membership base.<sup>22</sup> Understanding this historical context and the current challenges provides a foundation for analysing UNATU's role in protecting employment rights and the effectiveness of its strategies in advocating for teachers' welfare in Uganda's complex educational and political landscape.

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<sup>20</sup> Uganda National Teachers Union. (n.d.). Our programs. <https://unatu.org/our-programs/>. Accessed on the 15<sup>th</sup> January 2023.

<sup>21</sup> Uganda National Teachers Union. (n.d.). Our success stories. <https://unatu.org/our-success-stories/>. Accessed on the 15<sup>th</sup> January 2023.

<sup>22</sup> Daily Monitor. (2019, October 5). UNATU: A once strong union now struggling to survive. Daily Monitor. <https://www.monitor.co.ug/uganda/news/national/unatu-a-once-strong-union-now-struggling-to-survive-1851536>. Accessed on the 15<sup>th</sup> January 2023.

### **1.3 Statement of the Problem**

Despite their essential role in upholding the right to education, teachers in Uganda have long suffered from poor working conditions, inadequate pay, limited career growth, and lack of resources. The Uganda National Teachers Union (UNATU) has sought to advocate for their rights, but its efforts have been hindered by weak legal protections, political interference, resistance from authorities, and internal challenges such as limited resources and member disunity. Additionally, societal undervaluing of teachers has further marginalized their welfare. As a result, teachers continue to face systemic neglect, which undermines both their well-being and the quality of education in the country.

This persistent neglect of teachers' rights and welfare has broader implications beyond the profession itself. When educators are undervalued, underpaid, and unsupported, it directly affects their morale, motivation, and capacity to deliver quality education. The lack of a robust legal framework and enforcement mechanisms not only weakens UNATU's ability to advocate effectively but also signals a systemic failure to prioritize education as a national cornerstone. Internal challenges within the union such as limited funding, fragmented membership, and coordination difficulties further dilute its influence. Combined with societal indifference toward the teaching profession, these factors create a cycle of disenfranchisement that threatens the sustainability of Uganda's education system and undermines efforts to achieve equitable and inclusive development.

### **1.4 Research Questions**

- a) What legal and policy frameworks exist to support UNATU's efforts in protecting teachers' rights, and how can these be strengthened?
- b) What role has UNATU played in protecting the employment rights of teachers in Uganda?

- c) What legal strategies and approaches has UNATU employed in advocating for teachers' rights?
- d) What challenges has UNATU faced in its efforts to safeguard teachers' employment rights?
- e) What policy and legal reforms can be proposed to enhance UNATU's role in addressing labour rights of teachers.

### **1.5 Objectives of the Study.**

#### **1.5.1 General Objective.**

The general objective of this study is:-

To analyse the role of UNATU in protecting the employment rights of teachers in Uganda, examining its strategies, achievements, challenges, and the legal and policy frameworks that govern its operations.

#### **1.5.2 Specific Objectives.**

- a) To evaluate the legal and policy frameworks that support or hinder UNATU's efforts in protecting teachers' rights.
- b) To examine the role of UNATU in protecting the employment rights of teachers in Uganda.
- c) To examine the legal strategies and approaches employed by UNATU in advocating for teachers' rights.
- d) To identify the challenges faced by UNATU in safeguarding teachers' employment rights.
- e) To identify policy and legal reforms that can be introduced or explored to enhance UNATU's role in addressing labour rights of teachers.

## **1.6 The Scope of the Study.**

### **1.6.1 Geographical scope.**

The study will focus on the activities and operations of UNATU within the geographical boundaries of Uganda.

### **1.6.2 Content scope.**

The research will examine the role of UNATU in protecting the employment rights of teachers, specifically in areas such as remuneration, working conditions, promotional opportunities, and legal and policy frameworks.

### **1.6.3 Time scope**

This study covers the period from 1995, the Labour Unions Act, Act Cap 228 and the Labour Unions Regulations (SI No.36/2006) to the present. The rationale is to ascertain the successes and pitfalls of the law in relation to the role of the Uganda National Teachers Union (UNATU) in the protection of the rights of teachers in Uganda.

## **1.7 Significance of the Study**

The significance of this study lies in its potential to contribute to the broader discourse on the role of labour unions in protecting workers' rights and promoting social justice. By focusing specifically on the Uganda National Teachers Union (UNATU) and its efforts to safeguard the employment rights of teachers, the research aims to shed light on the challenges, successes, and dynamics of labour union advocacy within the education sector.

### **1.7.1 Theoretical Significance:**

This study holds theoretical significance as it aims to enrich the existing body of knowledge on labour relations, union activism, and the protection of workers' rights. It will contribute to the understanding of the strategies employed by unions, the barriers they face, and the factors that influence their effectiveness in achieving their objectives.

Additionally, the research findings may provide insights into the broader theoretical frameworks surrounding labour movements, collective bargaining, and the intersection of employment rights with socio-economic and political factors.

### **1.7.2 Practical Significance:**

From a practical standpoint, this study has the potential to inform and guide the practices of UNATU and other teachers' unions in Uganda and beyond. By identifying the strengths and weaknesses of UNATU's approaches, as well as the challenges they encounter, the research can provide valuable insights for unions to refine their strategies and enhance their advocacy efforts. Furthermore, the study's findings may assist unions in developing more effective communication channels, mobilizing their members, and fostering constructive dialogue with stakeholders, including government authorities and educational institutions.

### **1.7.3 Policy Implications:**

The research findings may also have significant policy implications, as they can inform the development or revision of labour laws, regulations, and policies related to the protection of teachers' employment rights. By highlighting gaps or shortcomings in the existing legal and policy frameworks, the study can provide policymakers with evidence-based recommendations for strengthening these frameworks and ensuring better enforcement mechanisms. Furthermore, the research may guide on the discourse on policy interventions to address specific issues faced by teachers, such as inadequate remuneration, poor working conditions, or limited promotional opportunities.

Furthermore, the study's findings may contribute to broader discussions on the role of labour unions in educational policy formulation and implementation. By understanding the challenges faced by unions like UNATU, policymakers can explore avenues for more inclusive and collaborative approaches, ensuring that the voices and concerns of teachers are adequately represented in decision-making processes.

#### **1.7.4 Societal Impact:**

Beyond its theoretical and practical implications, this study holds the potential to raise public awareness and foster societal understanding of the importance of protecting teachers' rights. By highlighting the challenges faced by teachers and the crucial role played by unions in advocating for their welfare, the research can contribute to changing perceptions and garnering greater public support for teachers' causes. This increased awareness and support can, in turn, create an environment conducive to positive change and the implementation of policies and measures that prioritize the well-being and rights of teachers.

Moreover, by examining the impact of UNATU's efforts on the quality of education, the study may underscore the broader societal benefits of ensuring that teachers' rights are protected. When teachers are adequately supported and their rights are safeguarded, it can lead to improved morale, better retention of qualified educators, and ultimately, a stronger education system that benefits students and society at large.

#### **1.8 Theoretical Framework**

This study will be guided by a theoretical framework that draws mainly from the view that as a group, UNATU will achieve more for the teachers than if teachers pursued their fight for better working conditions on their own. This the researcher discusses under the collective bargaining theory.

##### **1.8.1. Collective Bargaining Theory:**

The Collective Bargaining Theory, developed by scholars such as Walton and McKersie (1965),<sup>23</sup> provides insights into the dynamics and strategies involved in the negotiation process between labour unions and employers or authorities. This theory examines factors such as power dynamics, bargaining tactics, and the role of third-party interventions in resolving disputes.<sup>24</sup>

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<sup>23</sup> Walton, R.E., & McKersie, R.B. (1965). *Behavioral theory of labour negotiations: an analysis of a social interaction system*. McGraw-Hill.

<sup>24</sup> Walton, R. E., & McKersie, R. B. (1991). *A behavioral theory of labour negotiations: An analysis of a social interaction system* (2nd ed.). ILR Press.

The term ‘collective bargaining’ was invented by Beatrice Webb, and propagated by the Webbs, to describe the process of agreeing terms and conditions of employment through representatives of employers possibly their associations, probably managers and representatives of the employees probably their unions. It was seen by them as primarily a substitute for the employer bargaining singly with each employee and establishing individual contracts of employment. Collective agreements are not substitutes for individual contracts. What is agreed collectively is implied, or inserted, into each employee’s contract. From the employee’s point of view, it helps to mitigate the uneven balance in bargaining power between an employer and an individual employee. It follows from the above that collective bargaining is essentially a representative process in which representatives of employers reach agreements, or compromises, with the representatives of employees.<sup>25</sup>

The International Labour Organization (ILO) states that collective bargaining is a fundamental right available to all workers. This means that all employees are entitled to present their grievances to their employers and to be able to negotiate them. According to the ILO, collective bargaining helps reduce inequalities in the workplace while providing workers with labour protection.<sup>26</sup>

By incorporating this theoretical perspective, the study can analyse the effectiveness of UNATU's collective bargaining efforts, the challenges encountered, and the potential for improving the negotiation process to better protect teachers' employment rights.

### **1.9 Literature review**

From the very time the missionaries began producing Ugandan teachers, the teachers have held a respectable status in our society. They have been leaders of opinion in society and set a good example to be followed by their students and by the rest of people from all walks of life.<sup>27</sup> However, from the 1940s to the present, teachers have faced the problem of financial discomfort, mostly due to the decreasing value of the Shilling

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<sup>25</sup> F. Burckhill: Collective Bargaining. Available on [https://link.springer.com/chapter/10.1007/978-1-349-14497-6\\_6](https://link.springer.com/chapter/10.1007/978-1-349-14497-6_6). Accessed on the 17<sup>th</sup> October 2025

<sup>26</sup> International Labour Organization. “[Collective Bargaining and Labour Relations](#)”. Accessed on the 17<sup>th</sup> October 2025

<sup>27</sup> Ssekamwa JC (1997), *History and Development of Education in Uganda*. Fountain Publishers, Uganda, p.245.

which has been partly due to the constant world inflation.<sup>28</sup> Consequently, teachers' salaries have been subjected to a terrible devaluation.

Professor John Jean Barya argued that it was a common phenomenon at the time of his writing that employees were treated unlawfully, discriminated against, harassed, denied their due wages or benefits, and made to work in unsafe conditions, or wrongfully terminated.<sup>29</sup> The author further argued that workers have priority over capital. Workers have personal dignity, while capital, considered as such, has only the value of material things. Thus, employers should not regard workers as a mere part of their capital resources, another instrument which they purchase or rent and use for their purpose.<sup>30</sup> The author also asserted that failure to recognize the priority of a worker leads to the practical error of evaluating him or her solely by the economic value of his or her results.<sup>31</sup> It was asserted that this error leads employers who own or control the material means of production to treat workers as mere commodities to be purchased at the lowest possible price, and to deal with employees as mere means to the employers' ends, thus aiming at profit maximization.<sup>32</sup>

The author's work considered the past situation and did not elaborate on the developments on worker's rights brought by the recent developments on the law on labour rights and labour unions in Uganda.<sup>33</sup>

However, this study aims to add to the existing literature in as far as showing that our Constitutional and other existing legal framework is pro right to associate and that through UNATU, teachers have been able to exercise that right albeit with challenges. The author in this study will present the progress that has been made by UNATU as a labour union in easing the plight of the teachers through its fight for their rights. The author will specifically focus on UNATU as a labour and various measures it has

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<sup>28</sup> Sande Erunao Muwanguzi, Badru Musisi, Nicholas Itaaga. The Pervasiveness of Multi-School Teaching (MST) among Public Secondary Schools in Wakiso District (Uganda): Pedagogical Dilemmas, Handling and Way Forward. *American Journal of Educational Research*. 2021; 9(8):522-531.

<sup>29</sup> John- Jean.B. Barya (1991), *Workers and the Law in Uganda*, Centre for Basic Research, Working Paper No. 17, CBR Publications.

<sup>30</sup> John- Jean.B. Barya (1991), *Workers and the Law in Uganda*, Centre for Basic Research, Working Paper No. 17, CBR Publications.

<sup>31</sup> Ibid

<sup>32</sup> John- Jean.B. Barya (1991), *Workers and the Law in Uganda*, Centre for Basic Research, Working Paper No. 17, CBR Publications.

<sup>32</sup> Ibid

<sup>33</sup> Ibid

employed to advocate for the rights of teachers, show the success stories but also identify the shortcomings. The author will also add the avenues for teachers to enforce their rights where the said rights have been violated.

Anne C.L Davies asserted that freedom of association is a right common to instruments on civil and political rights and to those concerned with economic and social rights. He quoted Article 22(1) of the ICCPR which is typical: Everyone shall have the right to freedom of association with guarantees to the right to form trade unions.<sup>34</sup>

The author argues that such rights can be restricted on various grounds, including national security, public safety, public order and the protection of the rights and freedoms of others. Economic and social rights instruments tend to focus solely on freedom of association in trade unions, but the language used is surprisingly similar.<sup>35</sup> Article 8(1)(a) of the ICESCR protects: The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law, and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.<sup>36</sup>

The author's work is a welcomed addition to this research study on analysing the role of Labour unions in the protection of employee rights, both in Uganda and internationally.

The Institute of Certified Public Accountants of Uganda (ICPAU) argues that under labour law, employees are free to join labour unions of their choice.<sup>37</sup> The authors assert further that this freedom is guaranteed both under the Constitution and the Labour Unions Act.<sup>38</sup> The authors quote Article 29 (e) of the Constitution which provides that every person shall have the right to freedom of association which includes freedom to form or join trade unions. The authors also further quote Section 3 of the Labour Unions

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<sup>34</sup> Anne C.L Davies (2009), *Perspective on Labour Law*, 2<sup>nd</sup> Edition, Cambridge University Press United States of America (USA), New York, pp.197-218.

<sup>35</sup> Ibid Page 197

<sup>36</sup> Ibid Page 197

<sup>37</sup> Institute of Certified Public Accountants of Uganda (ICPAU) (2019), *Information Paper on Labour Law in Uganda*, Page 28

<sup>38</sup> Ibid Page 28.

Act which provides that employees shall have a right to organize themselves in any labour union and may assist in running the labour union, bargain collectively through a representative of their own choice, withdraw their labour and take industrial action.<sup>39</sup>

Labour unions are considered an important factor in the process towards more sustainable consumption and production patterns.<sup>40</sup> They offer an organizational platform for many workers and are involved in numerous policy processes. An example of such an organizational platform is one offered by the Uganda National Teachers Union (UNATU) to teachers in Uganda.<sup>41</sup>

However, the authors fail to discuss the challenges faced by labour unions in carrying out their role of protecting the rights of employees. The author omits consideration of internal and external challenges like the lack of political will in enforcement of collective bargaining agreement as barriers to labour unions like UNATU in achieving their objectives. This research intends to cover such areas that the authors omitted to discuss.

Yeyeye characterizes a trade union as a collective of workers uniting to pursue shared objectives, including the safeguarding of their job-related interests, securing better wages, favourable work hours, and an improved work environment. The authors contend that the primary goal of a trade union is to enhance the working conditions and overall lives of its members while offering avenues for workers to voice their concerns and challenges both within the workplace and in society at large. This can take shape through negotiations regarding salaries, employment policies, dispute resolution mechanisms, hiring and termination processes, worker advancement opportunities, benefits, workplace safety measures, and related regulations.<sup>42</sup>

Moeti-Lysson and Henry Ongori argue that trade unions contribute significantly to the protection of employees' rights. The authors assert that employees need to work in a good environment. Therefore, the authors analyse the role of trade unions in protecting employee rights such as the role played by trade unions in solving labour-related

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<sup>39</sup> Ibid, Page 28.

<sup>40</sup> Ibid, Page 28.

<sup>41</sup> Ibid, Page 28.

<sup>42</sup> G.E. Yeyeye (2014). *Trade Union in Tanzania, 'A wolf in sheep's clothing'*, Open University law journal, 5, pp. 49-55.

disputes, with specific reference to working conditions, salaries, and fair treatment.<sup>43</sup> A trade union's purpose is to protect workers' interests hence trade union involvement consists of a collective bargaining process for awards and agreements to protect the application of performance appraisal and performance-related pay. The trade union also is involved through consultation in the development, implementation, review, and modification of anything that concerns its members.<sup>44</sup> Protecting employees from unfair labour practices, encouraging training of employees, offering incentives to members, for instance, medical insurance, legal advice, and reduction in working hours.<sup>45</sup> The authors omit to discuss what has inhibited the execution of the goals of a labour union even after understanding where the real challenges are. The author of this paper will delve into that discussion highlighting that even with well-established legal framework, the challenges on enforcement still persist.

Mark Thompson emphasizes that employment rights serve as fundamental legal standards established for employees, enabling them to reap the benefits of their work while ensuring their safety and well-being. These rights encompass various entitlements, including the right to fair compensation, the right to a clean and safe working environment, and the freedom to participate in a trade union. The author further highlights that the paramount right is being informed about the terms of employment. In this study, "employment rights" refers to the essential entitlements necessary for employees in their workplace, which includes fair and timely compensation as well as the right to privacy and respect.<sup>46</sup>

These rights also include the right to rest, protection against health and physical hazards, which relate to the job and workplace, which can be foreseen and mitigated as well as freedom from discrimination and degrading treatment in the working place. These rights are fundamental and essential even if they are not specified in the contract of

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<sup>43</sup> Josephine Moeti-Lysson and Henry Ongori (2011), 'Effectiveness of Trade Unions in Promoting Employee Relations in Organisations' Global Journal of Arts and Management- ISSN 2249-2658,1(4), pp. 57-64.]

<sup>44</sup> Ibid Page 58

<sup>45</sup> Ibid Page 58

<sup>46</sup>M. Thompson (1994). *Rights and Responsibilities in a Changing Workplace: A Review of Employment Standards in British Columbia*. Bogota Ministry of Skills, Training and Labour.

employment. The author lays down the rights of employees and discusses the requirement for employees to know their entitlements.

The author does little to discuss how if employees were organized under labour unions, they could achieve in promotion of their rights. The central discussion in this paper will be to demonstrate how with the help of labour unions, employees, especially teachers can get the best result. The author will also try to delve into whether UNATU has performed as it should, considering the reasons for its establishment.

Professor Joh Jean Barya in his Doctor of Philosophy in law dissertation considers the history of labour unions. He opines that since independence each regime in Uganda has had a specific impact on trade union organisation through the enactment of legislation or the way such legislation was applied and due to the specific political character of a given regime.<sup>47</sup>

Professor John Jean Barya argues that with the Obote I post-colonial period (1962-1971) and the struggle of the trade union movement to maintain its autonomy. During this period the state sought to subordinate the trade unions to its ideology of development by enacting legislation restricting strikes and emphasising arbitration and subjecting trade unions to state control.<sup>48</sup>

Professor John Jean Barya also argues that with the Amin period 1971-1979. Our contention here is that the early period (1971-1974) saw the enactment of a more liberal trade union and trade disputes law than under Obote I. This was due to workers' struggles, the liberal views of the civilian Ministers of Labour and Amin's search for a social base in civil society at the beginning of his regime.<sup>49</sup>

Professor John Jean Barya opines that due to the economic crisis of the 1980s resulting from both the 1970s industrial and economic collapse of Uganda's productive capacity

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<sup>47</sup> Barya, John-Jean B. (1990) *Law, state and working-class organisation in Uganda, 1962-1987*. PhD thesis, University of Warwick, Page 2. Also available on [https://wrap.warwick.ac.uk/id/eprint/35613/1/WRAP\\_THESIS\\_Barya\\_1990.pdf](https://wrap.warwick.ac.uk/id/eprint/35613/1/WRAP_THESIS_Barya_1990.pdf). Accessed on the 10<sup>th</sup> February 2025.

<sup>48</sup> Ibid, Page 3

<sup>49</sup> Ibid, Page 4

and the adverse world economic trends, trade disputes law and institutions have been rendered by and large superfluous.<sup>50</sup>

Professor John Jean Barya opines that the coming to power of the NRM in 1986 however has changed the political context in which the trade unions operate. Nonetheless ideological limitations of both the NRM and the trade unions themselves have meant that the atmosphere of freedom of association created since 1986 has not been as fully utilised as it could have been.<sup>51</sup>

Professor John Jean Barya's writing was prepared before the 1995 Constitution of Uganda and does not consider the guarantees to the right of association that the Constitution later provided for. Professor Barya does not deal with the role of labour unions in the promotion of employment rights as extensively as the author in this paper will do.

Professor Frederick Jjuuko, in a working paper published by the Human Rights and Peace Centre (HURIPEC), delves into the right to education with a particular emphasis on its quality. He investigates the complex dimensions of the right to education and its interrelation with other rights, underscoring the significance of quality education for a child's comprehensive development. Professor Jjuuko characterizes the right to education as a "super right." The paper highlights that true realization of this right is contingent upon the availability of quality educational provisions.<sup>52</sup> This includes access to qualified teachers, adequate learning resources, a safe and inclusive learning environment, and relevant curricula. The working paper concludes with recommendations for improving the quality of education in Uganda, which may include increased investment in education, teacher training and support, curriculum reform, and strategies to address issues of equity and inclusion.<sup>53</sup> Inasmuch as the paper considers quality education, it does not consider the role of labour unions and how entities such as UNATU can play a role in quality education through her advocacy for better working

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<sup>50</sup> Ibid. Page 4

<sup>51</sup> Page 5

<sup>52</sup> Ibid

<sup>53</sup> <https://www.studocu.com/row/document/makerere-university/human-rights-law/rcd0-the-right-to-education-in-uganda-an/30746124>. Accessed on the 20<sup>th</sup> January 2023.

conditions. The author in this paper considers the role labour unions can have in achieving that goal of quality education.

Professor Mahmood Mamdani's work in the book, *Politics and Class Formation* explores the enduring legacies of colonialism, the challenges of decolonization, and the complexities of postcolonial state formation. He examines how colonial rule institutionalized divisions and created new political identities that continue to influence postcolonial societies. He argues that colonialism didn't just exploit it restructured societies by creating new classes and political categories. He emphasizes that decolonization must go beyond independence to address structural inequalities and historical injustices.<sup>54</sup>

Building on Professor Mamdani's perspective regarding the origins of trade unions and their evolution into political entities, this research will further explore the role of labour unions in enhancing the welfare of teachers. It will assess the strategies they have employed and evaluate the extent to which these efforts have yielded tangible results.

Trade unions became spaces where workers discussed not only labour issues but also broader political concerns. Leaders of these unions often aligned with emerging nationalist movements and used union platforms to challenge colonial policies. The Uganda African Civil Servants Association (UACSA), formed in the 1940s, was one of the earliest examples. It advocated for African workers and later influenced the formation of more politically active unions like the Uganda Federation of Labour (UFL) and the Uganda Labour Congress (ULC).<sup>55</sup>

It is reasonable to assert that politics significantly influenced the evolution of labour unions. The leadership skills honed by union leaders in managing and mobilizing these organizations often propelled them into political arenas, where their influence extended to shaping national policies and governance.

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<sup>54</sup> <https://archive.org/details/politicsclassfor0000mamd/page/n5/mode/2up>. Accessed on the 23 October 2025.

<sup>55</sup> Yazidi Baligasima: *The Historical Development of Trade Unions in Uganda*, also available on [https://www.academia.edu/41747677/THE\\_HISTORICAL\\_DEVELOPMENT\\_OF\\_TRADE\\_UNIONS\\_IN\\_UGANDA\\_2011\\_Compiled\\_by\\_Yazidi\\_Baligasima\\_BPA\\_IUIU\\_MPA\\_student\\_UJI](https://www.academia.edu/41747677/THE_HISTORICAL_DEVELOPMENT_OF_TRADE_UNIONS_IN_UGANDA_2011_Compiled_by_Yazidi_Baligasima_BPA_IUIU_MPA_student_UJI). Accessed on the 23<sup>rd</sup> October 2025.

The Global Rights Index of 2025, reveals a stark and worsening global crisis for workers and unions. In 2025, average country ratings deteriorated in three out of five global regions, with Europe and the Americas recording their worst scores since the Index's inception in 2014. In this increasingly hostile environment, a growing number of state authorities are adopting legislation that criminalises civil society organisations – and, potentially, trade unions – as “foreign agents”, further delegitimising their role. Violations of the right to strike and the right to register a trade union remain at record levels, underscoring the intensifying crackdown on workers' fundamental freedoms.<sup>56</sup> This information reveals a constant challenge that labour unions like UNATU must navigate in the push for employee rights.

Peter W. Jones argues that trade unions have been important institutions of industrial society; they have helped deliver significant outcomes in terms of improved living standards, equity and justice to workers all over the world. However, at the end of the twentieth century, unions face a situation marked by the universal trend towards greater liberalization of economic and political regimes. The changing environment requires new approaches and strategies on the part of unions if they are to remain major social actors contributing to dynamic and equitable growth. It is argued in this note that liberalization/globalization, which brings formidable challenges to unions, also provides them with opportunities to play a far more effective and politically important role in society.<sup>57</sup>

Patrice Larochea, a professor in Labor and Employment Relations at the Université de Lorraine opines that, although it is difficult to draw firm and general conclusions on the effects of unions on firm performance, the existing results lead us to consider unions not solely in terms of their costs for the company. Empirical results suggest that unionism is often associated with higher productivity, but this relationship might vary across industries, institutional contexts and over time. Estimates of the causal mechanisms through which unions affect productivity allow a better understanding of

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<sup>56</sup> <https://www.ituc-osi.org/global-rights-index>. Accessed on the 11<sup>th</sup> October 2025.

<sup>57</sup> The role of labour unions in a changing world environment; a comparative analysis. Volume II Page 7; Available on <https://econwpa.ub.uni-muenchen.de/econ-wp/lab/papers/0410/0410012.pdf>. Accessed on the 11<sup>th</sup> October 2025.

the effects of unions. Union activities, especially collective bargaining, trade off some economic efficiency for greater justice in workplaces and reduced inequalities.

### **1.9.1. Literature Review Synthesis and Knowledge Gap**

The literature reviewed reveals several key themes and methodological approaches in the study of teachers' unions and labour rights in Uganda. The historical perspective provided by Ssekamwa and Tiberondwa employed documentary analysis and archival research to trace the evolution of teachers' organizations from the colonial period through independence. These works utilized chronological methodology to demonstrate how teachers' professional status and working conditions have deteriorated over time, particularly due to economic factors such as currency devaluation and inflation.

Contemporary scholars like Barya, Davies, and the Institute of Certified Public Accountants of Uganda employed legal analytical methods, examining statutory frameworks, constitutional provisions, and international conventions to assess the legal protections available to workers, including teachers. Their work focused on doctrinal legal research, analysing the gap between legal provisions and practical implementation of workers' rights.

The empirical studies by Moeti-Lysson and Henry Ongori, and Mark Thompson utilized survey methodologies and case study approaches to examine the effectiveness of trade unions in promoting employee relations and protecting workers' rights. These studies employed both quantitative and qualitative methods to assess the practical impact of union activities on workers' welfare.

However, several significant knowledge gaps emerge from this literature review. First, while existing literature provides historical context and legal framework analysis, there is limited comprehensive examination of how these legal frameworks specifically support or hinder teachers' union activities in practice.

Second, the literature lacks detailed analysis of the specific legal strategies employed by teachers' unions like UNATU in advocating for their members' rights. Third, there is insufficient empirical assessment of the effectiveness of teachers' unions in

addressing contemporary challenges such as salary disparities, working conditions, and promotional opportunities within the current legal and policy framework.

Fourth, the existing literature does not adequately address the specific challenges faced by teachers' unions in navigating Uganda's complex legal environment, particularly the tensions between constitutional rights to association and practical constraints imposed by classification of education as an essential service. Finally, there is a notable absence of analysis examining how international labour standards are domesticated and implemented in Uganda's education sector, and how teachers' unions leverage these standards in their advocacy efforts.

From the literature reviewed, there is still a knowledge gap in understanding how teachers' unions, particularly UNATU, navigate the complex legal landscape to protect teachers' employment rights, and how effective their legal strategies are in achieving tangible improvements for teachers. This research aims to address this gap by exploring UNATU's specific legal strategies, assessing their effectiveness in addressing key employment issues, and identifying the legal and policy barriers that constrain the union's advocacy efforts. The study will employ a mixed-methods approach combining doctrinal legal research with qualitative interviews to provide a comprehensive analysis of UNATU's role in protecting teachers' employment rights within Uganda's legal framework.

### **1.10 Research Methodology**

The study employed a mixed-methods approach, combining doctrinal legal research and qualitative data collection techniques. This approach aimed to provide a comprehensive understanding of the role of the Uganda National Teachers Union (UNATU) in protecting the employment rights of teachers.

#### **1.10.1 Research Design:**

The research design was based on a case study approach, focusing specifically on UNATU as the subject of investigation. This design allowed for an in-depth exploration of the union's strategies, achievements, challenges, and the legal and policy frameworks governing its operations.

## **1.10.2 Data Collection Methods:**

### ***1.10.2.1 Doctrinal Legal Research:***

The researcher conducted doctrinal legal research by analysing relevant statutory instruments, judicial opinions, and legal principles related to labour laws and employment rights. This method involved adopting specific legal propositions, rules, or doctrines as a starting point and examining their application and interpretation in the context of UNATU's advocacy efforts.

### ***1.10.2.2 Literature Review:***

An extensive literature review was undertaken to gather information from various sources, including textbooks, journals, magazines, newspapers, and international literature. This review provided a comprehensive understanding of the existing knowledge and research on labour unions, employment rights, and the education sector in Uganda.

### ***1.10.2.3 Secondary Data Analysis:***

The study relied on secondary data sources, such as books, statutes, case laws, journals, newspapers, official government reports (published and unpublished), policies, , and official records.<sup>58</sup> Additionally, relevant information available on the internet was utilized to supplement the secondary data.

### ***1.10.2.4 Library Research:***

The researcher visited several libraries, including the Africana section of the library, the Hamu Mukasa library at Uganda Christian University in Mukono, and the Makerere University Law Library. These libraries were chosen for their extensive collections on labour laws, employment rights, and related topics.

### ***1.10.2.5 Semi-structured Interviews:***

To add a practical perspective and gain insights from key stakeholders, the researcher conducted semi-structured interviews with 44 respondents across various categories.

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<sup>58</sup> Kothari, C.R. (2004). *Research Methodology: Methods and Techniques* (4th ed.). New Delhi: Wiley Eastern.

These interviews allowed respondents to express themselves freely and provided the researcher with a deeper understanding of the subject matter. The interviews aimed to gather first-hand accounts and perspectives from diverse stakeholders in Uganda's education sector.

The study involved two UNATU representatives, including executive committee members who provided insights into the union's internal operations, strategic decision-making processes, and challenges in representing teachers' interests. These representatives offered valuable perspectives on UNATU's advocacy strategies, collective bargaining approaches, and the effectiveness of various legal instruments in protecting teachers' rights.

Sixteen primary teachers and nine secondary school level participated in the study, representing both public (seventeen teachers) and private (eight teachers) schools across different geographical regions. This diverse group of educators provided firsthand accounts of their working conditions, experiences with union representation, and perceptions of how effectively UNATU addresses their employment concerns. Their perspectives were crucial in understanding the practical impact of UNATU's advocacy efforts on teachers' daily professional lives and the extent to which legal protections translate into improved working conditions.

The study also included 10 Ministry representatives from both the Ministry of Education and Sports and the Ministry of Labour, Gender and Social Development. These officials came from key departments including the Department of Teacher Education and Development, Human Resource Management Division, Labour Relations Department, and Occupational Safety and Health Department. Their participation provided insights into government perspectives on teachers' rights, policy implementation challenges, and the dynamics of government-union relations in the education sector.

Three representatives from Civil Society Organizations participated in the study, drawn from education-focused NGOs and human rights organizations working on labour issues. These CSO representatives offered external perspectives on UNATU's effectiveness, the broader labour rights landscape in Uganda, and potential areas for

improvement in protecting teachers' employment rights. Their involvement helped triangulate findings and provided comparative insights from organizations working in similar advocacy spaces.

Finally, the study engaged four legal experts specializing in labour law, including practitioners and academics. These legal experts provided technical analysis of Uganda's labour law framework, assessed the adequacy of legal protections for teachers, and offered insights into potential legal reforms that could strengthen teachers' rights. Their expertise was particularly valuable in evaluating the legal strategies employed by UNATU and identifying gaps in the current legal framework that may hinder effective protection of teachers' employment rights.

This diverse respondent base ensured comprehensive coverage of perspectives from all key stakeholders in Uganda's education sector, enabling a thorough analysis of UNATU's role in protecting teachers' rights from multiple viewpoints. The varied backgrounds and experiences of the respondents provided rich qualitative data that complemented the doctrinal legal research and enhanced the overall understanding of the complex dynamics surrounding teachers' employment rights in Uganda.

#### ***1.10.2.6 Data Analysis Techniques:***

The qualitative data collected through interviews was analysed using thematic analysis techniques. This involved identifying recurring themes, patterns, and perspectives that emerged from the interview responses. The legal and secondary data were analysed using doctrinal legal research methods, involving the interpretation and application of legal principles, case laws, and statutory instruments relevant to the study.

#### **1.10.3 Ethical Considerations:**

The study adhered to ethical principles and guidelines for research involving human participants. Informed consent was obtained from all interview respondents, and their privacy and confidentiality were maintained throughout the research process.

### **1.11 Limitations of the study**

Difficulty in accessing people to interview. This is considering the busy schedules of the interviewees. It posed a challenge to get their attention to aid my research. For most of the interviewees I had to meet them usually at their convenient hours and days. For example, my interview with one of the UNATU leaders was done on an evening after 7:00PM at UNATU offices on teachers' house to allow him to attend to UNATU workshops during the day. For several interviewees, I kept in constant communication with them to know when they had time whether during the week or the weekend.

A second limitation is that study of this magnitude requires a lot of time which is not available and thus limits the study. There is also a wide array of jurisprudence on the role, duties, legal and practical challenges faced by the trade unions, in particular the Uganda National Teachers Union (UNATU) in protecting the rights of employees in Uganda. This presented another limitation regarding the methodology for the selection of cases.

Nevertheless, the researcher exerted relentless effort to ensure the success of this study. Driven by a strong commitment to complete the research, I accommodated interviewees by meeting them at times and on days most convenient for them. I also dedicated numerous hours including evenings and weekends to focus intensely on developing this thesis.

### **1.12 Researcher Positionality**

As a practicing lawyer in labour law, I bring a unique perspective and set of experiences to this research study. My professional background has provided me with a deep understanding of the legal frameworks and complexities surrounding employment rights and the role of labour unions.

Throughout my career, I have worked closely with various labour organizations, representing their interests and advocating for the protection of workers' rights. This experience has given me firsthand insights into the strategies employed by unions, the challenges they face, and the power dynamics at play in the labour relations landscape.

However, I acknowledge that my position as a labour lawyer may also introduce potential biases or preconceptions. To mitigate these biases, I have made conscious efforts to approach this research with an open mind and a willingness to consider diverse perspectives. I recognize that my professional experiences may shape my interpretations, but I remain committed to maintaining objectivity and allowing the data to guide the analysis and findings.

Furthermore, as an external researcher with no direct affiliation with the Uganda National Teachers Union (UNATU), I bring a degree of impartiality and distance from the subject matter. This distance allows me to analyse UNATU's role and actions from a more objective standpoint, while still valuing and respecting the experiences and perspectives of those directly involved.

Throughout the research process, I have endeavoured to remain self-aware and critically reflective, constantly questioning my assumptions and seeking to understand the complexities and nuances of the issues at hand. By acknowledging my positionality and actively addressing potential biases, I aim to produce a rigorous and well-rounded analysis of UNATU's role in protecting the employment rights of teachers in Uganda.

### **1.13 Dissertation Structure**

This research is comprised of five chapters which seek to analyse the role of labour unions, particularly the Uganda National Teachers Union (UNATU) in the protection of employment rights in Uganda. The chapters are explained in the following paragraphs:

Chapter 1 introduces the dissertation. This chapter serves as the introduction to the research study and presents the overall context and background information. It includes sections such as the introduction, background to the study, statement of the problem, research questions, objectives, scope, significance, justification, theoretical framework, literature review, and research methodology.

Chapter 2 evaluates the Legal and Policy Frameworks. This chapter addresses the first objective of the study, which is to evaluate the legal and policy frameworks that support or hinder UNATU's efforts in protecting teachers' rights. It will provide a

comprehensive analysis of relevant labour laws, regulations, and policies at the national and international levels, identifying gaps, strengths, and areas for improvement.

Chapter 3 discusses UNATU's Role in Protecting Teachers' Rights. Focused on the second objective, this chapter will examine the role played by UNATU in protecting the employment rights of teachers in Uganda. It will delve into the union's historical background, its organizational structure, and the various strategies and approaches it has employed to advocate for teachers' rights.

Chapter 4 considers the Legal Strategies and Challenges of UNATU. This chapter addresses the third and fourth objectives of the study. It will explore the legal strategies and approaches employed by UNATU in advocating for teachers' rights, including collective bargaining, legal actions, and lobbying efforts. Additionally, it will assess the effectiveness of UNATU in addressing issues related to remuneration, working conditions, and promotional opportunities for teachers. Furthermore, this chapter will identify and analyse the challenges faced by UNATU in safeguarding teachers' employment rights.

Chapter 5 concludes the research and makes recommendations. The final chapter will provide a summary of the key findings from the research study. It will synthesize the analysis and insights from the preceding chapters, offering a comprehensive understanding of UNATU's role in protecting teachers' employment rights. Additionally, this chapter will present recommendations for strengthening UNATU's capacity, improving legal and policy frameworks, and enhancing the overall protection of teachers' rights in Uganda.

## CHAPTER TWO

### LEGAL FRAMEWORK RELATING TO TRADE UNIONS IN UGANDA

#### 2.1 Introduction

An education system is only as good as its teachers.<sup>1</sup> An effective education system relies heavily on the quality of its teachers. They play a crucial role in delivering universal and high-quality education, as they are instrumental in shaping the perspectives and attitudes of future generations to confront emerging global challenges and seize opportunities.

In the last decade, several laws that have affected the role of Labour Unions in the protection of the employment rights of teachers have been adopted in Uganda. These laws have regulated the conduct of employers in engaging the services of teachers as employees in Uganda. It is argued that these laws have significantly impacted on rights of such teachers regarding freedom of association which includes joining labour unions and other civic organizations for purposes of collective bargaining and representation and the right to strike in the course of their employment.

In Uganda, the major laws governing the role of Labour Unions in the protection of the employment rights of teachers are the Constitution of the Republic of Uganda, the Employment Act 2006, the Occupational Safety and Health Act 2006, the Workers Compensation Act 2000, the National Social Security Fund Act, the Labour Unions Act 2006, and the Labour Disputes (Arbitration and Settlement) Act 2006, among others.

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<sup>1</sup> Irina Bokova, Director-General, UNESCO; Guy Ryder, Director-General, ILO; Anthony Lake, Executive Director, UNICEF; Helen Clark, Administrator, UNDP; Fred van LEEUWEN, General Secretary, Education International, Joint Message on the occasion of the World Teachers' Day (5 October 2014).

## 2.2 International Labor Standards and Legal Frameworks

Uganda's labour landscape is significantly influenced by international legal standards, particularly those established by the International Labour Organization (ILO) and other international bodies. As a member state of the ILO since 1963, Uganda has ratified several key conventions that form the backbone of its international labour law obligations. Key to note is that that international treaties are justiciable, especially where there are no reservations expressed by the State on signature thereof.<sup>2</sup> International legal instruments are not automatically applicable law in Uganda; they must be domesticated by an Act of the Ugandan Parliament or otherwise integrated into domestic law before they can be enforced through the Ugandan courts. While Uganda may be a signatory to treaties, the domestic legal system must adopt the provisions before they can be applied in domestic courts.

### 2.2.1 ILO Conventions

The context in which the ILO was founded following World War I was remarkable. This marked the inaugural instance where a peace conference established a tripartite organization, granting authority to governments, employers, and labour organizations to participate in discussions and decision-making processes. Additionally, it was unprecedented for delegations at a peace conference to incorporate representatives from these two non-governmental groups. Furthermore, it was the first occasion that a significant commission of a peace conference was chaired by a trade union leader.<sup>3</sup>

#### *2.2.1.1 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87):<sup>4</sup>*

Ratified by Uganda in 1995, this convention enshrines the right of workers to establish and join organizations of their own choosing without prior authorization (Article 2).

It provides that:

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<sup>2</sup> Gwogyolonga Swaibu Nsambu & Others Versus AG Consolidated Constitutional Petitions No. 15 of 2017 & 001 of 2019.

<sup>3</sup> Harold Dunning (1998). The Origins of Convention No. 87 on freedom of association and the right to organize. Published in the International Labour Review, Vol 137 (1998), Vol 2, Page 154-155.

<sup>4</sup> International Labour Organization. (1948). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

*“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.”*

Article 3 guarantees workers' organizations the right to draw up their constitutions and rules, elect their representatives, and organize their administration and activities without interference from public authorities. These provisions are crucial for the formation and operation of unions like UNATU.

Convention No. 87 is often conveniently called the Convention on Freedom of Association; however, its scope extends well beyond merely allowing individuals to join trade unions or employers' organizations. It encompasses significant rights such as the ability for both workers' and employers' organizations to establish their own constitutions and regulations, select their representatives, determine their programs, and affiliate with federations at both national and international levels—all without interference from public authorities. Thus, this Convention plays a crucial role in safeguarding civil and political rights, particularly the right to participate in democracy.<sup>5</sup>

The core principle of the trade union movement is rooted in the necessity for workers to unite in their collective protection and to promote their interests. While Convention No. 87 does not explicitly guarantee these aims, it serves to foster acknowledgment of workers' rights concerning the formation and operation of trade unions. It also encourages all ILO member States to enact laws or regulations that safeguard those rights.<sup>6</sup>

The strong sentiments among workers regarding trade union rights as outlined in Convention No. 87 are significant and cannot be overlooked. A (currently unpublished) document titled "The ILO towards the 21st century," which was presented to the Director-General by the Workers' Group of the ILO Governing Body as part of the discussions surrounding the ILO's 75th anniversary in 1994, articulates this matter clearly as follows:

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<sup>5</sup> Harold Dunning (1998). The Origins of Convention No. 87 on freedom of association and the right to organize. Published in the International Labour Review, Vol 137 (1998), Vol 2, Page 150.

<sup>6</sup> Ibid, Page 150.

*The mandate of the ILO regarding fundamental and inalienable human rights must continue to be a key focus. Its specific responsibilities include safeguarding the right to organize and engage in collective bargaining, combating employment discrimination, and ensuring the eradication of forced labour and child labour. Numerous global conflicts and tensions stem from the infringement of these rights. Trade unions have played a pivotal role in recent democratic progress, with the ILO contributing significantly, often in historic ways. They have facilitated the realization of essential freedoms. However, severe violations persist and are on the rise in many instances. In certain nations, the assassination and disappearance of trade unionists have become alarmingly frequent, with those accountable frequently acting without fear of repercussions. (Workers' Group of the ILO Governing Body, 1993, pp. 10-11)"<sup>7</sup>*

**2.2.1.2 Right to Organise and Collective Bargaining Convention, 1949 (No. 98):<sup>8</sup>**

Uganda ratified this convention in 1963. Article 1 provides workers with protection against anti-union discrimination in employment, while Article 4 mandates that measures be taken to encourage and promote voluntary negotiation between employers' and workers' organizations.

Article 1<sup>9</sup> stipulates that:

1. *Employees are entitled to sufficient safeguards against anti-union discrimination related to their jobs.*
2. *This protection specifically addresses actions intended to:*
  - (a) *impose conditions on a worker's employment that require them not to join a union or to forfeit their union membership;*
  - (b) *result in the termination of, or otherwise negatively impact, a worker due to their union membership or involvement in union activities outside of work hours, or within work hours if permitted by the employer.*

Article 4 provides that:

*"Actions suitable to the specific national context should be implemented, when deemed necessary, to foster and enhance the comprehensive development and use of mechanisms that facilitate voluntary negotiations between employers or their organizations and workers' organizations. This aims to regulate employment terms and conditions through collective agreements."*

This legal framework underpins UNATU's collective bargaining efforts on behalf of teachers. It is through collective bargaining that teachers can obtain the best results.

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<sup>7</sup> Ibid, Page 150

<sup>8</sup> International Labour Organization. (1949). Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

<sup>9</sup> Convention, 1949

Government is moved more to listen to the teachers under a united front as opposed to a few voices of teachers. It becomes difficult for government to ignore them because of the far reaching implications on education service in the country if the teachers under united front decided to for example go on industrial action.

In June 1998, the International Labour Organization (ILO) made significant progress by endorsing the Declaration on Fundamental Principles and Rights at Work and its Follow-up. This declaration asserts that “all Members, irrespective of whether they have ratified the [fundamental] Conventions, are obligated, simply by being members of the Organization, to respect, promote, and realize in good faith and in alignment with the Constitution, the principles related to the fundamental rights addressed in those [fundamental] Conventions”. These principles encompass the effective acknowledgment of the right to collective bargaining, as well as freedom of association and the eradication of forced or compulsory labor, the complete abolition of child labor, and the removal of discrimination in both employment and occupation.<sup>10</sup> (ILO, 1999a, p. 51)

In the ILO’s instruments,<sup>11</sup> collective bargaining is deemed to be the activity or process leading up to the conclusion of a collective agreement. In Recommendation No. 91, Paragraph 2, collective agreements are defined as: all agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more representative workers’ organisations, or, in the absence of such organisations, the representatives of the workers duly elected and authorised by them in accordance with national laws and regulations, on the other (ILO, 1996b, p. 656).

Convention No. 98 does not explicitly define collective agreements; however, it addresses their essential elements in Article 4. It mandates that countries implement suitable measures tailored to their specific contexts to foster and enhance the effective

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<sup>10</sup> ILO, 1996b, p.656

<sup>11</sup> The ILO has adopted a number of instruments dealing directly or indirectly with collective bargaining and related issues: the Collective Agreements Recommendation, 1952 (No. 91), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Workers’ Representatives Convention, 1971 (No. 135), the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the Rural Workers’ Organisations Recommendation, 1975 (No. 149)

use of mechanisms for voluntary negotiations between employers or their organizations and workers' organizations. This is aimed at regulating employment terms and conditions through collective agreements (ILO, 1996b, p. 640). During the preparatory discussions for Convention No. 151 (1978), the term "negotiation" was interpreted to encompass "any form of discussion, whether formal or informal, aimed at reaching an agreement." The preference for "negotiation" over "discussion" was emphasized as it better reflects the objective of striving for consensus (ILO, 1978, paras. 64-65, p. 25/9),<sup>12</sup>

Convention No. 154, established in 1981, articulates the concept of collective bargaining in Article 2 as follows: The definition of "collective bargaining" encompasses all negotiations conducted between an employer, a consortium of employers, or one or more employer organizations on one side, and one or more worker organizations on the other side. This process aims to: (a) establish terms of employment and working conditions; and/or (b) manage the relationship dynamics between employers and employees; and/or (c) oversee interactions between employers or their organizations and worker organizations.<sup>13</sup>

According to this Convention, only members of the armed forces, police personnel, and certain categories of public servants are permitted to be excluded from exercising the right to collective bargaining. Conventions No. 98, No. 151, and No. 154, along with Recommendation No. 91, emphasize that collective bargaining should center on work conditions and employment terms as well as on governing the relationships between employers and workers and among employer organizations and labour unions.<sup>14</sup>

The voluntary nature of collective bargaining is explicitly laid down in Article 4 of Convention No. 98 and, according to the Committee on Freedom of Association, is "a fundamental aspect of the principles of freedom of association" (ILO, 1996a, para. 844).

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<sup>12</sup> Bernard GERNIGON, Alberto ODERO and Horacio GUIDO. (2000). ILO Principles of Collective Bargaining, ILO principles concerning collective bargaining, International Labour Organization 2000 International Labour Review, Vol. 139 (2000), No. 1.

<sup>13</sup> (ILO, 1996d, p. 93).

<sup>14</sup> Supra Note 11, Page 67

Thus, the obligation to promote collective bargaining excludes recourse to measures of compulsion.<sup>15</sup>

### ***2.2.1.3 Discrimination (Employment and Occupation) Convention, 1958 (No. 111):<sup>16</sup>***

Ratified in 2005, this convention defines discrimination in Article 1 as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 1 states that, for the intents of this Convention, discrimination encompasses:

- *Any differentiation, exclusion, or favouritism based on race, colour, gender, religion, political beliefs, national origin, or social class that results in the negation or hindrance of equal opportunity*<sup>17</sup>

Article 2 mandates that member states establish and implement a national policy aimed at fostering equal opportunities and treatment concerning employment and occupations. It stipulates that:

*Each Member State to which this Convention applies commits to declaring and pursuing a national policy tailored to promote, through methods suited to their specific conditions and practices, equality of opportunity and treatment in employment and occupation, with the objective of eradicating any form of discrimination related to these areas.*<sup>18</sup>

### ***2.2.1.4 Minimum Age Convention, 1973 (No. 138):<sup>19</sup>***

Uganda ratified this convention in 2003. Article 2(3) sets the minimum age for admission to employment at not less than the age of completion of compulsory schooling and, in any case, not less than 15 years.

It provides that:

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<sup>15</sup> Supra Note 11, Page 67.

<sup>16</sup> International Labour Organization. (1958). Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

<sup>17</sup> Article 1

<sup>18</sup> Article 2

<sup>19</sup> International Labour Organization. (1973). Minimum Age Convention, 1973 (No. 138).

*The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.*<sup>20</sup>

This provision intersects with education policy and teachers' work in ensuring children remain in school. The ratification of such a convention in part speaks to government's willingness to better education services in the country.

## **2.2.2 Other International Treaties**

### ***2.2.2.1 International Covenant on Economic, Social and Cultural Rights (ICESCR):***<sup>21</sup>

Uganda acceded to this covenant in 1987. The ICESCR proclaims the right to work in a general sense in its Article 6 and explicitly develops the individual dimension of the right to work through the recognition in Article 7 of the right of everyone to the enjoyment of just and favourable conditions of work, in particular the right to safe working conditions.<sup>22</sup>

Article 6 provides that:

*The States Parties to this Covenant acknowledge the right to work, encompassing the entitlement of every individual to pursue a livelihood through employment that they voluntarily select or accept, and they will undertake necessary measures to protect this right.*<sup>23</sup>

Article 7 provides that:

*The States Parties to this Covenant acknowledge the right of every individual to have access to fair and favourable working conditions.*<sup>24</sup>

The collective dimension of the right to work is addressed in Article 8, which enunciates the right of everyone to form trade unions and join the trade union of his/her choice as well as the right of trade unions to function freely.

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<sup>20</sup> Article 2(3)

<sup>21</sup> United Nations General Assembly. (1966). International Covenant on Economic, Social and Cultural Rights.

<sup>22</sup> General Comment No. 18 on Article 6 of ICESCR, adopted on 24 November 2005.

<sup>23</sup> Article 6

<sup>24</sup> Article 7

Article 8 provides that:

*The States Parties to this Covenant commit to guaranteeing: (a) the right of every individual to establish and participate in trade unions of their choosing, limited only by the regulations of the respective organizations, aimed at advancing and safeguarding their economic and social interests. Restrictions on the exercise of this right may only be imposed as stipulated by law, necessary for upholding national security or public order, or for protecting the rights and freedoms of others in a democratic society.*

When formulating Article 6 of the Covenant, the Human Rights Commission emphasized the importance of acknowledging the right to work comprehensively by establishing concrete legal responsibilities instead of merely articulating a philosophical concept.<sup>25</sup> Article 6 articulates the right to work in a broad and inclusive manner. In paragraph 1, it is acknowledged by the States parties that “the right to work encompasses everyone’s opportunity to earn a living through work they freely choose or accept, and they will implement appropriate measures to protect this right.” Furthermore, Paragraph 2 states that to fully realize this right, the necessary measures should include “technical and vocational guidance and training programs, as well as policies and strategies aimed at achieving consistent economic, social, and cultural advancement along with full and productive employment while ensuring the protection of fundamental political and economic freedoms for individuals.”<sup>26</sup>

Work, as outlined in Article 6 of the Covenant, should be characterized by decency. This entails that such work honours the basic rights of individuals and upholds workers' rights regarding safe working conditions and fair compensation. Moreover, it ensures that employees earn an income sufficient to sustain themselves and their families, as emphasized in Article 7 of the Covenant.<sup>27</sup>

#### ***2.2.2.2 Implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment no. 13 (21st session, 1999): the right to education***

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which

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<sup>25</sup> General Comment No. 18 on Article 6 of ICESCR, adopted on 24 November 2005.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid

economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.<sup>28</sup>

Article 1 of General comment 13 above recognises the critical role education plays in the achievement of other rights. This is perhaps because an educated person is equipped to achieve other rights. The general comment also recognises the deteriorating conditions of work of teaching despite a commitment by member states to continuously improve working conditions. It is a call for reevaluation by government and other key stakeholders to improve the working conditions of teaching staff.

While the Covenant requires that “the material conditions of teaching staff shall be continuously improved”, in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels, in many States parties in recent years. Not only is this inconsistent with article 13 (2) (e), but it is also a major obstacle to the full realization of students’ right to education.<sup>29</sup>

The Committee also notes the relationship between articles 13 (2) (e), 2 (2), 3 and 6-8 of the Covenant, including the right of teachers to organize and bargain collectively; draws the attention of States parties to the joint UNESCO-ILO Recommendation Concerning the Status of Teachers (1966) and the UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997); and urges States parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role.<sup>30</sup>

The General Comment 13 of the ICESCR assists provide a deeper understanding on the scope of the right to education, scope and implications of the said right to education. It is a relevant law for UNATU as it assists clarify on the right they push to be respected by government and other key stakeholders.

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<sup>28</sup> Article 1 of General Comment 13

<sup>29</sup> Article 27 of General Comment 13 on the ICESCR.

<sup>30</sup> Article 27 of General Comment 13 on the ICESCR.

### 2.2.2.3. African Charter on Human and Peoples' Rights:<sup>31</sup>

Ratified by Uganda in 1986, this Charter provides in Article 10 for the right to free association, while Article 15 stipulates the right to work under equitable and satisfactory conditions.

Article 10 provides that:

*(1) Every person is entitled to the freedom of association, as long as they comply with legal regulations.*

*(2) In accordance with the principle of solidarity mentioned in article 29, no one can be forced to become a member of an association.<sup>32</sup>*

Article 15 provides that:

*'Every person is entitled to work in fair and acceptable conditions and to receive equal compensation for the same work<sup>33</sup>*

The right to work is essential for the realisation of other economic, social and cultural rights. It forms an inseparable and inherent part of human dignity and is integral to an individual's role within society. Access to equitable and decent work, which respects the fundamental rights of the human person and the rights of workers in terms of conditions, safety and remuneration,<sup>34</sup> can also be critical for both survival and human development.

The right to work should not be understood as an absolute and unconditional right to obtain employment.<sup>35</sup> Rather, the State has the obligation to facilitate employment through the creation of an environment conducive to the full employment of individuals within society under conditions that ensure the realisation of the dignity of the individual.<sup>36</sup> The right to work includes the right to freely and voluntarily choose what work to accept.

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<sup>31</sup> Organization of African Unity. (1981). African Charter on Human and Peoples' Rights.

<sup>32</sup> Article 10

<sup>33</sup> Article 15.

<sup>34</sup> UN CESCR, General Comment 18: The right to work (2006) UN doc. E/C.12/GC/18; Also see Reporting guidelines available at [https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC\\_E.pdf](https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC_E.pdf). Accessed on the 13<sup>th</sup> June 2024.

<sup>35</sup> Ibid, particularly para. 6

<sup>36</sup> Ibid.

The right to work includes the following obligations of the State to:

- a. *Prohibit slavery and forced labour, which include all forms of work or service exacted from any person under the menace of any penalty and/or for which the said person has not offered himself/herself voluntarily.*<sup>37</sup>
- b. *It includes also all forms of economic exploitation of children<sup>38</sup> and other members of vulnerable and disadvantaged groups.*
- c. *Ensure the right to freedom of association, including the rights to collective bargaining, to strike and other related organisational and trade union rights.*<sup>39</sup>

These rights encompass the ability to establish and affiliate with a preferred trade union (as well as the right to refrain from doing so), the entitlement of trade unions to participate in national and international federations and confederations, and the freedom of trade unions to operate independently without excessive interference.<sup>40</sup>

### 2.2.3 Implementation and Enforcement Mechanisms

The ILO's supervisory system plays a crucial role in monitoring the implementation of these conventions. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) regularly reviews Uganda's compliance. For instance, in its 2021 report, the CEACR noted concerns about restrictions on the right to strike in Uganda's Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act,<sup>41</sup> which affects public sector workers including teachers.<sup>42</sup>

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<sup>37</sup> Ibid. See also: ILO Convention concerning Forced or Compulsory Labour (1930) (C29), art. 2(1); ILO Convention concerning the Abolition of Forced Labour (1957) (C105), art. 2; Also see Also see Reporting guidelines available at <https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC%20E.pdf>. Accessed on the 15<sup>th</sup> February 2025.

<sup>38</sup> African Charter on the Rights and Welfare of the Child, art. 15(1); Also see Also see Reporting guidelines available at <https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC%20E.pdf>. Accessed on the 15<sup>th</sup> February 2025.

<sup>39</sup> African Charter, art. 10; the Pretoria Declaration, above n.11, para. 6; ICESCR, art. 8; ILO Convention concerning Freedom of Association and Protection of the Right to Organise (1948) (C87); ILO Convention Right to Organize and Collective Bargaining Convention (1949) (C98); Also see Also see Reporting guidelines available at <https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC%20E.pdf>. Accessed on the 15<sup>th</sup> February 2025.

<sup>40</sup> The Reporting Guidelines, Part II, para. 11-13; Also see <https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC%20E.pdf>. Accessed on the 15<sup>th</sup> February 2025.

<sup>41</sup> Government of Uganda. (2008). The Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008.

<sup>42</sup> International Labour Organization. (2021). Report of the Committee of Experts on the Application of Conventions and Recommendations.

The UN Committee on Economic, Social and Cultural Rights, in its concluding observations on Uganda's initial report in 2015,<sup>43</sup> expressed concern about the restrictions on the right to form and join trade unions in the public sector and recommended that Uganda amend its legislation to ensure that all workers can freely exercise their right to form and join trade unions.

#### **2.2.4 Gaps and Challenges**

Despite the comprehensive international legal framework, several challenges persist in its implementation:

**Enforcement mechanisms:** The capacity of labour inspectorates to monitor and enforce these standards remains limited, as noted by the ILO's Technical Memorandum of the Labor Administration and Inspection Needs Assessment for Uganda.<sup>44</sup> This therefore means that violations of employment rights may happen but limitations in terms of numbers of inspectors and financing to assist in supervising the entire country hinder the implementation of set international labour standards.

**Reporting obligations:** Uganda has faced challenges in meeting its reporting obligations under various conventions, leading to gaps in the international community's ability to assess compliance comprehensively. The reporting obligation is necessary as the international community can identify areas requiring improvements and make possible recommendations. It also further allows for public scrutiny and a catalyst for governments to improve in the areas identified.

In conclusion, while Uganda has committed to a robust international legal framework for labour rights, the effective domestication and implementation of these standards remain ongoing challenges. The disconnect between international obligations and national practice continues to be a key area of concern for organizations like UNATU in their advocacy for teachers' rights.

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<sup>43</sup> United Nations Committee on Economic, Social and Cultural Rights. (2015). Concluding observations on the initial report of Uganda (E/C.12/UGA/CO/1).

<sup>44</sup> International Labour Organization. (2013). Technical Memorandum: Uganda labour administration and inspection needs assessment.

### **2.3 Legal Framework Governing the Role of Labour Unions in the Protection of Employment Rights in Uganda.**

The legal framework governing labour relations and employment rights in Uganda is inextricably linked to the country's socio-economic and political context. Uganda's labour movement has experienced a tumultuous journey, marked by periods of suppression, resurgence, and ongoing struggles for workers' rights.

In the post-independence era, Uganda's labour landscape was shaped by the ideological shifts and political instabilities that characterized the nation's early years. The 1970s and 1980s witnessed dictatorial regimes that severely curtailed the activities of labour unions and undermined the protection of workers' rights. It was not until the late 1980s and early 1990s, with the restoration of democratic governance and the adoption of economic liberalization policies, that the labour movement in Uganda began to revive.

This resurgence coincided with a renewed commitment to promoting and protecting workers' rights, reflected in the country's legal and policy frameworks. The Ugandan government ratified several international labour conventions and sought to align its domestic laws with international standards.

However, the implementation and enforcement of these laws and policies have faced numerous challenges, ranging from institutional weaknesses to political and economic pressures. The education sector has been at the forefront of these struggles, with teachers' unions like UNATU playing a pivotal role in advocating for the rights and welfare of educators.

Against this backdrop, it is crucial to examine the national labour laws and regulations that govern the protection of teachers' employment rights in Uganda. These legal frameworks not only define the rights and obligations of various stakeholders but also shape the operating environment for unions like UNATU and their ability to effectively advocate for their members.

The following sections will delve into the specific provisions of the Ugandan Constitution, the Employment Act, and other relevant laws that address labour rights and employment protections. An analysis of these legal instruments will shed light on

the strengths, weaknesses, and potential gaps that may exist, providing insights into the challenges faced by UNATU and informing recommendations for legal and policy reforms.

### **2.3.1 The Constitution of the Republic of Uganda, 1995 (As amended)**

The ILO Constitution's preamble clearly states that safeguarding workers from illness, injury, and occupational diseases is a core aspect of social justice. In Uganda, workers' rights are primarily guaranteed by the 1995 Constitution. Specifically, Article 29 ensures the right to freedom of association, which encompasses the ability to create and participate in unions or associations, including labor unions and various civic groups.<sup>45</sup> This right is further emphasized in detail in Article 40.

Article 40(1) of the Ugandan Constitution mandates that Parliament create legislation to guarantee individuals the right to work in conditions that are satisfactory, safe, and healthy. It also ensures equal pay for equal work, as well as the right to reasonable working hours and rest periods. Various laws address these rights and other labour-related matters, including the Employment Act, the Occupational Safety and Health Act, the Workers Compensation Act, the National Social Security Fund Act, the Labour Unions Act, and the Labour Disputes (Arbitration and Settlement) Act.

Given that labour rights are directly applicable to non-state actors such as corporations, these Acts regulate not only public employment but also private employment. However, the Employment Act, the Occupational Safety and Health Act, the Workers Compensation Act and the National Social Security Fund deal principally with formal employment and not informal employment.

Article 40(3)<sup>46</sup> provides further Every employee is entitled to:

- a) establish or affiliate with a trade union of their preference aimed at advancing and safeguarding their economic and social rights;*
- b) engage in collective bargaining and representation; and*
- c) legally refrain from work as permitted by law*

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<sup>45</sup>Article 29(i)(e) of the Constitution of the Republic of Uganda, 1995 (As amended).

<sup>46</sup> Constitution of the Republic of Uganda, 1995 (As amended).

Three rights are emphasized here: forming a union, joining it for collective bargaining and representation and the right to strike. This is what constitutes the right to freedom of association for workers.

This provision justifies the formation of UNATU as a labour union in Uganda to promote and protect the Social, Economic, intellectual, and professional interests of its members/teachers. Such rights and interests encompass the rights of employees/teachers to organize themselves in any labour union such as UNATU and assist in running the labour union, bargain collectively through a representative of their own choice, withdraw their labour and take industrial action. In addition, the Constitution lays the ground for other substantive rights. First, employers of women workers must accord them protection during pregnancy and after birth in accordance with the law.

Secondly, parliament is enjoined to enact laws:

- a) *to provide for the right of persons to work under satisfactory, safe and healthy conditions;*
- b) *to ensure equal payment for equal work without discrimination; and*
- c) *to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays*<sup>47</sup>.

Key to note is that the protection of the right to freedom of association is subject to Article 43<sup>48</sup>, which provides for permissible restriction as follows -

*(1) While exercising the rights and freedoms outlined in this Chapter, no individual shall infringe upon the fundamental or other human rights and freedoms of others, nor undermine the public interest.*

*(2) The concept of public interest as stated in this article does not allow for:*

- a) *political persecution;*
- b) *detention without trial;*
- c) *any restrictions on the enjoyment of the rights and freedoms specified in this Chapter that exceed what is reasonable and justifiable within a free and democratic society, or what is stipulated in this Constitution*

The Supreme Court in the case of *Charles Onyango Obbo V Attorney General*<sup>49</sup> held that the Co-existence in the same constitution, of protection and limitation of the rights, necessarily generates two competing interests. On the one hand, there is the interest to

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<sup>47</sup>Article 40 (1) of the Constitution of the Republic Uganda, 1995 (As amended).

<sup>48</sup> Constitution of the Republic of Uganda 1995.

<sup>49</sup> Constitutional Appeal No. 2 of 2002

uphold and protect the rights guaranteed by the Constitution. On the other hand, there is the interest to keep the enjoyment of the individual rights in check, on social considerations, which are also set out in the Constitution. Where there is a conflict between the two interests, the court resolves it having regard to the different objectives of the Constitution.

The right to associate is recognised by the 1995 Constitution subject to acceptable Constitutional limitations. Without limitations, the right will be abused by the teachers or UNATU. What is critical for the government to ensure the measures employed are reasonable, fair, proportional compared to the harm it seeks to remedy.

### **2.3.2 The Employment Act, Cap 226.**

Besides the right to organize, labour rights may be put into the following categories.

- (a) Rights outlined in the employment agreement;*
- (b) Entitlements to health, safety, and compensation related to work-related injuries, illnesses, or fatalities; and*
- (c) Rights associated with the termination of the employment contract, including severance pay, social security benefits, and pension entitlements.*

Employee contracts attribute rights and responsibilities between parties to a bargain and are made between the employer and the employee. It is governed by contractual principles such as offer, acceptance, consideration and legality.

Rights and duties are superimposed on these contractual arrangements and employers cannot derogate from these rights or duties even by contract. The parties agree to the terms and conditions provided they are not less than what the Act provides or exclude the application of a provision of the Act to the detriment of the employee, where permitted by the Act<sup>50</sup>.

In addition to these provisions, the Act regulates contracts of employment<sup>51</sup>, and payment of wages<sup>52</sup>, and prohibits the employment of migrant workers who are illegally

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<sup>50</sup>Section 26 of the Employment Act Cap 226

<sup>51</sup>Part IV of the Employment Act Cap 226

<sup>52</sup>Sections 39-49 of the Employment Act Cap 226

resident in Uganda<sup>53</sup>. It also makes provision for the right to weekly rest<sup>54</sup>, the length of working hours per week<sup>55</sup>, annual leave and public holidays<sup>56</sup>, sick leave with pay<sup>57</sup>, maternity and paternity leave<sup>58</sup>, and termination of employment by notice or via a disciplinary procedure<sup>59</sup>.

The Employment Act forbids practices such as forced labour, discrimination and sexual harassment within the workplace<sup>60</sup>. However, it does not explicitly address related to prohibit slavery slave-like practices or economic exploitation. The Act only prohibits one form of exploitation: child labour. Specifically, it bans the employment of children aged below 12 years and permits the involvement of children aged between 12 and 14 years for 'light work' only<sup>61</sup>. Furthermore, it emphasizes that children should not engage in work that is injurious to their health, dangerous hazardous or otherwise unsuitable<sup>62</sup>. Additional protections for children regarding employment are stated in the Employment (Employment of Children) Act Regulations 2012.

The Labour Advisory Board, chaired by a person appointed by the Minister, performs the role of advising the Minister on employment and industrial relations matters referred to it by the responsible Minister<sup>63</sup>.

From a monitoring point of view, labour officers are the first point of call, especially for complaints alleging an infringement of any right under the Act. Appeals from their decision lie to the Industrial Relations Court<sup>64</sup>. Labour officers also have the power to inspect places of employment and to order, with the approval of the Commissioner for Labour, remedial action where there is a threat to the health or safety of workers and close a workplace where there is imminent danger to the health or safety of workers<sup>65</sup>. Labour officers also have the power to settle grievances and institute civil or criminal

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<sup>53</sup>Section 36 of the Employment Act Cap 226

<sup>54</sup>Section 50 of the Employment Act Cap 226

<sup>55</sup>Section 52 of the Employment Act Cap 226

<sup>56</sup>Section 53 of the Employment Act Cap 226.

<sup>57</sup>Section 54 of the Employment Act Cap 226.

<sup>58</sup>Sections 55-56 of the Employment Act Cap 226.

<sup>59</sup>Section 57 and Part VII of the Employment Act Cap 226.

<sup>60</sup>Sections 4-6 of the Employment Act Cap 226.

<sup>61</sup>Section 31 of the Employment Act Cap 226.

<sup>62</sup>Ibid, note 34.

<sup>63</sup>Sections 20 to 22 of the Employment Act Cap 226

<sup>64</sup>Sections 92-93 of the Employment Act Cap 226

<sup>65</sup>Section 10 of the Employment Act Cap 226.

proceedings in the Industrial Relations Court<sup>66</sup>. The Act creates criminal offences for fraudulent acts and fails to provide the requested information to the labour officer. Fines imposed for these offences may go towards compensation for any loss suffered by an employee<sup>67</sup>.

### **2.3.3 The Labour Unions Act, Cap 228**

Under labour law, employees are free to join labour unions of their choice. This freedom is guaranteed both under the Constitution and the Labour Unions Act. Article 29 (e) of the Constitution provides that every person shall have the right to freedom of association which includes freedom to form or join trade unions.

#### ***Section 2 of the Labour Unions Act stipulates that:***

*Employees are entitled to form and join any labour union and may:*

- (a) participate in the management of the labour union;*
- (b) engage in collective bargaining through a representative of their choice;*
- (c) partake in other lawful activities aimed at facilitating collective bargaining or mutual assistance; and*
- (d) withdraw their services and initiate industrial action.*

*Additionally, Section 4 prohibits employers from interfering with this right to associate.*

#### ***Section 3 of the Labour Unions Act states that:***

*An employer is not permitted to:*

- (a) interfere with, restrict, or coerce an employee regarding the rights guaranteed by this Act;*
- (b) obstruct the establishment of a labour union or hinder the operations of a registered organization;*
- (c) discriminate against an individual concerning hiring, employment duration, or any terms and conditions in a manner intended to dissuade union membership;*
- (d) terminate an employee based on their lawful participation or intended participation in union activities, including involvement in industrial actions related to labor disputes that do not violate the Labour Disputes (Arbitration and Settlement) Act, 2006; and*
- (e) impede a labour union official's access to employees or their representatives or fail to provide necessary facilities for these officials to fulfill their duties effectively.*

Section 4 of the Labour Unions Act makes it a criminal offence to interfere with the right to associate. It provides that:

*An employer who contravenes section 3 commits an offence and,*

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<sup>66</sup>Sections 12-14 of the Employment Act Cap 226.

<sup>67</sup>Section 15 of the Employment Act Cap 226.

*(a) is liable, on conviction, to a fine not exceeding 96 currency points or imprisonment for a term not exceeding four years, or to both; and*

*(b) in case of a continuous offence, is liable, on conviction, to a fine of two currency points for every day or part of a day during which the offence continues.*

Labour unions are considered an important factor in the process towards more sustainable consumption and production patterns. They offer an organisational platform for many workers and are involved in numerous policy processes. However, labour unions have traditionally focused their attention on job security and maintenance as well as workplace issues. Conversely, environmental concerns and sustainable development are usually not high on the political agenda of labour unions.

UNATU as a Labour union in Uganda represents teaching staff at all levels from primary, secondary and university in public or government-supported institutions. It was registered under the Trade Union Act (2000) after a merger of the Uganda Teachers' Association (UTA) and the Uganda National Union of Teachers (UNUT). It has national structures starting at the school level and including sub-county, district, regional and national levels. Therefore, as a labour union consisting of teachers, UNATU offers an organisational platform for many workers/teachers and is also involved in numerous policy processes.

#### **2.3.4 The Labour Disputes (Arbitration and Settlement) Act, Cap 227**

Dispute Resolution Labour disputes are resolved in terms of the Labour Disputes (Arbitration and Settlement) Act 2006 (LADASA) and the Labour Disputes (Arbitration and Settlement) (Industrial Court Procedures) Rules 2012. The Act recognises the right of employees to lawful industrial action subject to certain restrictions<sup>68</sup>.

Section 30 of the LADASA provides that:

*(1) Except for any restrictions outlined in this Act or other applicable laws, employees are permitted to:*

*(a) engage in industrial actions; or*

*(b) take steps related to or in support of industrial actions concerning a labor dispute.*

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<sup>68</sup>Section 29 of the Labour Disputes (Arbitrations and Settlement) Act No. 8 of 2006.

*(2) No civil lawsuits shall be initiated against an employee who engages in or takes preparatory actions related to industrial action associated with a labor dispute as stated in this section.*

It also has specific provisions for industrial action in essential services<sup>69</sup>.

The main mechanism for resolving labour disputes is the Industrial Relations Court which is the specialist court in labour matters. The Act states that the court has jurisdiction to adjudicate any dispute under the Act or question of law referred to it<sup>70</sup>. Parties may be represented by an advocate, a labour union or an employers' association<sup>71</sup>. However, the Industrial relations Court is not bound by the ordinary rules of evidence<sup>72</sup>.

UNATU as a labour union of teachers in Uganda offers an organisational platform for teachers who seek lawful industrial action against their employers and has also represented many workers/teachers in lawful industrial actions against employers regarding job security and maintenance as well as workplace issues.

### **2.3.5 The Labour Disputes (Arbitration and Settlement) (Industrial Court Procedures) Rules 2012.**

The rules of procedure and evidence are comprehensively set out in the Labour Disputes (Arbitration and Settlement) (Industrial Court Procedure) Rules, 2012. Appeals against the decisions of this Court, which lie to the Court of Appeal as a final Court of Appeal<sup>73</sup>, the appeal is permissible only on a question of law or jurisdiction.<sup>74</sup>

Before the Industrial Relations Court assumes jurisdiction, labour disputes may be resolved by labour officers through voluntary procedures of conciliation and mediation<sup>75</sup>.

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<sup>69</sup>Sections 29-37 of the Labour Disputes (Arbitrations and Settlement) Act Cap 227

<sup>70</sup>Section 8 of the Labour Disputes (Arbitrations and Settlement) Act Cap 227.

<sup>71</sup>Section 21 of the Labour Disputes (Arbitrations and Settlement) Act Cap 227.

<sup>72</sup>Section 19 of the Labour Disputes (Arbitrations and Settlement) Act Cap 227.

<sup>73</sup> DFCU Bank Ltd V Donna Kamuli Supreme Court (S.C) Civil Application No. 29 of 2019 arising from S.C Civil Appeal No. 01 of 2019.

<sup>74</sup> Section 22 of the Labour Disputes (Arbitrations and Settlement) Act Cap 227; MTN V Richard Ndemirweki Civil Appeal No. 291 of 2016.

<sup>75</sup>Sections 12 of the Employment Act. See also section 4 of the Labour Disputes (Arbitration and Settlement) Act.

Section 11 of the Employment Act provides that:

- (1) In instances where an employer fails to meet the obligations of an employment contract or when a complaint or labour dispute arises regarding the rights or responsibilities of either party under such a contract or this Act, the affected party has the option to notify a labour officer.*
- (2) Upon receiving a report as outlined in subsection (1), a labour officer is responsible for facilitating a resolution through mutual agreement between the involved parties. This process should, to the greatest extent possible, incorporate discussions with workers or the Labor Union present at the workplace of the aggrieved party.*

A labour officer may refer labour disputes to the Industrial Relations Court only if, a month after receipt of the dispute, the dispute remains unresolved or there is no prospect of conciliation<sup>76</sup>. Parties may refer the matter to the Industrial Relations Court if a referral is not made by the officer eight weeks after he or she received it<sup>77</sup>.

Section 5 of the LADASA provides that:

- (1) If a labour dispute remains unresolved four weeks after it has been received, (a) either through the methods outlined in section 4 (a) or (b), or (b) if a conciliator appointed under section 4(b) determines that an agreement is unlikely, the Labour Officer must, upon request from any involved party and in accordance with section 6, submit the dispute to the Industrial Court.*
- (2) Despite subsection (1), the conciliation period may be extended by an additional two weeks if all parties agree.*
- (3) If a labour dispute reported to a Labour Officer is not referred to the Industrial Court within eight weeks of the report being made, either party or both parties involved can bring the dispute before the Industrial Court.*

In the case of *Justice Asaph Ruhinda v Attorney General*<sup>78</sup>, the Constitutional Court held that the Industrial court has concurrent jurisdiction with the High Court regarding labour disputes referred to it. This has provided an effective remedy to people with labour disputes or whose rights have been violated, but the jurisdiction of the industrial court needs to be extended to cover matters arising from the Workers Compensation Act and the Occupational Health and Safety Act, which fall under Magistrate's Courts.

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<sup>76</sup>Section 4(1) of the LADASA.

<sup>77</sup>Section 4(3) of the Labour Disputes Act.

<sup>78</sup>*Justice Asaph Ruhinda v Attorney General* Constitutional Petition No. 33 of 2016

The jurisdiction of the court should also be extended to receive disputes without a referral from a Labour officer.

### **2.3.6 The Occupational Safety and Health Act, Cap 231 (OSHA)**

Article 39 of the Constitution provides for the right to a clean and healthy environment.

Section 12 (1) of the OSHA provides that:

*It is the obligation of an employer to:*

*(a) take all feasible measures, at their own expense, to safeguard both their employees and the general public from any hazardous elements associated with their operations;*  
*(b) ensure that the workplace remains free from pollution-related hazards, as much as is reasonably possible, by:*

*(i) implementing technical solutions in the design or installation of new equipment or processes, or enhancing existing ones; or*

*(ii) utilizing additional organizational strategies.*

The Occupational Safety and Health Act imposes an obligation on employers to ensure the safety of employees at work. They are thus required to put in place measures for the achievement of this purpose e.g. provision of protective gear against the effect of pollution, to monitor and control the release of dangerous substances into the environment, to supervise the health of workers who are exposed to dangerous hazards due to pollution and other harmful agents e.g. through periodic medical examination, keeping medical records of workers, ensuring that work premises remain safe and without risk to health, displaying safety precautions etc.

The Occupational Safety and Health Act is an Act that is directly aimed at corporations. As the name suggests, the Act promotes and protects the safety and health of employees at the workplace. It provides that employers have a duty to protect workers from dangerous aspects of the employer's undertaking and to ensure that the work environment is free from any hazards<sup>79</sup>. As such, the employer has an obligation to take safety and health measures for the benefit of employees<sup>80</sup>, to monitor and control the

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<sup>79</sup>Section 12 (1) of the Occupational Safety and Health Act, Cap 231;

<sup>80</sup>Section 13 of the Occupational Safety and Health Act, Cap 231.

release of dangerous substances into the environment<sup>81</sup>, to provide protective gear to employees<sup>82</sup>, to supervise the health of workers<sup>83</sup>, and to provide safe premises for work<sup>84</sup>. Court in *Pernix Construction LLC V Ambalali Mazad & Others*<sup>85</sup> has emphasized this obligation and held that since the employees suffered work-related injury then they can have a right to claim for compensation and that the employer had full knowledge of all the circumstances of the respondents' ailments but merely refused to effect the compensation.

The Act provides for the appointment of a commissioner responsible for the administration of the Act and inspectors who are empowered to inspect and examine workplaces or suspected workplaces<sup>86</sup>. Inspectors also have the power to prosecute or conduct charges, information or complaints arising under the Act<sup>87</sup>.

The Occupational Safety and Health Board provides expert advice to the responsible Minister<sup>88</sup> on matters concerning occupational safety and health, welfare and the working environment<sup>89</sup>. The Minister may also appoint an advisory panel for advice or assistance<sup>90</sup>. The Minister is empowered to make regulations for the appointment of safety representatives whom every employer must consult in the making and sustenance of arrangements aimed at enhancing the safety and health of employees. Safety representatives may request employers to establish safety committees for a workplace with at least 20 employees<sup>91</sup>.

Section 8 of this Act states that an employer shall not dismiss an employee, injure the employee, discriminate against or disadvantage the employee in respect of the employee's employment, or alter the employee's position to the detriment of the

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<sup>81</sup>Section 19 of the OSHA Cap 231

<sup>82</sup>Section 18 of the OSHA, Cap 231

<sup>83</sup>Section 20 of the OSHA, Cap 231.

<sup>84</sup>Section 25 of the OSHA, Cap 231.

<sup>85</sup> Civil Appeal No. 005 of 2021

<sup>86</sup>Section 2-3 of the OSHA, Cap 231

<sup>87</sup>Section 8 of the OSHA, No. 9, 2006.

<sup>88</sup>Minister of Gender, Labour and Social Development.

<sup>89</sup>Section 9 of the OSHA Cap 231.

<sup>90</sup>Section 10 of the OSHA Cap 231.

<sup>91</sup>Sections 15 of the OSHA, Cap 231.

employee by reason only that the employee makes a complaint about a matter which the employee considers is not safe or is a risk to his health.<sup>92</sup>

Section 14 of this Act states that every employee shall report to the immediate supervisor any situation which the employee has reasonable grounds to believe presents an imminent or serious danger to the safety or health of that employee or of another employee in the same premises, and until the occupier has taken remedial action, if necessary, the occupier shall not require the employee to return to a work place where there is a continuing imminent or serious danger to safety or health.<sup>93</sup> An employee who has left a work place, which the employee has reasonable justification to believe presents an imminent and serious danger to life and health shall not be dismissed, discriminated against or disadvantaged for such action by the employer.<sup>94</sup>

UNATU was formed to assist teachers advocate for the promotion of all the rights mentioned above. The hope is that if done collectively, the voice will be stronger in this fight.

### **2.3.7 Workers' Compensation Act Cap. 233**

Whereas the Occupational Safety and Health Act uses offences as the main means of addressing occupation safety and health, the Workers Compensation Act (WCA) provides compensation to workers who suffer injury or contract certain diseases during their course of employment<sup>95</sup>.

Section 3 of the WCA provides that:

- (1) If personal injury by accident arises out of and in the course of a worker's employment, the injured worker's employer shall be liable to pay compensation in accordance with this Act.*
- (2) The employer shall not be liable in respect of an injury which does not either,*
  - (a) result in permanent incapacity;**Or*

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<sup>92</sup> Occupational Safety and Health Act 2007, Section 1(a))

<sup>93</sup> Ibid, Section 13(1)

<sup>94</sup> Ibid, Section 13 (2)

<sup>95</sup>Section 3 of the Workers' Compensation Act Cap. 233

*(b)incapacitate the worker for at least three consecutive days from earning full wages at the work at which he or she was employed.*

The Minister is required to appoint a medical arbitration board in consultation with the director general of health services and chaired by a registered medical practitioner<sup>96</sup>. The duty of the board is to settle disputes regarding the assessment of disability<sup>97</sup>. The Act requires employers to notify the labour officer of the death of a worker or any accident-causing injury that may entitle a worker to compensation under the Act<sup>98</sup>. An employer and a worker may agree on compensation: failure to reach an agreement entitles an aggrieved worker to approach a Magistrate Court<sup>99</sup>. It is a requirement under the Act that all employers be insured in respect of liability under the Act<sup>100</sup>.

### **2.3.8 The National Social Security Fund Act**

This is regarded as a program of public provision (as through social insurance or assistance) for the economic security and social welfare of the individual employee and his or her family. Organisations can also have in-house social security programs for their employees. The main purpose is retirement planning.

The Social Security Act establishes the National Social Security Fund (NSSF), governed by a board of directors appointed by the responsible Minister<sup>101</sup>, whose main function is to operate and manage the fund into which contributions shall be made for the benefit of workers. The Act provides for both compulsory and voluntary registration of employers and employees<sup>102</sup>. The Minister is empowered to specify any class or description of eligible employees or employers as members of the fund and contributing employers respectively<sup>103</sup>. An eligible employee is defined as any person above the age of 16 and below 55 who is declared by the Minister to be such an employee and any farmer or artisan who is a member of a cooperative society<sup>104</sup>. As is clear from the foregoing, this fund is largely for employees in the formal sector. There is no general

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<sup>96</sup>Section 13 (4) of the Workers' Compensation Act Cap. 233.

<sup>97</sup>Section 13 of the Workers' Compensation Act Cap. 233.

<sup>98</sup>Section 10 of the Workers' Compensation Act Cap. 233.

<sup>99</sup>Sections 13 and 14 of the Workers' Compensation Act Cap. 233; *Joseph Ssentamu V Jibu Corporate (U) Ltd* Civil Suit No. 51 of 2021; *Stanbic Bank (U) Ltd V Susan Odoro* Civil Appeal No. 89 of 2018.

<sup>100</sup>Section 18 of the Workers' Compensation Act Cap. 233.

<sup>101</sup>Minister of Finance, Planning and Economic Development.

<sup>102</sup>Sections 7 and 13 of the National Social Security Fund Act, Cap. 222.

<sup>103</sup>Section 7 of the National Social Security Fund Act, Cap. 222.

<sup>104</sup>Section 6 of the National Social Security Fund Act, Cap. 222.

provision for social security in Uganda outside the context of formal employment and yet the informal sector absorbs a larger share of the Ugandan labour force. According to the Uganda Household Survey of 2009/2010, a total of about 3.5 million people were employed in the informal sector in Uganda<sup>105</sup>.

Subject to any prescribed terms and conditions, the employer may apply for voluntary registration as a contributing employer, and any eligible employee of such employer may thereafter apply for voluntary registration as a member of the fund.

Every contributing employer is required for every month during which he or she pays wages to an eligible employee to pay the fund, within fifteen days next following the last day of the month for which the relevant wages are paid, a standard contribution of 15 per cent is calculated on the total wages paid during that month to that employee<sup>106</sup>. Under S. 116 of the Income Tax Act, every employer shall withhold tax from the payment of employment income to an employee. An employer is required to furnish to the managing director an approved form particular regarding each eligible employee in his or her service, his or her wages, the contribution due on such wages, the total wages.

### **2.3.9 The Pensions Act Cap 89**

The Public Service Pension Scheme (PSPS) was founded in 1946. The constitutional guarantee of pension benefits for public service workers—including traditional civil servants, police and prison personnel, local government staff, and educators, with the exception of university lecturers—ensures their financial security in retirement.<sup>107</sup>

The Armed Forces are governed by the Armed Forces Pension Act (AFPA). Prior to 1994, pensions for Urban Authorities were managed according to the Local Government Provident Act (CAP 292), while separate provisions existed for Municipalities under the Municipalities and Public Authorities Provident Fund Act (Cap 291).

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<sup>105</sup>Uganda Bureau of Statistics 'Uganda National Household Survey report 2009/2010 Report'. Accessed on the 10<sup>th</sup> March 2025.

<sup>106</sup>Section 12 of the National Social Security Fund Act, Cap. 222

<sup>107</sup>Article 254, of the Constitution of the Republic Uganda, 1995 (As amended).

After the Pensions Act was amended in 1994, pension provisions for employees of both Urban Authorities and Municipalities were consolidated under this Act. This legislation mandates that all Local Governments, including both Urban Authorities and Municipalities, must ensure pension arrangements for their workforce. Consequently, the task of overseeing and administering local government pensions was assigned to the Ministry of Public Service.<sup>108</sup>

The Pensions Act was enacted to provide for the grant and regulating of pensions, gratuities and other allowances in respect of the public service of officers under the Government of Uganda.<sup>109</sup>

Pursuant to Section 4, all teachers in service on or after the 1st day of July, 1953, were to be considered in pensionable service.<sup>110</sup> The same Act protects the pension from being charged income tax, a further benefit for the teachers.<sup>111</sup>

According to the Uganda National Social Protection Policy, social protection provides a secure platform upon which individuals can build productive and sustainable livelihoods, directly reduces poverty and vulnerability, as well as supporting excluded citizens in accessing other services.<sup>112</sup> It enables citizens to lead secure and dignified lives and empowers them to contribute to and benefit from economic growth. Social protection helps individuals to avoid risky coping strategies such as selling assets, adopting negative health seeking behaviours or withdrawing children from school.<sup>113</sup>

The Pensions Act is relevant as it assures teachers of benefits associated with social protection. Social protection refers to public and private interventions to address risks and vulnerabilities that expose individuals to income insecurity and social deprivation, leading to undignified lives. It is a basic service and a human right that ensures dignity

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<sup>108</sup> Directorate of Economic Affairs and Research (Quarter One: FY 2013/14) Pensions Reform in Uganda: Challenges and Opportunities.

<sup>109</sup> Relevance of the Act as reflected in the preamble to the Act.

<sup>110</sup> Pension Act.

<sup>111</sup> Section 8 Pension Act.

<sup>112</sup> Policy of September 2015. Accessed on <https://socialprotection.go.ug/wp-content/uploads/2016/06/National-Social-Protection-Policyv.pdf>. Retrieved on the 20 July 2025

<sup>113</sup> Policy of September 2015. Accessed on <https://socialprotection.go.ug/wp-content/uploads/2016/06/National-Social-Protection-Policyv.pdf>. Retrieved on the 20 July 2025

of people.<sup>114</sup> The law gives UNATU a basis in advocating for protections that are well established in statute.

### **2.3.10 The Whistle Blowers Protection Act, Cap 34**

If an employee brings information about a wrongdoing to the attention of his/her employers or a relevant organisation, they are protected in certain circumstances under the Whistle Blowing Act, 2010. The law that protects whistle-blowers is for the public interest. Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters has either occurred, is occurring or is likely to occur in the future.

- (a) *An action that is illegal, unethical, or otherwise improper.*
- (b) *A lack of compliance, denial, or disregard for any legal obligations, which may encompass neglecting regulatory requirements that endanger individual well-being and safety or result in environmental damage.*
- (c) *A situation where justice is not served.*
- (d) *An intentional attempt to conceal any of the previously mentioned activities.*

Disclosures of impropriety can be made to the employer first<sup>115</sup>, or if an employee feels unable to use the organisation's procedure the disclosures can be made to a prescribed person<sup>116</sup> so that employment rights are protected. The Act further provides circumstances under which an employee may be required to report any impropriety to an external party<sup>117</sup>. Employees who 'blow the whistle' on wrongdoing in the workplace can claim protection from victimisation<sup>118</sup>. An employee is automatically considered victimised if it is wholly or mainly for making a protected disclosure if the employee is dismissed, suspended, denied promotion, demoted, made redundant, harassed, intimidated, subjected to a discriminatory or other adverse measure by the employer or a fellow employee.<sup>119</sup>

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<sup>114</sup> Ibid, Page 1.

<sup>115</sup>Section 4(1) Whistle Blowers Protection Act, Cap 34

<sup>116</sup> Section 4(3) Whistle Blowers Protection Act, Cap 34.

<sup>117</sup>Section 4(2) Whistle Blowers Protection Act, Cap 34.

<sup>118</sup>Section 9(1) Whistle Blowers Protection Act, Cap 34.

<sup>119</sup> Section 1 of the Whistle Blowers Protection Act, Cap 34.

This Act offers protection to a teacher that may desire to report wrongdoing but fear repercussions of the reporting if established to have reported. It gives a teacher some kind of assurance that they can report and not suffer consequences for the reporting. This in turn benefits other teachers that may fear to make the bold move to whistle blow any wrongdoing at a workplace.

### **2.3.11 The Equal Opportunities Commission Act (EOCA), Cap 7**

The Constitution under the National Objectives and Directive Principles of State Policy number XI, provides for the role of the State as that of guaranteeing the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal opportunities in development.

Article 32 (2) mandates Parliament to make relevant laws, including laws for the establishment of an equal opportunities commission. Individuals covered under Equal Employment Opportunity (EEO) laws are protected from illegal discrimination, which occurs when people who share a certain characteristic, such as race, age, or gender, are discriminated against because of that characteristic.

The lengthy title of the Equal Opportunities Commission Act (EOCA) of 2007 highlights, among other objectives, the necessity to implement the State's constitutional obligation to eradicate discrimination and inequalities faced by any individual or group based on various factors such as sex, age, race, color, ethnic background, tribe, birth status, creed or religion, health conditions, social or economic position, political beliefs, or disability. It emphasizes taking affirmative steps in support of groups that have been marginalized due to gender, age, disability, or other historically rooted reasons for addressing existing disparities against them and encompasses provisions for related matters.

The primary aim of Equal Employment Opportunity (EEO) laws is to guarantee that all individuals have equitable access to job opportunities and promotions within the workplace. While EEO laws focus on ensuring fair treatment in employment settings, affirmative action mandates that employers make additional efforts to recruit and advance individuals from protected groups. This approach involves implementing specific measures intended to counteract the ongoing impacts of previous

discrimination. Employees also receive protection through the Equal Employment Opportunity Commission (EEOC), which was established under the framework of the EOCA.

### **2.3.12 The Education Act, Cap 127**

The Education Act of 2008<sup>120</sup> provides the primary legislative framework for the management and operation of educational institutions in Uganda. While it primarily focuses on the broader education system, several provisions directly impact teachers and, by extension, their union representation.

Section 11 of the Education Act stipulates the requirement for teacher registration. It states that "A person shall not teach in any public or private school unless he or she is registered as a teacher under this Act."<sup>121</sup> This provision reinforces the professional status of teachers and provides a legal basis for UNATU to advocate for proper teacher qualifications and standards. Furthermore, Section 12 outlines the qualifications required for registration as a teacher.<sup>122</sup> This section is crucial for UNATU's efforts to maintain and improve the professional standards of teaching, as it provides a legal framework for opposing the employment of unqualified individuals in teaching positions.

The Act also addresses disciplinary measures for teachers. Section 14(2) provides for the institution of disciplinary action against a teacher on the grounds of misconduct, incompetence or failure to comply with the terms and conditions of service.<sup>123</sup> While this section ensures accountability, it also underscores the need for fair processes, an area where UNATU plays a crucial role in protecting teachers' rights. Importantly, Section 14(7) provides some protection for teachers by confirming the right to a fair hearing in matters where teachers are subjected to disciplinary action.<sup>124</sup> This provision gives UNATU legal grounds to challenge unfair dismissals and advocate for due process in disciplinary actions against teachers.

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<sup>120</sup> Education (Pre-Primary, Primary and Post-Primary) Act, Cap 247.

<sup>121</sup> *Ibid.*, Section 11.

<sup>122</sup> *Ibid.*, Section 12.

<sup>123</sup> *Ibid.*, Section 24(2).

<sup>124</sup> *Ibid.*, Section 13(7).

The Act establishes various management structures for educational institutions, including the Board of Governors and School Management Committees.<sup>125</sup> These bodies have significant influence over teachers' working conditions and school policies. UNATU can leverage these provisions to advocate for teacher representation in these management structures, ensuring that teachers' interests are considered in decision-making processes. Despite these provisions, the Education Act has limitations in addressing specific issues related to teachers' rights and union activities. For instance, it does not explicitly mention the role of teachers' unions or provide a framework for collective bargaining in the education sector. This gap necessitates UNATU to rely on broader labour laws and engage in continuous advocacy for more comprehensive legislation addressing teachers' collective rights.

### **2.3.13 The Education Service Act, Cap 85**

The Education Service Act Cap 85 is more directly focused on the management of the teaching profession in Uganda. It establishes the Education Service Commission and provides detailed provisions on various aspects of teachers' employment and professional conduct.

Section 4 of the Act establishes the Education Service Commission, while Section 8 outlines its functions. These include appointing persons to hold or act in any office in the education service, including confirming appointments, exercising disciplinary control, and promoting and reviewing the terms and conditions of service.<sup>126</sup> This centralized body provides UNATU with a clear counterpart for negotiations and advocacy efforts regarding teachers' employment matters. Section 31 empowers the Education Service Commission to prescribe and review the terms and conditions of service, remuneration, and retirement benefits of public officers in the education service by making regulations.<sup>127</sup> This provision is crucial for UNATU's collective bargaining efforts, as it identifies the legal basis for negotiations on these key issues affecting teachers' welfare.

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<sup>125</sup> Ibid., Sections 28.

<sup>126</sup> Government of Uganda. (2002). The Education Service Act, 2002. Sections 4 and 8.

<sup>127</sup> Ibid., Section 31.

The Act mandates the establishment of a code of conduct for teachers under section 8(1)(e)(iii).<sup>128</sup> This provision allows UNATU to participate in shaping professional standards and ethical guidelines for teachers, ensuring that these are fair and protect teachers' rights. While the Education Service Act provides a more comprehensive framework for managing teachers' employment, it has limitations. For instance, it does not explicitly recognize the role of teachers' unions in the education service. Moreover, the Act's focus on the public education sector means that teachers in private institutions may not benefit from all its provisions, creating a challenge for UNATU in representing all teachers equally.

### **2.3. Court's stance towards the right to associate.**

Ugandan courts have contributed to the development of teachers' rights through several important decisions that clarify the scope and application of legal protections.

#### **(a) *Dr Sam Lyomwoki and Others V Attorney General*<sup>129</sup>**

The Constitutional Court addressed the meaning of freedom of association, adopting the definition that it means "freedom to enter into consensual arrangements to promote the common interest objects of the associating group" while recognizing that this freedom does not permit conduct "inimical to the peace, order and good governance of the country."<sup>130</sup> This decision establishes important parameters for teachers' union activities, protecting legitimate collective action while acknowledging reasonable limitations.

The core issue of the case revolved around the Trade Union Act of 1976, which established a single entity known as the National Organisation of Trade Unions Uganda (NOTU). All trade unions in Uganda are required to affiliate with NOTU. Dissatisfied with NOTU's management, the petitioners chose to create an alternative organization called the Central Organisation of Free Trade Unions (Uganda) (COFTU). However, when they attempted to register COFTU under the Act, the government deemed it

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<sup>128</sup> Ibid., Section 8(1)(e)(iii).

<sup>129</sup> Constitutional Petition No. 8 of 2004.

<sup>130</sup> *Dr Sam Lyomwoki and Others V Attorney General*, Constitutional Petition No. 8 of 2004.

unlawful and denied their registration request, leading to this petition. In evaluating the right to associate, the Court remarked that:

the expression "freedom of association" is not defined in the Constitution. Decided cases on freedom of association in East Africa are not easy to come by. So, we have to turn elsewhere in the common law jurisdictions for guidance. One definition is to be found in the Privy Council decision in *Collimore vs. Attorney General* [19701 AC 532 at 547, a case originating from Trinidad and Tobago in which Wooding CJ, stated: "Freedom of association means no more than freedom to enter into consensual arrangements to promote the common interest objects of the associating group. The objects may be any of many. They may be religious or social, political, philosophical, educational, cultural, sporting or charitable. But the freedom to associate confers neither right nor licence for a course of conduct or for the commission of acts which in the view of Parliament are inimical to the peace, order and good governance of the country."<sup>131</sup>

The freedom and right to associate in the Constitution is not absolute. It is derogable as it is not one of those covered by Article 44 of the Constitution. The law therefore guarantees the right but also establishes acceptable limitations as is expected in a free and democratic society. This is intended to avoid abuse of the guaranteed right. The challenge has sometimes been where some people have used the limitation clause to also overstep their power. It should always be a balancing act on the part of all parties involved.

**(b) Ntare Adens Rutaro V Joel Senyonyi, Robert Kyagulanyi Sentamu, Kizza Besigye and Attorney General<sup>132</sup>**

The Petitioner brought this petition challenging the actions of the 1st, 2nd and 3rd respondents who he alleged carried out the actions of mobilizing political support against candidates of registered political parties in groups that had names akin to those of political parties but were not registered as such. The Court, among others, observed that;

Article 29 (1) (d) of the Constitution guarantees citizens of Uganda, including him to associate, the right to freedom of assembly and democratisation together with others, if they are peaceful and unarmed. Freedom of association may be subject to regulation.

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<sup>131</sup> Dr Sam Lyomwoki and Others V Attorney General, Constitutional Petition No. 8 of 2004.

<sup>132</sup> Constitutional Petition No. 16 of 2019.

It should be recalled that Article 29 (1) (e) enshrines the liberty of freedom to form or join a political or other civic organization.

It was further held that the "fundamental" nature of freedom of association relates to the central importance to the individual of his or her interaction with fellow human beings. The purpose of the constitutional guarantee of freedom of association is, I believe, to recognise the profoundly social nature of human endeavours and to protect the individual from state centred isolation in the pursuit of his or her ends.<sup>133</sup>

What freedom of association seeks to protect is not associational activities in the capacity of particular activities, but the freedom of individuals to interact, with support, and be supported by, their fellow humans in the varied activities in which they choose to engage. But this is not an unlimited Constitutional licence for all group activity. The mere fact that an activity is capable of being carried out by several people together, as well as individually, does not mean that the activity acquires Constitutional protection from legislative prohibition or regulation.<sup>134</sup>

From this decision, one needs to appreciate that teachers through UNATU enjoy a right to associate that is subject to Constitutional limitations. In the words of Justice Christopher Madrama, the association one forms or the association that one joins must be a lawful association or have a lawful and constitutional purpose.<sup>135</sup>

(c) *Charles Onyango Obbo V Attorney General*<sup>136</sup>

The case provides important guidance that restrictions on teachers' rights must be "acceptable and demonstrably justifiable in a free and democratic society."<sup>137</sup> This standard creates a legal test that any government restrictions on teachers' union activities must meet, providing a basis for challenging overly broad limitations on teachers' collective rights.

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<sup>133</sup> Constitutional Petition No. 16 of 2019, Page 51 Paragraph 25.

<sup>134</sup> Constitutional Petition No. 16 of 2019, Page 51 Paragraph 35

<sup>135</sup> Constitutional Petition No. 16 of 2019, Page 52 line 9.

<sup>136</sup> Constitutional Appeal No. 2 of 2002.

<sup>137</sup> Ibid.

The Constitutional Court established that fundamental rights, including freedom of association, are not absolute but must be balanced against legitimate public interests.<sup>138</sup> This decision is crucial for understanding the legal limits of teachers' rights to strike and organize, particularly given education's classification as an essential service.

The appellants in this appeal, are practising journalists. At all the material times, they were, respectively, an Editor and a Senior Reporter of the Monitor newspaper. On 24 October 1997, the two were jointly charged in the magistrates' court on two counts of the criminal offence of "Publication of False News" contrary to section 50.

The appellants as petitioners averred in paragraph 3(b) that section 50 of the Penal Code Act under which the petitioners were charged is inconsistent with the constitution in so far as it limits the enjoyment of the rights and freedom prescribed in Articles 29 (1) (a) and (e), 40 (2) and 43 (2) (I) of the Constitution of 1995.

Court in dealing with the issue of respect for several fundamental rights held that;

Protection of the fundamental human rights therefore, is a primary objective of every democratic constitution, and as such is an essential characteristic of democracy. In particular, protection of the right to freedom of expression is of great significance to democracy. It is the bedrock of democratic governance. Meaningful participation of the governed in their governance, which is the hallmark of democracy, is only assured through optimal exercise of the freedom of expression.<sup>139</sup>

Limiting their enjoyment is an exception to their protection and is therefore a secondary objective. Although the Constitution provides for both, it is obvious that the primary objective must be dominant. The exceptional circumstances set out in clause (1) of article 43 are the prejudice or violation of protected rights of others and prejudice or breach of social values categorised as public interest.<sup>140</sup>

Noteworthy is that the Courts have while on one hand advocated for the respect of the right to associate, have on the other hand also endeavoured to maintain a balanced approach to rights protection. It is a realization that rights without regulation could be subject to abuse.

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<sup>138</sup> *Charles Onyango Obbo V Attorney General*, Constitutional Appeal No. 2 of 2002.

<sup>139</sup> Constitutional Appeal No. 2 of 2002, Page 11, Paragraph 24.

<sup>140</sup> Constitutional Appeal No. 2 of 2002, Page 14, Paragraph 30.

(d) *Justice Asaph Ruhinda v Attorney General*

Court clarified the jurisdiction of specialized labour courts, holding that the Industrial Relations Court has concurrent jurisdiction with the High Court regarding labour disputes.<sup>141</sup> This decision is significant for teachers because it provides multiple avenues for pursuing legal remedies when their employment rights are violated, enhancing access to justice for teachers facing employment challenges.

The Industrial Court has now established regional branches to receive labour complaints. At the industrial Court in Kampala, there are now two Judges and two Court halls sitting to hear labour claims that teachers may have. While this does not solve the entire challenge of access to labour justice, it is a step in the right direction.

The Industrial Court has in some decisions held in favour of teachers whose rights had been violated. For example, in **Namakula Norah Versus Scooby Doo Daycare and Nursery School**<sup>142</sup> in which the Claimant, a former headteacher of the Respondent, sued for unlawful termination by the Respondent. Court found that the Claimant was not given a hearing. The termination letter was unambiguous. It was explicit. Quite simply, the Respondent severed the employment relationship instantaneously. Court awarded the Claimant various monetary awards including damages, severance allowance, unpaid salary, payment in lieu of notice.

This attitude by the Courts has communicated to UNATU that they have a place to seek labour justice for its members when their rights have been violated or to encourage their members to approach the industrial Court with hope that their grievances will be attended to.

The court has established certain restrictions on the exercise of teachers' rights. Generally, individuals must satisfy specific legal criteria before they can assert these rights in court. A pertinent case is **Awio Rose Filder vs. The School Management Committee Hofman C.O.U Nursery and Primary School and Registered Trustees**

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<sup>141</sup> *Justice Asaph Ruhinda v Attorney General*, Constitutional Petition No. 33 of 2016, Page 13 Paragraph 20-23.

<sup>142</sup> Labour Reference No. 345 of 2019

of the Cura of God East African (Uganda National Education Secretariat), which held that:

*“According to Section 54 of the Employment Act, employees are entitled to annual leave. However, this leave should be granted at a time that is convenient for the employer within a given year, ensuring that the employee's absence does not disrupt the organization's operations. Employers are required to arrange alternative staffing solutions during an employee's leave period. Therefore, employees must submit leave applications, and it is the employer's responsibility to determine the leave dates. If there is no proof that an employee applied for leave and was subsequently denied by the employer, that employee cannot claim payment in lieu of their leave entitlement. In this case, there is no record indicating that the claimant sought permission for leave or that such a request was refused by the respondent. It is customary for teachers to take holidays concurrently with their students, which typically counts towards their annual leave days. Unless proven otherwise by the claimant, it will be assumed that these mandatory school holidays fulfill her annual leave requirements. Consequently, her request for payment in lieu of leave has been denied.*

UNATU and its members must therefore be mindful to meet statutory requirements before seeking to enforce their rights through the Courts. Where in doubt, the teachers need to seek legal counsel.

### **2.3. Conclusion**

Uganda is committed to the full realization of workers' rights as enshrined by the International Labour Organization and other Labour laws that guarantee the protection of the rights of workers. This is evident in the measures Uganda has taken to place its laws in conformity with the International Labour Organization, the administrative structures and the law enforcement mechanisms it has implemented. Such laws have been instrumental in the realization of the role of Labour Unions in the protection of the employment rights of teachers in Uganda. The laws have regulated the conduct of employers in engaging the services of teachers as employees in Uganda and have significantly impacted on rights of such teachers with regard to freedom of association which includes freedom to form and join associations or unions, including labour unions and other civic organizations for purposes of collective bargaining and representation and the right to strike in the course of their employment.

## CHAPTER THREE

### UNATU'S ROLE IN PROTECTING TEACHERS' RIGHTS

#### 3.1 Introduction

The Uganda National Teachers Union (UNATU) stands as a pivotal institution in the landscape of education and labour rights in Uganda. As the primary representative body for teachers across the country, UNATU plays a crucial role in advocating for and protecting the employment rights of educators. This chapter examines the multifaceted role of UNATU in safeguarding teachers' rights, exploring its historical development, organizational structure, and the various strategies it employs in its advocacy efforts.

In the context of Uganda's educational system, where teachers often face numerous challenges including inadequate remuneration, poor working conditions, and limited career advancement opportunities, the importance of a strong and effective teachers' union cannot be overstated.<sup>1</sup> UNATU's efforts to address these issues and improve the overall welfare of teachers have significant implications not only for the teaching profession but also for the quality of education in Uganda as a whole.

This chapter will provide a comprehensive analysis of UNATU's role, beginning with its historical origins and evolution. Understanding the union's historical context is essential for appreciating its current position and strategies. The chapter will then delve into UNATU's organizational structure and governance, examining how these factors influence its effectiveness in representing teachers' interests.

A significant portion of this chapter will be dedicated to exploring the various advocacy strategies and approaches employed by UNATU. This includes an examination of its collective bargaining tactics, lobbying efforts, public awareness campaigns, and instances of industrial action. Additionally, the chapter will investigate UNATU's collaborations and partnerships with government bodies, educational authorities, and

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<sup>1</sup> Namara, R. B., & Kasaija, J. (2016). Teachers' Protest Movements and Prospects for Teachers Improved Welfare in Uganda. *Journal of Education and Training Studies*, 4(5), 149-159.

other civil society organizations, as these relationships often play a crucial role in the union's ability to effect change.

Finally, this chapter will assess UNATU's successes and achievements, highlighting specific improvements in teachers' rights and working conditions that can be attributed to the union's efforts. By examining these various aspects of UNATU's operations and impact, this chapter aims to provide a comprehensive understanding of the union's role in protecting and advancing the employment rights of teachers in Uganda.<sup>2</sup>

### **3.2 Key Milestones and Achievements**

Currently, UNATU is comprised of 150,000 members across all education sectors countrywide with 10 regional offices and at least 1140 district branches and 175 districts of operation.<sup>3</sup> Throughout its history, UNATU has achieved several notable milestones that have shaped its role and influence in Uganda's education sector:

#### ***3.2.1 Legal Recognition and Collective Bargaining Rights***

One of UNATU's earliest and most significant achievements was gaining legal recognition as the sole bargaining agent for teachers in Uganda. This recognition, formalized in the Collective Bargaining Agreement of 2018, empowered UNATU to negotiate directly with the government on behalf of teachers, marking a crucial step in enhancing its ability to protect teachers' rights.<sup>4</sup>

However, while UNATU does have a collective bargaining agreement (CBA) with the government of Uganda, the signing of the agreement has been contentious. In 2018, UNATU and other public service unions signed a CBA with the government of Uganda during the 2nd Public Service Negotiating and Consultative Council meeting held on

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<sup>2</sup> Wabule, A. (2016). Continuous professional development: What role and who benefits? Reflections on teacher development in Uganda. *Africa Education Review*, 13(3-4), 141-156.

<sup>3</sup> <https://unatu.org/>. Retrieved on the 21<sup>st</sup> July 2025.

<sup>4</sup> The Cooperator News. (2022, June 11). *Teachers to stage industrial action on Wednesday*. Retrieved from <https://thecooperator.news/teachers-stage-industrial-action-on-wednesday/>.

June 22, 2018.<sup>5</sup> The agreement included figures to improve salaries for teachers for the 2018/19 and 2019/20 fiscal years.<sup>6</sup>

However, some government representatives on the Public Service Negotiating and Consultative Council did not sign the CBA, despite assurances that they were willing to do so.<sup>7</sup> As of February 2019, these government representatives had still not signed the CBA, disrupting the negotiation process.<sup>8</sup> This failure by the government to fully sign the CBA led UNATU to give a 90-day notice of industrial action starting on May 20, 2019 if the government did not honour the agreed-upon terms.<sup>9</sup>

The Collective Bargaining Agreement (CBA) between the Ugandan government and UNATU is a legally binding contract, meaning both parties are obligated to fulfil its terms. However, the enforcement of failure to honour the terms of the CBA is yet to be tested in Uganda. The government's failure to honour the agreement, specifically regarding salary enhancements, has led to industrial action by UNATU, which itself must follow specific legal procedures for such actions.

### ***3.2.2.2 Advocacy for Better Remuneration***

In the 2010s, UNATU successfully lobbied for substantial salary increments for teachers. The union's persistent efforts led to the government committing to a phased salary enhancement for teachers, which began implementation in the 2019 financial year.<sup>10</sup> This commitment significantly improved the economic welfare of teachers across the country.<sup>11</sup>

UNATU filed a formal petition with the Equal Opportunities Commission in November 2024 regarding discriminatory salary enhancements for teachers, as reported in

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<sup>5</sup> Ibid.

<sup>6</sup> Education International. (2019, February 19). *Uganda: education union urges public authorities to keep promise of improved working and living conditions*. Retrieved from <https://www.ei-ie.org/en/item/22765:uganda-education-union-urges-public-authorities-to-keep-promise-of-improved-working-and-living-conditions>.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> The Cooperator News, op cit.

<sup>11</sup> Gazidis, S. (2015). *Realizing the right to education in Uganda*. Legal Resources Center. Retrieved from <https://realisingrights.wordpress.com/2015/04/30/realising-the-right-to-education-in-uganda/>. Accessed on the 11<sup>th</sup> October 2025.

the UNATU Newsletter.<sup>12</sup> In the petition, UNATU requested that the Government to effect a fair salary enhancement for all categories of teachers in FY 2025/26 since the budgeting Cycle was on. Equal work for Equal pay. The petition further stated that in the current state of affairs, it appears that Science teachers are superior to other categories of teachers which is unfair. The work they do is similar to that done by Primary school teachers and those in the Arts/ Humanities field. All teachers deliver content albeit in different fields.

The union also advocates for legislative changes, such as ensuring fair compensation and stipends for interns, as discussed in the African Business article.<sup>13</sup>

### ***3.2.2.3 Improved Working Conditions***

UNATU has been instrumental in advocating for better working conditions for teachers. Notable achievements include the push for the construction of teachers' houses in rural areas and the provision of hardship allowances for teachers working in remote locations. These efforts have contributed to improving teacher retention and job satisfaction, particularly in underserved areas.<sup>14</sup>

### ***3.2.2.4 Professional Development Initiatives***

Recognizing the importance of continuous professional development, UNATU has consistently advocated for and facilitated opportunities for teacher training and skill enhancement. The union's efforts have led to the establishment of various professional development programs, contributing to the overall improvement of teaching standards in Uganda.<sup>15</sup>

### ***3.2.2.5 Policy Influence***

Over the years, UNATU has increasingly positioned itself as a key stakeholder in educational policy formulation. The union's involvement in the development of the

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<sup>12</sup> <https://unatu.org/wp-content/uploads/2025/05/APRIL-2025-Newsletter.pdf>. Accessed on the 11<sup>th</sup> October 2025.

<sup>13</sup> <https://african.business/2024/10/apo-newsfeed/uganda-national-teachers-union-unatu-makes-case-for-teachers-council-in-new-law>. Accessed on the 11<sup>th</sup> October 2025.

<sup>14</sup> Murongo, E., & Nzaghale, C. (2019). Teachers' Motivation and Job Satisfaction: An Analysis of Government Aided Secondary Schools in Kasese Municipality, Uganda. *Journal of Research Innovation and Implications in Education*, 3(2), 43-52.

<sup>15</sup> Namara and Kasaija, op cit.

National Teachers' Policy (2019) exemplifies its growing influence in shaping the regulatory framework governing the teaching profession in Uganda.<sup>16</sup>

Through these milestones and achievements, UNATU has established itself as a formidable force in Uganda's education sector. The union's evolution from a nascent association to a legally recognized and influential trade union reflects its growing capacity to protect and promote teachers' rights. This historical context provides a foundation for understanding UNATU's current role and strategies in advocating for teachers' employment rights in Uganda.

### **3.3 Organizational Structure and Governance**

#### **3.3.1 Leadership and Decision-Making Processes**

UNATU's organizational structure is designed to ensure effective representation of teachers at various levels while maintaining a streamlined decision-making process. The union operates on a hierarchical structure that balances centralized leadership with grassroots representation.

##### ***3.3.1.1 National Executive Committee***

At the apex of UNATU's structure is the National Executive Committee (NEC).<sup>17</sup> This body is responsible for setting the union's overall policy direction and making key strategic decisions.<sup>18</sup> The NEC typically consists of elected officials, including the National Chairperson, General Secretary, and other executive positions.<sup>19</sup> These officials are elected during the National Delegates Conference, which is held every five years.<sup>20</sup>

##### ***3.3.1.2 Secretariat***

The day-to-day operations of UNATU are managed by the Secretariat, led by the General Secretary. The Secretariat is responsible for implementing the policies and

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<sup>16</sup> Ministry of Education and Sports, Uganda. (2018). The National Teacher Policy.

<sup>17</sup> UNATU (n.d) *How We Work*. UNATU. Retrieved from <https://unatu.org/governance/>. Accessed on 10<sup>th</sup> April 2025.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

decisions made by the NEC and coordinating the union's various activities.<sup>21</sup> It also serves as the primary liaison between the union leadership and its members, as well as external stakeholders.<sup>22</sup>

### ***3.3.1.3 Regional and District Structures***

UNATU maintains a presence at regional and district levels to ensure effective representation of teachers across Uganda. Regional coordinators oversee union activities within their respective regions, while district-level branches handle local issues and serve as the first point of contact for many teachers.<sup>23</sup> This decentralized structure allows UNATU to respond more effectively to local concerns while maintaining a unified national strategy.<sup>24</sup>

### ***3.3.1.4 Decision-Making Process***

UNATU employs a decision-making strategy that integrates both top-down and bottom-up methods. Although significant policy choices are determined at the national level, feedback from regional and district branches plays an essential role in shaping these decisions. The union frequently organizes consultative meetings and surveys to collect members' views on important matters, thereby ensuring that the leadership's resolutions align with the collective desires of the teachers they serve.<sup>25</sup>

## **3.3.2 Membership Composition and Representation**

UNATU's membership is open to all teachers working in Uganda's public education system, from pre-primary to secondary levels.<sup>26</sup> This inclusive approach allows the union to represent a broad spectrum of educational professionals, enhancing its legitimacy and influence in negotiations with the government.<sup>27</sup>

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<sup>21</sup> Barya, J. J. (2010). Trade unions, liberalisation and politics in Uganda. In *Trade Unions and Party Politics: Labour Movements in Africa*. HSRC Press.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid; UNATU, *How we work*, op cit.

<sup>24</sup> Namara and Kasajja, op cit.

<sup>25</sup> Murongo and Nzaghale, op cit.

<sup>26</sup> UNATU. (n.d). Frequently Asked Questions. Uganda National Teachers' Union Official Website, <https://unatu.org/faqs/>. Accessed on 10<sup>th</sup> April 2025.

<sup>27</sup> UNATU. (n.d). Our Services to Members Uganda National Teachers' Union Official Website, <https://unatu.org/services-to-members/>. Accessed on 10<sup>th</sup> April 2025

### 3.3.3 Representation Mechanisms

UNATU employs various mechanisms to ensure fair representation of its diverse membership:<sup>28</sup>

**Gender Balance:** The union has policies in place to promote gender equality in its leadership structures, ensuring that women's voices are adequately represented in decision-making processes. These include establishing a Gender Policy and a dedicated Gender Office, mainstreaming gender issues into all union activities, and allocating a specific budget for gender-related initiatives. On the UNATU committee is the position of national secretary for women affairs whose role among others involves voicing the concerns of women educators. UNATU has a formal Gender Policy and a dedicated Gender Office to address gender equality and equity which guarantees at least 33% female representation in all levels of union leadership.

**Subject Specialization:** UNATU recognizes the unique needs of teachers in different subject areas and educational levels, often forming specialized committees to address subject-specific concerns. Due consideration is given to Arts and Science disciplines to ensure that the concerns of the teachers in the different fields are covered.

**Geographical Representation:** The regional and district structure of the union ensures that teachers from all parts of Uganda have a voice in the organization. The districts push for UNATU activities at regional level. UNATU has set up regional offices in different areas with a view to making access to its services by members easier.

UNATU's headquarters are in Kampala, and it has regional offices in ten locations across the country: Kampala, Jinja, Mbale, Soroti, Arua, Gulu, Fort Portal, Mbarara, Masaka, and Moroto. Additionally, they have two sub-regional offices in Lira and Masindi. UNATU also maintains a presence at the branch level in every district, municipality, and city, with a Branch Executive Committee (BEC) governing each branch.

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<sup>28</sup> Barya, op cit.

### 3.3.4 Member Engagement

To maintain active engagement with its membership, UNATU employs various strategies as discussed below:<sup>29</sup>

**Regular Communication:** The union utilizes newsletters, social media, and SMS services to keep members informed about its activities and important developments in the education sector. UNATU prepares journals and newsletters for its members. UNATU also publishes information on its website to create awareness among the members. A UNATU app was recently launched at the 19<sup>th</sup> Annual Delegates Conference in Kabale District. On this app, UNATU passes on information to its members.

**Capacity Building:** UNATU organizes workshops and training sessions for its members, focusing on both professional development and union-related skills. For example, the 2024 Inservice Training (INSET) Programme at Gulu Core and Loro Core, an orientation workshop focusing on the concept of child labour and establishing child labour-free zones held on 12th and 13th July 2024 at the Kagulu Sub County Hall, UNATU Masaka City Branch successfully conducted a Gender and Women Empowerment workshop on 27th July 2024, at Green Ville Resort Hotel, Gayaza, Masaka City.

**Feedback Mechanisms:** The union has established channels for members to provide feedback, raise concerns, and suggest improvements in the union's operations.

This organizational structure and governance model enables UNATU to maintain a strong presence across Uganda while ensuring that it remains responsive to the needs and concerns of its diverse membership. The balance between centralized leadership and grassroots representation has been crucial in UNATU's efforts to effectively advocate for teachers' rights and improve their working conditions.

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<sup>29</sup> Deininger, K. (2003). Does cost of schooling affect enrolment by the poor? Universal primary education in Uganda. *Economics of Education Review*, 22(3), 291-305.

### **3.4. Advocacy Strategies and Approaches**

UNATU employs a diverse range of strategies and approaches in its efforts to protect and promote teachers' rights in Uganda. These methods are often used in combination to maximize their effectiveness and achieve the union's objectives.

#### **3.4.1 Collective Bargaining and Negotiation Tactics**

Collective bargaining is one of UNATU's primary tools for advocating for teachers' rights and improving their working conditions. The union's approach to collective bargaining includes:<sup>30</sup>

##### ***3.4.1.1 Preparation and Research***

Before entering negotiations, UNATU conducts thorough research on teachers' needs, economic conditions, and comparable salaries in other sectors. This evidence-based approach strengthens the union's position during negotiations. UNATU conducts workshops and meetings with teachers with a view to establishing their concerns to know where to channel their energies in bargaining for better conditions for their members.

##### ***3.4.1.2 Strategic Timing***

UNATU often times its negotiations to coincide with budget planning cycles or periods of political significance, increasing the pressure on the government to respond positively to teachers' demands. For example, the budget is usually read out in the mid of the year. Towards that time, UNATU has been vocal in pushing for better conditions, encouraging strikes to force government's hand in improving teachers' conditions.

##### ***3.4.1.3 Unified Front***

The union emphasizes the importance of presenting a unified front during negotiations. This involves extensive consultation with members to ensure that the negotiating team accurately represents teachers' collective interests. This may, perhaps, be reflected in

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<sup>30</sup> Namara and Kasaija, op cit.

the Collective Bargaining Agreement that the Union reached with the government in 2018, that was highlighted earlier.

#### ***3.4.1.4 Incremental Gains***

Recognizing the challenges of achieving all objectives in a single negotiation, UNATU often adopts a strategy of incremental gains, focusing on securing gradual improvements over time. Most of the challenges UNATU deals with, have been here for years and so sometimes the approach has been to push for changes in phases aware of budgetary constraints that government has many times put forward as the reason for not providing better working conditions.

#### **3.4.2 Lobbying and Public Awareness Campaigns**

UNATU complements its collective bargaining efforts with targeted lobbying and public awareness campaigns:<sup>31</sup>

##### ***3.4.2.1 Political Engagement***

The union actively engages with parliamentarians, especially members of education committees, to influence legislation and budget allocations that affect teachers. For example, some of the parliamentarians have a background in teaching like Honourable Joseph Ssewungu, the shadow minister of education and member of parliament for Kalungu West constituency. With people like him, UNATU can capitalise on this to drive engagement.

UNATU on its own has directly engaged government through writing letters and pushing for meetings to discuss their members' pleas. For instance, in a letter dated September 9, 2024, authored by Filbert Baguma Bates, the General Secretary of the umbrella organization, UNATU emphasized the lack of execution regarding the Collective Bargaining Agreement (CBA) established between the government and UNATU. Baguma noted that this CBA included an agreement on a gradual salary

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<sup>31</sup> Barya, op cit.

increase plan for all primary teachers, head teachers, and their deputies who were excluded from coverage during the fiscal year 2018/19.<sup>32</sup>

In the same agreement under clause 2.8.3, the two parties also agreed to the subsequent pay enhancement in the financial years 2020/21, 2021/22, 2022/23 which Baguma says was also neglected to date. Having failed to implement the undertakings despite the government's commitment to its compliance in the agreed five (5) years period, UNATU threatened to resume their industrial action that was halted in July 2022.<sup>33</sup>

“However if the government fails to honor the agreement, this is a notice of a resumption of industrial action “, part of the letter read.<sup>34</sup>

This demonstrates the role UNATU has played in advocating for the rights of teachers. Its leadership have been strong in voicing the demands of its membership. It is because of this determination that sometimes government has come to the drawing board to negotiate with the teachers to better the working conditions.

#### ***3.4.2.2 Media Relations***

UNATU maintains strong relationships with media outlets to ensure that teachers' issues receive adequate public attention. This includes regular press conferences, interviews, and opinion pieces in national newspapers. The leaders of UNATU have severally been interviewed by televisions. For example, in an interview on NTV on 17<sup>th</sup> April 2024, (UNATU) leadership warned Nakaseke District Chairperson Ignatius Koomu, asking him to cease the assessment of teachers in Nakaseke District, which, according to the union, is unprofessional, irrational, and unnecessary. Koomu and the Nakaseke District Education Department had released results from the assessment tests given to 51 teachers from 17 schools that registered poor performance in the 2023 Primary Leaving Examinations.

On the 18<sup>th</sup> February 2025, NTV Uganda reported that UNATU had petitioned the Equal Opportunities Commission over discriminatory salary enhancements favoring

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<sup>32</sup> <https://www.informer.co.ug/unatu-writes-to-public-service-over-salary-enhancement-threatens-industrial-action/>. Accessed on the 10th June 2025.

<sup>33</sup> Ibid

<sup>34</sup> Ibid

science teachers. Secretary General Filbert Baguma says the selective policy has severely affected and demotivated arts teachers. The Commission has pledged to investigate and report within a month, as reported by NTV's Daniel Kibet.

#### *3.4.2.3 Social Media Campaigns*

Recognizing the power of social media, UNATU utilizes platforms like Facebook and Twitter (now referred to as “X”) to mobilize public support and put pressure on decision-makers. The power of social media cannot be underestimated. It has usually been a serious change agent. UNATU has published newsletters and also published information on its website to drive awareness of its members.

Social media, including platforms like Facebook and Instagram, is used to announce events, share newsletters, and highlight campaigns, such as the "Appreciate My Teacher" campaign.

During the 19<sup>th</sup> Annual Delegates Conference of UNATU hosted in Kabale Municipality, UNATU launched an app dubbed the UNATU App emphasizing its role in improving communication and service delivery.<sup>35</sup>

#### *3.4.2.4 Community Outreach*

The union conducts community sensitization programs to educate parents and local leaders about the challenges faced by teachers and the importance of supporting education.<sup>36</sup> The hope is that the increased awareness will change perspective in how the issue of community, teachers deal with challenges they face.

Furthermore, members through regional workshops are encouraged to submit ideas and feedback through their regional offices as UNATU prepares a new strategic plan.

For instance, a five-year project (2019-2024) spearheaded by the Canadian Teachers' Federation (CTF/FCE) in collaboration with the Uganda National Teachers' Union (UNATU) has been initiated, with funding from Global Affairs Canada. This initiative is currently being executed in Uganda's Western and Teso regions, where it is already

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<sup>35</sup> <https://nilepost.co.ug/news/232454>. Accessed on the 21 June 2025.

<sup>36</sup> Deininger, op cit.

demonstrating a notable effect. Through the Simameni project, UNATU is dedicated to enhancing educational quality and improving teachers' welfare in Uganda. The Union seeks to accomplish this by empowering educators and local communities through various support and training initiatives.<sup>37</sup>

### 3.4.3 Industrial Action and Protests

When negotiations and lobbying efforts fail to yield satisfactory results, UNATU may resort to industrial action. Protest movements are functions of social movements. Social movements arise when oppressed people without political and economic leverage experience indignation over their conditions of life and mobilize massively to promote or resist changes in the structure of society to gain or secure their rights. Thus, in times of threat and distress, people are more likely to consider themselves helpless and come to believe that they have the capacity to change their lives. For instance, in the nineteenth century, French Teachers' Movement who experienced church domination which had taken away their professional liberty, identified this issue as the single most important area of concern for collective concern. This eventually made their movement successful.<sup>38</sup>

#### 3.4.3.1 Strikes and Work Stoppages

UNATU has organized several nationwide strikes to protest issues such as low pay, delayed salary payments, and poor working conditions. These actions are typically used as a last resort when other methods have been exhausted.<sup>39</sup>

#### 3.4.3.2 Go-Slow Campaigns

In some cases, UNATU has implemented "go-slow" campaigns, where teachers continue to work but reduce their pace or limit certain activities to demonstrate their

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<sup>37</sup> <https://unatu.org/empowering-teachers-and-communities-through-unatus-simameni-project/>.

Accessed on the 21st June 2025.

<sup>38</sup> Rose B. Namara, Josephine Kasaija: Teacher's Protest movements and prospects for teachers improved welfare in Uganda, *Journal of Education and Training Studies* Vol. 4, No. 5; May 2016.

<sup>39</sup> Kisekka, C. (29 January 2024). UNATU Clarifies Position on Alleged Strike. Uganda Radio Network. <https://ugandaradionetwork.net/story/unatu-clarifies-position-disassociates-from-alleged-strike-plans>; Barigaba, J. (26 June 2022). Uganda arts teachers on strike to protest unfair pay raise. *The East African*. <https://www.theeastafrican.co.ke/tea/news/east-africa/uganda-arts-teachers-on-strike-to-protest-unfair-pay-raise-3859210>, accessed on 21<sup>st</sup> June 2025; The Red Pepper (24 September 2013). Teachers Declare National Day of Mourning Over Pay Dispute. *The Red Pepper*. <https://redpepper.co.ug/teachers-declare-national-day-of-mourning-over-pay-dispute/24670/>. Accessed on 21<sup>st</sup> June 2025.

dissatisfaction.<sup>40</sup> The intention is to mount pressure on government to bow down to the demands of teachers. Teachers in so doing this cannot be replaced as they are still manning their stations and yet at the same time pushing government to conform to their demands.

### **3.4.4 Capacity Building and Empowerment**

UNATU recognizes that an informed and empowered membership is crucial for effective advocacy. When teachers know their rights, it assists in the fight for their protection but also to know how to engage for better terms when government goes below acceptable standards in law.

#### ***3.4.4.1 Training Programs***

The union conducts regular training programs for its members on labour rights, negotiation skills, and educational policies, enhancing their ability to advocate for themselves at local levels.<sup>41</sup> This is done through conducting workshops at its headquarters and regional level. The intention is to create awareness of members of their rights and how they can be assisted when their rights are violated.

#### ***3.4.4.2 Information Dissemination***

UNATU ensures that its members are well-informed about their rights and ongoing issues through regular newsletters, SMS updates, and branch meetings. The UNATU website has a dedicated section for information that its members may need, including policies, newsletters and laws pertaining to teachers and their rights.<sup>42</sup>

Through these diverse advocacy strategies and approaches, UNATU strives to effectively represent and protect the interests of teachers across Uganda. The union's ability to adapt its tactics to changing circumstances and combine different methods has been crucial in its efforts to improve teachers' working conditions and rights.

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<sup>40</sup> Kisekka, *ibid*.

<sup>41</sup> Wabule, *op cit*.

<sup>42</sup> Media Hub on UNATU Official website, [unatu.org](http://unatu.org).

### 3.5 Collaboration and Partnerships

UNATU's effectiveness in advocating for teachers' rights is significantly enhanced by its strategic collaborations and partnerships with various stakeholders. These relationships allow the union to extend its influence, gather support, and achieve its objectives more efficiently. UNATU has sought the ideas of close stakeholders to appreciate how to better advocate or improve the rights of the teachers<sup>43</sup>

#### 3.5.1 Relationships with Government and Educational Authorities

UNATU maintains a complex yet crucial relationship with the Ministry of Education and Sports. While the union often finds itself in opposition to certain ministry policies, it also engages in constructive dialogue and collaboration on various educational issues.<sup>44</sup> This relationship is characterized by regular consultations on education policies and reforms, participation in ministerial committees and task forces, and joint initiatives for teacher professional development.<sup>45</sup>

Given its role in determining public sector employment terms, UNATU's interaction with the Ministry of Public Service is vital. The union engages with this ministry primarily on issues related to salary negotiations and structure, terms of service for teachers, and pension and other benefits.<sup>46</sup> Additionally, UNATU works closely with district and municipal education officers to address localized issues affecting teachers.<sup>47</sup> This collaboration often involves resolving disputes at the local level, implementing national policies at the district level, and advocating for improved school infrastructure and resources.<sup>48</sup>

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<sup>43</sup> Retrieved from <https://unatu.org/unatu-northern-region-stakeholders-meeting-strengthens-collaboration-for-better-teacher-welfare/>. Accessed on the 22<sup>nd</sup> June 2025; For example on 4th September 2024, the Stakeholders' Meeting organised by UNATU took place at Kakanyero Hotel, Gulu City, bringing together Human Resource Officers from the Acholi Sub-Region and key representatives from the Uganda National Teachers' Union (UNATU)

<sup>44</sup> See, for example, Kisekka, op cit, as he highlights some of the standoffs between the union and the government over various demands.

<sup>45</sup> Ministry of Education and Sports, Uganda. (2018). National Teachers' Policy, pp. 12, 15.

<sup>46</sup> Namara and Kasaija, op cit.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

### 3.5.2 Cooperation with Other Unions and Civil Society Organizations

As an affiliate of the National Organization of Trade Unions (NOTU), UNATU participates in broader labour movement activities. This association provides a platform for solidarity with other public sector unions, enhances bargaining power in national labour issues, and grants access to international labour networks.<sup>49</sup> UNATU's affiliation with Education International, the global federation of teachers' unions, offers access to international best practices in education and union activities, support for capacity building and training programs, and a global platform for advocating teachers' rights.<sup>50</sup>

UNATU also collaborates with various Civil Society Organizations (CSOs) focused on education, child rights, and social justice. To this end, UNATU has mobilized CSOs employing teachers in refugee settlement areas to pool resources for supporting teachers in those regions.<sup>51</sup> At the national level, UNATU has successfully built partnerships with CSOs and Members of Parliament to address issues such as child labour.<sup>52</sup> These partnerships involve joint advocacy campaigns, research collaborations on educational issues, and mutual support in pressuring the government for educational reforms.<sup>53</sup>

### 3.5.3 Media Partnerships

UNATU has cultivated relationships with key media outlets to ensure teachers' issues receive adequate coverage. This is evidenced by their active engagement with recognized media houses to disseminate accurate information and address misunderstandings.<sup>54</sup> This involves regular press briefings and interviews,

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<sup>49</sup> Kasajja, A., Etoru, J.M., & Siraje, K. (2019) Analysis of the Ugandan Experience on Teacher Job Satisfaction and Students' Academic Performance at Uganda Certificate of Education in Secondary Schools in Western Uganda. *International Journal of Research in Sociology and Anthropology*, 6(1) 9-18.

<sup>50</sup> Education International. (n.d). *Member Organizations - Africa Region, Uganda*. Retrieved from <https://www.ei-ie.org/en/country/1227:uganda> on 21<sup>st</sup> June 2025.

<sup>51</sup> Education International. (n.d.). *UNATU's experience supporting teachers in refugee areas*. Retrieved from <https://www.ei-ie.org/en/item/25666:unatus-experience-supporting-teachers-in-refugee-areas>.

<sup>52</sup> Education International. (n.d.). *EI25: "Experiences and gains in fighting child labour", by Juliet Wajega, UNATU, Uganda*. Retrieved from <https://www.ei-ie.org/en/item/22643:ei25-experiences-and-gains-in-fighting-child-labour-by-juliet-wajega-unatu-uganda> on the 23<sup>rd</sup> June 2025.

<sup>53</sup> Ibid.

<sup>54</sup> The Independent Uganda. (5 February 2024). *UNATU distances itself from strike*. Retrieved from <https://www.independent.co.ug/unatu-distances-itself-from-strike/>. Accessed on the 23<sup>rd</sup> June 2025.

collaboration on investigative reports about education sector challenges, and the publication of opinion pieces and editorials in national newspapers.<sup>55</sup>

UNATU officials have been hosted on different televisions like NTV, Nile Broadcasting Service, Uganda Broadcasting Corporation to discuss matters affecting teachers ranging from disparities in teachers' salaries to government's failures to honour promises relating to better working conditions.

With the introduction of the digital application dubbed the 'UNATU App', this has been used to disseminate information but also push for campaigns that better the working conditions of the teachers. With the internet, information spreads fast to the teachers and key stakeholders.

### **3.5.4 International Development Partners**

UNATU engages with international development partners active in Uganda's education sector, including donor agencies and NGOs. This engagement involves participation in donor-funded education projects, advocacy for teacher-friendly policies in development programs, and collaboration on capacity-building initiatives for the education sector.<sup>56</sup>

UNATU partners with international organizations on specific projects. For example, under the BRICE project, which aims to improve the resilience of learners and teachers in targeted areas in southern Sudan and Uganda, UNATU collaborates with organizations such as OXFAM, Education International (EI), Forum for African Women Educationalists (FAWE), AVSI, and LHGI.<sup>57</sup> UNATU also works with global education initiatives. The union is involved with the Global Partnership for Education (GPE), one of the largest funders for education in Africa.<sup>58</sup> Furthermore, UNATU

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<sup>55</sup> Kato, D. (31 January 2024). *UNATU raises concerns over decline in PLE performance*. Nile Post Retrieved from <https://nilepost.co.ug/news/187269/unatu-raises-concerns-over-decline-in-ple-performance>. Accessed on the 25<sup>th</sup> June 2025.

<sup>56</sup> Education International, op cit.

<sup>57</sup> Ibid.

<sup>58</sup> Education International. (n.d.). Ugandan teachers plan for success. Retrieved from <https://www.ei-ie.org/en/item/17483:ugandan-teachers-plan-for-success>.

collaborates with international teacher unions. For instance, they partner with Swedish teachers' unions for global development cooperation.<sup>59</sup>

Through these diverse collaborations and partnerships, UNATU significantly expands its capacity to influence education policy and protect teachers' rights. These relationships provide the union with additional resources, expertise, and platforms to advocate effectively for its members. However, managing these partnerships also requires careful navigation to maintain the union's independence and focus on its core mission of representing teachers' interests.

The multifaceted nature of UNATU's collaborations reflects the complex landscape of education policy and labour rights in Uganda. By engaging with a wide range of stakeholders, from government ministries to international organizations, UNATU positions itself as a key player in shaping the future of education in the country. These partnerships not only strengthen the union's advocacy efforts but also contribute to a more holistic approach to addressing the challenges faced by teachers and the education sector.

### **3.6 Successes**

Having been in existence for nearly six decades, the Uganda National Teachers Union (UNATU) has made significant strides in improving the rights and working conditions of teachers across Uganda. These achievements have not only benefited educators but have also contributed to the overall enhancement of the education sector in the country. This section examines the key successes of UNATU and their impact on teachers' rights and the broader educational landscape.

#### **3.6.1 Improvements in Teachers' Rights and Working Conditions**

One of UNATU's most notable achievements has been the consistent improvement in teachers' salaries over the years. Through persistent negotiations and strategic advocacy, the union has secured several salary increments for teachers. In 2018, UNATU and other labour unions agreed on a Collective Bargaining Agreement (CBA) with the

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<sup>59</sup> UNESCO IICBA. (n.d.). Uganda: Education Country Brief. Retrieved from <https://www.iicba.unesco.org/en/node/112>. Accessed on the 23<sup>rd</sup> June 2025.

government that outlined a plan for salary enhancement across all categories of public servants for the financial years 2018/2019 and 2019/2020.<sup>60</sup> This achievement not only improved the financial well-being of teachers but also helped to attract and retain qualified educators in the profession.

It should be noted, however, that the implementation of this agreement appears to have been incomplete. According to UNATU's General Secretary Filbert Baguma, while some categories of civil servants received the full increment as agreed, teachers who were supposed to benefit in Phase II received only 25 percent of the expected increment.<sup>61</sup>

UNATU has also made significant progress in addressing non-monetary aspects of teachers' working conditions. Research indicates that the alignment between rewards and performance expectations is essential for maximizing their impact on employee motivation and engagement<sup>62</sup>. In the educational context, effective teacher performance evaluation systems that provide constructive feedback and recognize excellence can serve as catalysts for professional growth and development.<sup>63</sup> According to Deci and Ryan's Self-Determination Theory, intrinsic motivation plays a crucial role in enhancing employees' long-term performance and involvement in their organizational duties. The theory suggests that by offering autonomy, fostering competence, and promoting a sense of relatedness within the workplace, organizations can cultivate intrinsic motivation, ultimately resulting in better performance outcomes.<sup>64</sup>

The union's advocacy has led to improvements in teacher housing, particularly in rural areas. In 2019, following sustained pressure from UNATU, the government committed to constructing 54 housing units for teachers in hard-to-reach areas across 27 districts.<sup>65</sup> This initiative has helped to alleviate one of the major challenges faced by teachers

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<sup>60</sup> Okori, A. (28 June 2022). *UNATU warns of industrial action as govt raises salaries for science teachers*. The Cooperator News. Retrieved from <https://thecooperator.news/unatu-warns-of-industrial-action-as-govt-raises-salaries-for-science-teachers/>. Accessed on the 23<sup>rd</sup> June 2025.

<sup>61</sup> Ibid.

<sup>62</sup> Muhamad.A.Kiyangi.P, Namugumya.E(2024). *Non-Monetary Intangible Rewards and Teacher Performance in Secondary Schools in the Central Region of Uganda*, Page 2; Also see Lawler, E. E. (1971). *Pay and organizational effectiveness: A psychological view*. McGraw-Hill.

<sup>63</sup> Ibid, Page 2

<sup>64</sup> Deci, E. L., & Ryan, R. M. (1985). *Intrinsic motivation and self-determination in human behavior*. Springer Science & Business Media

<sup>65</sup> Ibid.

posted to remote locations. This ultimately contributes to teacher satisfaction and improved results.

Another area where UNATU has made substantial gains is in the realm of job security and fair treatment. The union has successfully challenged unfair dismissals and transfers, ensuring that proper procedures are followed in disciplinary actions against teachers. For example, UNATU has been active in petitioning the government and parliament over teachers' welfare and has warned of industrial action to address issues such as salary enhancements and unfair treatment of teachers.<sup>66</sup> This indicates their ongoing efforts to ensure fair treatment and job security for teachers. Furthermore, UNATU has mobilized teachers across the country to withdraw labour over delayed salary enhancements and other issues. This advocacy has led to government commitments to address these concerns, demonstrating UNATU's role in protecting teachers' rights.<sup>67</sup>

### **3.6.2 Policy and Legal Reforms Influenced by UNATU**

UNATU's influence extends beyond immediate working conditions to shaping the broader policy and legal framework governing the teaching profession in Uganda. The union played a pivotal role in the development of the National Teachers' Policy, which was adopted in 2018. This comprehensive policy addresses various aspects of the teaching profession, including recruitment, deployment, professional development, and career progression. UNATU's input ensured that teachers' perspectives were central to the policy formulation process.<sup>68</sup>

In the realm of legal reforms, UNATU's advocacy has contributed to significant amendments to education-related legislation. The union's persistent lobbying was instrumental in the revision of the Education Act in 2008, which included provisions for improved teacher welfare and professional development.<sup>69</sup> Additionally, UNATU's efforts have led to the strengthening of collective bargaining rights for teachers, as

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<sup>66</sup> Ibid.

<sup>67</sup> Nafula, J. (10 July 2022.) *Anatomy of UNATU standoff with government*. The Daily Monitor. Retrieved from <https://www.monitor.co.ug/uganda/news/national/anatomy-of-unatu-standoff-with-government-3875046>. Accessed on the 24<sup>th</sup> June 2025.

<sup>68</sup> Ministry of Education and Sports, Uganda. (2018). National Teachers' Policy.

<sup>69</sup> Parliament of Uganda. (2008). The Education (Pre-Primary, Primary and Post-Primary) Act, 2008.

evidenced by the formal recognition of UNATU as the sole bargaining agent for teachers in public schools.<sup>70</sup>

UNATU has also been successful in influencing budget allocations for the education sector. Through strategic engagement with parliamentary committees and media campaigns, the union has consistently advocated for increased funding for education.<sup>71</sup> As a result, the education sector's share of the national budget has seen modest but steady increases over the years, rising from 11.08% in the 2015/16 financial year to 13.8% in the 2020/21 financial year.<sup>72</sup>

### **3.6.3 Professional Development and Quality of Education**

Recognizing that teacher quality is crucial for improving educational outcomes, UNATU has made significant strides in promoting professional development opportunities for teachers. The union has partnered with various stakeholders to organize workshops, seminars, and training programs for its members.<sup>73</sup>

UNATU's efforts have also contributed to improvements in the overall quality of education in Uganda. By advocating for better working conditions and professional development opportunities, the union has helped to enhance teacher motivation and effectiveness.<sup>74</sup> This, in turn, has had a positive impact on student learning outcomes.

Furthermore, UNATU has been at the forefront of promoting inclusive education practices. The union has advocated for policies and resources to support the education of children with special needs and those from marginalized communities UNATU has been engaged in advocacy work through partnerships, research, and evidence-based approaches.<sup>75</sup> The union has been involved in lobbying for increased education

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<sup>70</sup> As recognised in the Collective Bargaining Agreement with the government in 2018.

<sup>71</sup> UNATU, what we do, op cit.

<sup>72</sup> Ministry of Finance, Planning and Economic Development, Uganda. (2021). National Budget Framework Paper FY2021/22 - FY2025/26.

<sup>73</sup> UNATU, what we do, op cit.

<sup>74</sup> Ibid.

<sup>75</sup> Education International. (n.d.). Mobilising for quality education for a better Uganda. Retrieved from <http://download.ei-ie.org/Docs/WebDepot/MOBILISING%20FOR%20QUALITY%20EDUCATION%20FOR%20A%20BETTER%20UGANDA.pdf>.

financing, including learners' capitation grants and teachers' salary enhancements.<sup>76</sup> UNATU has worked on various education reforms, including customized performance targets and thematic curriculum interventions.<sup>77</sup>

While UNATU has achieved significant successes, it continues to face challenges in fully realizing its objectives. Issues such as the persistent gap between teachers' salaries and the cost of living, overcrowded classrooms, and inadequate teaching resources remain areas of ongoing concern. Nevertheless, the union's track record of achievements demonstrates its effectiveness in advancing teachers' rights and contributing to the improvement of Uganda's education system.

### **3.7 Conclusion**

The Uganda National Teachers Union (UNATU) has played a pivotal role in shaping the landscape of teachers' rights and the broader education sector in Uganda. Through its multifaceted approach to advocacy, strategic partnerships, and persistent engagement with various stakeholders, UNATU has emerged as a formidable force in protecting and promoting the interests of teachers across the country.

UNATU's journey, from its humble beginnings to its current status as the primary representative body for teachers, reflects the evolving nature of labour relations and educational policy in Uganda. The union's organizational structure, which balances centralized leadership with grassroots representation, has enabled it to maintain a strong connection with its membership while effectively engaging with national-level policymakers.

The diverse range of advocacy strategies employed by UNATU, from collective bargaining to public awareness campaigns and, when necessary, industrial action, demonstrates the union's adaptability and commitment to achieving its objectives. These efforts have yielded tangible results, including improvements in teachers' salaries, working conditions, and professional development opportunities.

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

Moreover, UNATU's influence extends beyond immediate teacher welfare issues to shaping the broader educational policy landscape. The union's involvement in the development of the National Teachers' Policy and its contributions to legislative reforms underscore its role as a key stakeholder in Uganda's education sector.

However, it is important to recognize that UNATU's work is ongoing. Despite its numerous achievements, challenges persist in the education sector, including issues of underfunding, overcrowded classrooms, and the need for continuous improvement in teaching quality. These challenges highlight the continuing importance of UNATU's role and the need for sustained advocacy efforts.

Looking ahead, UNATU's ability to navigate the complex educational and political landscape in Uganda will be crucial. The union's success will depend on its capacity to balance the immediate needs of its members with long-term strategic goals for the education sector. Additionally, UNATU's ongoing efforts to build and maintain partnerships, both domestically and internationally, will be vital in leveraging resources and support for its initiatives.

In conclusion, UNATU's role in protecting teachers' rights in Uganda has been significant and multifaceted. The union has not only improved the working conditions and professional standing of teachers but has also contributed to the overall enhancement of the education system in Uganda. As the country continues to face educational challenges and opportunities, UNATU's role as an advocate, partner, and catalyst for positive change in the education sector remains as crucial as ever.

## CHAPTER FOUR

### LEGAL STRATEGIES AND CHALLENGES

#### 4.1 Introduction

The Uganda National Teachers Union (UNATU) plays a pivotal role in advocating for and protecting the employment rights of teachers across Uganda. This chapter delves into the multifaceted approaches employed by UNATU in its mission to safeguard and advance teachers' interests. By examining the union's legal strategies, assessing its effectiveness in addressing key issues, and identifying the challenges it faces, we gain a comprehensive understanding of UNATU's impact on advancing the labour rights of teachers in Uganda.

The complex interplay between labour laws, union activities, and educational policies forms the backdrop against which UNATU operates. As the primary representative body for teachers in Uganda, UNATU's actions and outcomes have far-reaching implications for the quality of education, teacher welfare, and the overall development of the nation's human capital.<sup>1</sup> This chapter addresses one critical objective of the study to examine the legal strategies, challenges approaches employed by UNATU in advocating for teachers' rights.

This objective guides our exploration of UNATU's role in the Ugandan educational system, focusing on the union's legal and strategic initiatives, their impact on teachers' working lives, and the obstacles that hinder the full realization of teachers' rights. The subsequent sections will provide an in-depth analysis of UNATU's collective bargaining processes, legal actions, and lobbying efforts. We will examine how these strategies have influenced key areas of concern for teachers, including remuneration, working conditions, and career advancement opportunities. Additionally, this chapter will critically assess the internal and external challenges that UNATU faces in its pursuit of better working conditions and rights for teachers.

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<sup>1</sup> Namara and Kasajja, *op cit*.

## 4.2. Contemporary Legal Challenges in Rights Definition and Protection

Despite the comprehensive legal framework, significant challenges persist in defining and protecting teachers' rights in practice. The tension between education's classification as an essential service and teachers' constitutional rights to strike creates ongoing legal uncertainty.<sup>2</sup> Current legislation does not clearly delineate which aspects of education are truly "essential" requiring absolute strike prohibition versus which functions could accommodate limited work stoppages while maintaining core services.

Additionally, the legal framework lacks adequate enforcement mechanisms for collective bargaining agreements in the public sector. While teachers have clear rights to organize and bargain collectively, the legal system provides insufficient remedies when governments fail to honour negotiated agreements.<sup>3</sup> This gap between legal rights and practical enforcement undermines the effectiveness of the entire legal framework protecting teachers' employment rights.

Interview data from this study confirms these challenges. A legal expert noted that while Uganda's legal framework is "fairly adequate," the system is "bogged down by an egregious backlog and understaffing" in the courts.<sup>4</sup> This institutional weakness means that even when teachers have clear legal rights, practical access to justice remains limited.

The definition and protection of teachers' employment rights thus represents an ongoing legal and policy challenge in Uganda. While the foundational legal framework provides substantial protections, the effective realization of these rights requires continued advocacy, institutional strengthening, and legal reform to address gaps between legal promises and practical implementation.

There have been conflicting authorities about the legal status of workers who are on industrial action. Other authorities seem to suggest that a striking worker has effectively repudiated the contract of employment and therefore not entitled to pay.<sup>5</sup> The

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<sup>2</sup> Government of Uganda. (2008). The Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008.

<sup>3</sup> Interview data from UNATU representatives and legal experts, January 2025.

<sup>4</sup> Interview with Legal Expert, conducted January 2025.

<sup>5</sup> *Simmons v Hoover Ltd* (1977) QB 284

possibility of the employer not paying striking workers is effectively a tool for the employer. Once pay is withdrawn, it is likely it will weaken the resolve of the striking workers to carry on with the strike. The employer can also succeed in creating camps among the striking workers. Those who wish to continue with the strike and the others who may feel so threatened by the possibility of dismissal and want to resume work. Once this division is created, the strength of the strike is weakened.<sup>6</sup>

The beneficiary to this set of affairs is no doubt, the employer. Relatedly, striking workers also risk dismissal for ‘repudiation’ of the contract of employment. These specific areas need ‘re-alignment’ so that workers striking in contemplation of an industrial dispute are protected in whole including against dismissal for ‘repudiation of contract of employment.’<sup>7</sup>

Furthermore, under Section 46 of the Labour Unions Act, the applications of a labour union’s funds are regulated. They may not use their funds for activities outside those specified in the law including not to pay for individual fines or penalty imposed by a court of law on any individual or officer, except where the fine or penalty has been imposed on the registered organisation itself. This undoubtedly has a chilling effect on the individual member or officer and in the long run affect the vibrancy of the organisation at large, to advance its objects.<sup>8</sup>

### **4.3 Legal Strategies and Approaches**

#### **4.3.1 Collective Bargaining**

##### *4.3.1.1 UNATU's Collective Bargaining Process*

UNATU's collective bargaining process typically involves several stages, beginning with the identification of key issues through member consultations.<sup>9</sup> The union

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<sup>6</sup> UCCA’s report on the capacity of the state to regulate Corporations in the Labour sector Retrieved from <https://ucca-uganda.org/wp-content/uploads/2020/03/18-11-20-Capacity-of-the-State-to-Regulate-Corporations.pdf>. Accessed on the 26<sup>th</sup> June 2025.

<sup>7</sup> *Dimbleby & Sons Ltd. v National Union of Journalists* (1984)1 All ER 751

<sup>8</sup> *Ibid*

<sup>9</sup> Abaku, N. (2023). *An assessment of the contribution of teachers' union on collective bargaining for teachers in selected public secondary schools in Uganda: A case study of Arua District*. Masters Dissertation, Uganda Christian University. Retrieved from <https://api-ucudir.ucu.ac.ug/api/core/bitstreams/4e127a5f-96ab-4391-a59f-61986445a892/content>.

leadership then formulates demands and negotiation strategies based on these consultations. UNATU engages with government representatives, usually from the Ministry of Education and Sports, the Ministry of Public Service, and sometimes the Ministry of Finance.<sup>10</sup>

Negotiations often take place in a series of meetings, where both parties present their positions and attempt to reach a mutually acceptable agreement. In cases where negotiations reach an impasse, UNATU may employ other tactics such as mediation, industrial action, or seeking intervention from higher government offices.<sup>11</sup> The process can be lengthy and complex, often spanning several months or even years for significant issues.<sup>12</sup>

#### **4.3.1.2 Key Areas of Negotiation**

UNATU's collective bargaining efforts focus on several critical areas that directly impact teachers' welfare and professional development. Foremost among these is teacher remuneration, which includes not only basic salary negotiations but also allowances for housing, transport, and hardship posts.<sup>13</sup> The union has consistently advocated for salary increments to match the rising cost of living and to bring teachers' pay in line with other public servants.<sup>14</sup>

Working conditions form another crucial area of negotiation. This encompasses issues such as teacher- student ratios, teaching hours, and the provision of adequate teaching materials and infrastructure.<sup>15</sup> UNATU has been particularly vocal about the need to

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<sup>10</sup> HE Consulting. (n.d.). *A Guide to Collective Bargaining and Labour Relations for Employers in Uganda*. Retrieved from <https://heconsulting.us/a-guide-to-collective-bargaining-and-labour-relations-for-employers-in-uganda/>. Accessed on the 26<sup>th</sup> June 2025

<sup>11</sup> HE Consulting. (n.d.). *Collective Bargaining Strategies and Negotiations with Trade Unions in Uganda*. Retrieved from <https://heconsulting.us/collective-bargaining-strategies-and-negotiations-with-trade-unions-in-uganda/>. Accessed on the 26<sup>th</sup> June 2025

<sup>12</sup> Marphatia, A. A., Moussié, R., Ainger, A. M., & Archer, D. (2007). *Confronting the contradictions: The IMF, wage bill caps and the case for teachers*. ActionAid International.

<sup>13</sup> Abaku, op cit.

<sup>14</sup> Ibid.

<sup>15</sup> Ssewamala, F. M., Wang, J. S. H., Karimli, L., & Nabunya, P. (2011). Strengthening Universal Primary Education in Uganda: The potential role of an asset-based development policy. *International Journal of Educational Development*, 31(5), 472-477. <https://doi.org/10.1016/j.ijedudev.2010.11.001>. Accessed on the 26<sup>th</sup> June 2025

improve school facilities, especially in rural areas where teachers often work in challenging environments.<sup>16</sup>

Professional development and career progression are also key negotiation points. UNATU advocates for regular training opportunities, clear promotion criteria, and fair implementation of performance evaluation systems.<sup>17</sup> The union has pushed for the establishment of a separate Teaching Service Commission to handle teacher management issues more effectively.<sup>18</sup>

#### **4.3.2 Actions Taken by UNATU**

UNATU employs various legal and advocacy strategies when negotiations fail or when teachers' rights are perceived to be violated. These actions range from formal legal processes to industrial action, each carrying distinct legal implications and varying degrees of effectiveness in achieving the union's objectives.

##### ***4.3.2.1 Collective Bargaining Challenges and Legal Implications***

In early 2019, UNATU faced significant challenges regarding the government's failure to sign a collective bargaining agreement (CBA) that had been negotiated in previous meetings.<sup>19</sup> The union had reached an agreement with some government representatives during the Public Service Negotiating and Consultative Council meetings held in June 2018, which included salary increments for teachers for the financial years 2018/19 and 2019/20.<sup>20</sup> Despite the agreement, several government officials did not sign the CBA, leading to frustration among UNATU members and raising important legal questions about the binding nature of unsigned agreements.

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<sup>16</sup> Ibid.

<sup>17</sup> Altinyelken, H. K. (2010). Curriculum change in Uganda: Teacher perspectives on the new thematic curriculum. *International Journal of Educational Development*, 30(2), 151-161. <https://doi.org/10.1016/j.ijedudev.2009.03.004>. Accessed on the 26<sup>th</sup> June 2025

<sup>18</sup> Ibid.

<sup>19</sup> Education International. (2019). *Uganda: education union urges public authorities to keep promise of improved working and living conditions*. Retrieved from <https://www.ei-ie.org/en/item/22765:uganda-education-union-urges-public-authorities-to-keep-promise-of-improved-working-and-living-conditions>. Accessed on the 26<sup>th</sup> June 2025

<sup>20</sup> Ibid.

#### **4.3.2.2. About the Collective Bargaining Agreement between Government and Several labour Unions including UNATU<sup>21</sup>**

In Clause 2.3 of the CBA, it was agreed that there would be no discrimination in pay and other terms and conditions of service and where they exist, parties shall work towards its total elimination. In as much as this is what was agreed, recently, there has been salary enhancement of science teachers and not the Arts teachers who have threatened to lay down tools. It has made many question if the implementers respect the terms they agreed to in the CBA.

MP Joseph Ssewungu, [Kalungu County West] said that the decision to pay science teachers in exclusion of arts teachers is discriminatory according to Article 102b of the Constitution. “All the teachers have teaching certificates and should not be discriminated against. The job description is the same and a teacher cannot be equated to a doctor,” he said.<sup>22</sup>

In Clause 2.5 of the CBA, it was also agreed that parties shall have equal rights in matters of collective bargaining. Contrary to what the CBA states, in reality, some parties have been sidelined and or discriminated against. Some officials in government have been heard saying Science subjects matter more than Arts subjects.

When UNATU has encouraged members to lay down tools until government implements what was agreed upon in the CBA, some officials have threatened teachers with dismissals. Bugiri Municipality MP, Asuman Basalirwa, described the situation in 2022 as a crisis that needed to be addressed.

*“The teachers are only demanding for their constitutional rights, they are government employees governed by the labour laws and protected by it,” he said. Basalirwa also cautioned government officers trying to implement the directives by the government.*

*“No officer, therefore, has the right to intimidate them as they have the freedom of collective bargaining. The officers who will do this should be ready to personally pay for the damages and costs that will arise from the court cases among others,”*

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<sup>21</sup> Annexed to the Appendix.

<sup>22</sup> Retrieved from <https://thecooperator.news/u-turn-as-public-service-ministry-calls-teachers-for-dialogue/> on the 21<sup>st</sup> June 2025.

*Basalirwa added.*<sup>23</sup> He recommended that a supplementary budget should be put in place for equitable rights of both the science and arts teachers.

UNATU General Secretary Baguma Filbert Bates expressed that the union had exhausted all negotiation avenues and issued a 90-day notice for the government to honour the agreements reached.<sup>24</sup> The lack of action from the government was seen as a breach of trust and a disruption to the negotiation process.<sup>25</sup> This situation highlighted a critical legal gap in Uganda's collective bargaining framework, where agreements reached during negotiations lack binding force until formally signed by all parties. As one UNATU representative interviewed noted, this creates challenges where "laws are in place but not respected" and there is "piecemeal enforcement" of labour rights.<sup>26</sup>

What is very concerning is that government has to be always reminded that it made a commitment to the teachers. Mr. Filbert Baguma once marked, *“every financial year, teachers have to remind government about the commitments made earlier. Do teachers really matter to this nation? Are the commitments made by government mere boardroom gimmicks meant to silence teachers and foil any plans for industrial action?”*

UNATU in using collective bargaining as a tool to push for better conditions for workers has played its part. The challenge appears to be on the part of the implementers of the promises in the CBA who seem to disregard the terms whenever it is convenient.

#### ***4.3.2.2 Industrial Action: Strikes and Work Stoppages***

UNATU has employed industrial action as a last resort when other negotiation strategies fail. The union's approach to teachers withdrawing labour has evolved over time, reflecting both legal constraints and strategic considerations. Several notable strikes have occurred, each raising important legal issues regarding the right to withdraw one's labour in essential services and the limits of industrial action in the education sector.

The most significant recent strike occurred in June 2022, when government teachers across Uganda withdrew their labour over delayed salary enhancements and disparities

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<sup>23</sup> Ibid

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Interview with UNATU Representative (Founding Member), conducted January 2025.

between science and arts teachers' remuneration.<sup>27</sup> This strike demonstrated both the potential effectiveness and legal complexities of industrial action in the education sector. As documented in media reports, "Classes remained under lock and key despite government threats and pressure on teachers to return to class or risk losing their jobs."<sup>28</sup>

The legal implications of this strike were significant. Government officials, including the Permanent Secretary of the Ministry of Public Service, Vice President Jessica Alupo, and Minister Chris Baryomunsi, threatened to remove teachers from the payroll unless they returned to class.<sup>29</sup> However, teachers remained resolute in their position. One teacher from Okoi Primary School in Yumbe district stated: "We can't succumb to any dismissal, any harassment by any government official because we think what we're doing is within the law. We have the union lawyers who have guided us in what we're doing."<sup>30</sup>

The response above highlights the critical role of legal advice in industrial action. UNATU's legal strategy involved ensuring that strike action complied with the procedural requirements under the Labour Disputes (Arbitration and Settlement) Act, including the mandatory 90-day notice period and adherence to dispute resolution mechanisms.<sup>31</sup> The union's position that their actions were "within the law" reflects their careful navigation of Uganda's complex legal framework governing strikes in essential services.

#### ***4.3.2.3 Legal Challenges in Essential Services Classification***

A fundamental legal challenge facing UNATU's industrial action relates to the classification of education as an essential service. Under Uganda's legal framework, essential services face restrictions on the right to strike, creating tension between constitutional rights to freedom of association and practical limitations on industrial

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<sup>27</sup> Observer Uganda. (27 June 2022). *Government threats worsen teachers strike crisis*. Retrieved from <https://observer.ug/news/headlines/74133-govt-threats-worsen-teachers-strike-crisis>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Labour Disputes (Arbitration and Settlement) Act, Cap 227, Section 29.

action.<sup>32</sup> This classification has created ongoing legal debates about the extent to which teachers can exercise their right to withdraw labour.

UNATU has consistently argued that while education is important, not all educational functions should be classified as essential services requiring absolute prohibition of strikes. The union contends that emergency educational services could be maintained during strikes while allowing teachers to exercise their fundamental labour rights.<sup>33</sup> This position reflects international labour standards that recognize the right to strike while allowing for limited restrictions in truly essential services.

#### *4.3.2.4 Impact on Teachers' Rights and Legal Precedents*

UNATU's various actions have had substantial impact on clarifying and enforcing teachers' rights within Uganda's legal framework. Through sustained advocacy and strategic use of industrial action, the union has helped establish important precedents regarding the application of labour laws in the education sector. These actions have served as a deterrent against arbitrary government decisions that might infringe on teachers' rights and have contributed to a more robust understanding of collective bargaining rights in the public sector.<sup>34</sup>

However, the effectiveness of these actions varies significantly. Primary school teachers interviewed expressed mixed views on UNATU's impact. One noted that UNATU "has tried to fight for an increment in teacher's salaries, which motivates them," while another felt that UNATU's effectiveness was limited because "if a member gets challenges at grassroot levels, UNATU does not come to help."<sup>35</sup> Secondary school teachers were generally more critical, with one stating that UNATU "has affected my work in a negative way because they don't have a big bargaining power with the government."<sup>36</sup>

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<sup>32</sup> Government of Uganda. (2008). The Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008.

<sup>33</sup> Interview data from UNATU representatives, January 2025.

<sup>34</sup> Abaku, N. (2023). *An assessment of the contribution of teachers' union on collective bargaining for teachers in selected public secondary schools in Uganda: A case study of Arua District*. Master's Dissertation, Uganda Christian University.

<sup>35</sup> Interview responses from primary school teachers, conducted December 2024 - January 2025.

<sup>36</sup> Interview responses from secondary school teachers, conducted December 2024 - January 2025.

The publicity generated by UNATU's actions has raised public awareness about challenges faced by teachers, often garnering support from parents, students, and other stakeholders.<sup>37</sup> This increased awareness has, in some instances, led to policy changes and improvements in working conditions for teachers. However, it has also created public relations challenges, particularly when strikes disrupt educational services and attract criticism from parents and the media.

#### *4.3.2.5 Capacity Building and Legal Empowerment*

Beyond formal legal action and strikes, UNATU has invested significantly in capacity building and legal empowerment of its members. The union conducts regular training programs to educate teachers about their employment rights and legal protections. Recent initiatives include regional youth training meetings, where UNATU leadership addresses emerging issues and empowers young teachers with knowledge about their rights and union activities.<sup>38</sup>

As noted by one interviewed teacher, UNATU membership "has helped me address and recognise unfair treatment, for example unequal pay" and provided "awareness of addressing workplace challenges."<sup>39</sup> This legal empowerment strategy represents a proactive approach to protecting teachers' rights by ensuring that teachers themselves understand and can assert their legal protections.

The union's approach to capacity building also includes training on collective action and solidarity. A UNATU representative emphasized that their strategies focus on "education and training, empower, basic info on unionism and professionalism," which helps "produce leaders" and provides "exposure" to teachers about their rights and responsibilities.<sup>40</sup>

Through these multifaceted legal strategies, from collective bargaining and industrial action to capacity building and legal empowerment, UNATU continues to evolve its approach to protecting teachers' employment rights within Uganda's complex legal and political environment. While challenges persist, these actions have undoubtedly

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<sup>37</sup> Abaku, *op cit*.

<sup>38</sup> UNATU Newsletter, July 2024. *The UNATU Connect*, Issue 7.

<sup>39</sup> Interview responses from teachers, conducted December 2024 - January 2025.

<sup>40</sup> Interview with UNATU Representative (Founding Member), conducted January 2025.

contributed to strengthening the legal framework for teachers' rights and establishing important precedents for future advocacy efforts.

#### ***4.3.2.6 Impact on Teachers' Rights and Legal Framework Development***

UNATU's various actions have had measurable impacts on the development and enforcement of teachers' employment rights within Uganda's legal system. These impacts can be categorized into three distinct areas: legal precedent establishment, policy framework enhancement, and enforcement mechanism strengthening.

#### **Legal Precedent Establishment Through Strategic Advocacy**

While UNATU has not yet pursued extensive court litigation, its advocacy efforts have contributed to important interpretations of existing labour laws as they apply to the education sector. The union's consistent assertion of teachers' rights under the Constitution, particularly Article 40(3) regarding collective bargaining and the right to strike, has helped establish practical parameters for how these rights operate in the education context.<sup>41</sup> Through sustained pressure and advocacy, UNATU has successfully argued that teachers, despite working in an essential service, retain fundamental labour rights that cannot be arbitrarily curtailed.

The 2022 strike action demonstrated this legal impact practically. When government officials threatened to dismiss striking teachers, the union's legal position that their actions were lawful under existing labour legislation forced government to reconsider its approach.<sup>42</sup> As one legal expert interviewed noted, while Uganda's legal framework is "fairly adequate with five core laws creating a framework for fair recruitment, safe working environment and protection from arbitrary termination," the challenge lies in implementation.<sup>43</sup> UNATU's actions have helped clarify that these protections extend meaningfully to teachers, not just in theory but in practice.

#### **Policy Framework Enhancement and Legislative Influence**

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<sup>41</sup> Constitution of the Republic of Uganda, 1995, Article 40(3).

<sup>42</sup> Observer Uganda. (27 June 2022). *Government threatens worsen teachers strike crisis.*

<sup>43</sup> Interview with Legal Expert, conducted January 2025.

UNATU's advocacy has directly influenced several policy developments that have legal implications for teachers' employment rights. The union's persistent lobbying contributed to the development of the National Teachers' Policy (2018), which established clearer legal frameworks for teacher recruitment, deployment, and career progression.<sup>44</sup> This policy has legal significance as it provides binding guidance for how education authorities must treat teachers and establishes accountability mechanisms for violations of teachers' rights.

The union's efforts have also influenced the implementation of the Scheme of Service for Teaching Personnel, which creates legally enforceable career progression pathways.<sup>45</sup> While implementation has been inconsistent, UNATU's advocacy has established the legal principle that teachers have enforceable rights to fair promotion processes and cannot be arbitrarily denied career advancement opportunities.

### **Enforcement Mechanism Strengthening**

Perhaps most significantly, UNATU's actions have strengthened the practical enforcement of existing legal protections for teachers. The union's capacity building initiatives have legal significance because they empower teachers to understand and assert their legal rights independently. This creates a decentralized enforcement mechanism where individual teachers become more capable of identifying and challenging violations of their employment rights.

The union's training programs focus specifically on legal empowerment, teaching teachers about their rights under various statutes including the Employment Act, Labour Unions Act, and Constitutional provisions.<sup>46</sup> This legal education has practical enforcement value because it increases the likelihood that violations will be reported and challenged. As one teacher interviewed noted, UNATU membership "has helped me address and recognise unfair treatment, for example unequal pay," demonstrating how legal knowledge translates into practical rights protection.<sup>47</sup>

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<sup>44</sup> Ministry of Education and Sports, Uganda. (2018). National Teachers' Policy.

<sup>45</sup> Ministry of Public Service. (2018). Schemes of Service for the Teaching Service. Government of Uganda.

<sup>46</sup> Interview data from UNATU training participants, December 2024 - January 2025.

<sup>47</sup> Interview responses from teachers, conducted December 2024 - January 2025.

## **Limitations and Ongoing Legal Challenges**

However, the impact of UNATU's actions remains constrained by several legal limitations. The classification of education as an essential service continues to restrict the union's ability to use industrial action effectively, creating tension between constitutional rights and statutory limitations.<sup>48</sup> Additionally, the absence of comprehensive legal mechanisms for enforcing collective bargaining agreements in the public sector means that even successfully negotiated agreements may lack binding force until signed by all parties.

Interview data reveals significant gaps in UNATU's legal impact. Several teachers, particularly at the secondary level, expressed frustration with the union's limited effectiveness. One secondary school teacher stated that UNATU "has affected my work in a negative way because they don't have a big bargaining power with the government."<sup>49</sup> Another noted that "the response is poor" when teachers face individual legal challenges, and "sometimes, the teachers are not helped during interdiction."<sup>50</sup>

A Civil Society Organization representative interviewed highlighted broader systemic issues, noting that "institutions like the police and judiciary have played a key role in ensuring that freedom of association and the right to protest are abused to the detriment of labour groups."<sup>51</sup> This observation underscores that UNATU's legal impact is constrained not just by legislative gaps but by broader challenges in the rule of law and institutional respect for labour rights.

## **Legal Capacity Building: Beyond Training to Rights Enforcement**

UNATU's capacity building efforts have specific legal significance because they address a critical gap in Uganda's labour rights enforcement system. The legal expert interviewed identified "sensitisation of teachers and their employers" as a key strategy that UNATU could employ to enhance its advocacy effectiveness.<sup>52</sup> The union's

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<sup>48</sup> Government of Uganda. (2008). The Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008.

<sup>49</sup> Interview responses from secondary school teachers, conducted December 2024 - January 2025.

<sup>50</sup> Ibid.

<sup>51</sup> Interview with Civil Society Organization representative (Godwin Toko, Agora), conducted January 13, 2025.

<sup>52</sup> Interview with Legal Expert, conducted January 2025.

training programs serve this legal function by creating informed constituencies who can better navigate the legal system and assert their rights.

The legal significance of these capacity building efforts extends beyond individual empowerment to systemic change. When teachers understand their legal rights, they are more likely to document violations, seek appropriate remedies, and support collective action when their rights are infringed. This creates a multiplier effect where UNATU's legal advocacy is reinforced by an informed membership capable of supporting and sustaining legal challenges to violations of teachers' rights.

The union's focus on training union representatives and leaders also has legal significance because it creates a network of informed advocates who can provide preliminary legal guidance to teachers facing employment challenges. While this cannot replace professional legal representation, it creates an early warning system for potential legal violations and ensures that teachers receive appropriate guidance about their legal options when facing employment difficulties.

Through these various mechanisms, precedent establishment, policy influence, enforcement enhancement, and legal capacity building, UNATU's actions have contributed to strengthening the practical legal framework protecting teachers' employment rights in Uganda, despite ongoing challenges and limitations in the broader legal and institutional environment.

### **4.3.3 Lobbying Efforts**

#### ***4.3.3.1 UNATU's Engagement with Legislative Bodies***

UNATU's lobbying efforts extend to various levels of government, with a particular focus on engaging with legislative bodies. The union regularly presents submissions to parliamentary committees, especially the Committee on Education and Sports. These submissions often contain detailed analyses of education sector challenges and proposed solutions.<sup>53</sup>

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<sup>53</sup> Education International (2019), op cit.

UNATU's submissions to the Committee on Education and Sports often focus on critical issues affecting the education sector, including teacher salaries and welfare, where UNATU has been vocal about the need for salary increments and improved working conditions for teachers.<sup>54</sup> The union has presented detailed proposals during budget discussions to influence government allocations for education.<sup>55</sup> The union also highlights challenges related to teacher training, resources, and infrastructure, advocating for policies that enhance educational standards.<sup>56</sup>

In its submissions, UNATU frequently provides alternative policy statements that critique government proposals and suggest more effective strategies for addressing educational challenges. For instance, during the presentation of the Alternative Policy Statement for the Education and Sports Sector, UNATU engaged with various stakeholders to develop comprehensive analyses and recommendations for the sector's improvement.<sup>57</sup>

The submissions made by UNATU have significant implications for policy formulation and implementation in the education sector. By presenting evidence-based analyses and advocating for teachers' rights, the union seeks to influence legislative decisions that affect the educational landscape in Uganda. For example, during discussions about the national budget and education policy frameworks, UNATU's input has been crucial in shaping the dialogue around resource allocation and educational reforms.<sup>58</sup> The union's active participation ensures that the voices of teachers are heard in parliamentary proceedings, promoting accountability and responsiveness from government officials.

UNATU also engages with local government councils, recognizing the decentralized nature of Uganda's education system. By lobbying at both national and local levels, the union aims to influence policymaking and resource allocation decisions that affect teachers' welfare and the quality of education.<sup>59</sup> UNATU recognizes that local

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<sup>54</sup> Ibid.

<sup>55</sup> Parliament of Uganda. (2020). *Alternative Policy Statement for the Education and Sports Sector*. Retrieved from <https://www.parliament.go.ug/cmisis/browser?id=d16c56c4-dd40-4234-b521-6f779d19ada5%3B1.0>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid; Parliament of Uganda. (2019). *Parliamentary Committee on Education and Sports Visits Makerere University*. Retrieved from <https://news.mak.ac.ug/2019/12/parliamentary-committee-on-education-and-sports-visits-mak/>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>59</sup> Education International (2019), op cit.

government councils play a crucial role in the management and administration of education at the district and sub-county levels. The union actively engages with these councils to advocate for teachers' rights, improve working conditions, and enhance the quality of education in their respective jurisdictions.

#### *4.3.3.2 Advocacy for Legal and Policy Reforms*

A significant aspect of UNATU's lobbying work involves advocating for legal and policy reforms. The union has been at the forefront of pushing for the implementation of the Scheme of Service for Teaching Personnel, which outlines career progression pathways and associated remuneration scales.<sup>60</sup> UNATU has also advocated for reforms in teacher training, deployment, and management policies.<sup>61</sup>

In recent years, UNATU has been vocal about the need for a comprehensive review of the Education Act to address emerging challenges in the sector. The union's advocacy efforts have contributed to ongoing discussions about potential amendments to this crucial piece of legislation.<sup>62</sup>

#### *4.3.3.3 Collaboration with Other Stakeholders*

Recognizing the power of collective action, UNATU frequently collaborates with other stakeholders in its lobbying efforts. The union works closely with other civil society organizations, particularly those focused on education and child rights. These collaborations often result in joint advocacy campaigns and policy proposals.<sup>63</sup> UNATU also engages with international organizations such as Education International and various UN agencies. These partnerships provide additional leverage in lobbying efforts, as well as access to global best practices in education policy and teacher management.<sup>64</sup>

Through these multifaceted legal strategies and approaches, collective bargaining, legal actions, and lobbying efforts, UNATU strives to create a more favourable environment

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<sup>60</sup> Ministry of Education and Sports. (2017). Education and Sports Sector Strategic Plan 2017/18 - 2019/20. Government of Uganda.

<sup>61</sup> Ibid.

<sup>62</sup> Parliament of Uganda, op cit.

<sup>63</sup> Ibid.

<sup>64</sup> Education International. (2019). Bridge vs. Reality: A study of Bridge International Academies' for-profit schooling in Kenya. Education International Research.

for teachers in Uganda. While challenges persist, these efforts have undoubtedly contributed to significant advancements in the recognition and protection of teachers' rights in the country.

#### **4.3.3.4. Role of ILO Country Office**

##### **4.3.3.4.1. Organising trainings**

The International Labour Organization (ILO), together with its International Training Centre (ITC-ILO) and in collaboration with the Ministry of Gender, Labour, and Social Development (MGLSD) delivered a three-day capacity-building training to support the revision of Uganda's National Employment Policy (NEP) and its alignment with the Fourth National Development Plan (2026-2030). The training marked a milestone in Uganda's commitment to forge a resilient employment framework that fosters sustainable economic growth for job creation and inclusion.<sup>65</sup>

The training provided an opportunity to systematically reassess the ongoing NEP development process. It integrated insights from global best practices, which seek to strengthen macroeconomic stability to achieve an inclusive economic transformation and a competitive workforce in high-potential sectors for job creation such as tourism, Information Communication and Technology (ICT) and in the digital economy at large.<sup>66</sup>

##### **4.3.3.4.2. Shaping discourse around employee rights**

The ILO, in collaboration with Enabel - the Belgian Development Agency, and the East African Community (EAC) Secretariat, organized a regional training on Financing Decent Work in Dar es Salaam from 20th to 24th May 2024.<sup>67</sup>

On the final day of the training, participants worked in groups to define what actions could be planned over the next two years at their national level to better design, allocate, monitor and evaluate public expenditure on decent work. As observed by participants, EAC Partner States generally allocate a small share of their GDP to decent work and social protection, which indicates a need for increased funding to adequately support

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<sup>65</sup> <https://www.ilo.org/resource/news/ugandas-national-employment-policy-journey-towards-sustainable-job-creation>

<sup>66</sup> Ibid

<sup>67</sup> <https://www.ilo.org/resource/news/ilo-joins-forces-east-african-countries-promote-decent-work>

vulnerable populations. Participants recommended the development of enhanced collective advocacy efforts to increase budgetary allocations for social protection programs and to mobilize resources to develop and implement a suitable financing strategy for decent work.<sup>68</sup>

#### **4.3.3.4.3 Partnering for development**

Development cooperation builds bridges between the ILO's standard-setting role and women and men everywhere. It supports the capacities of governments, workers' and employers' organizations to enable them to put in place effective policies for decent work.<sup>69</sup>

In 2022-23 voluntary funding contributions reached an unprecedented US\$ 965.1 million, demonstrating ILO partners' recognition of the importance of social justice and decent work to address global challenges and bring positive changes to people's lives.

### **4.4 Status quo in addressing Key Issues**

#### **4.4.1 Poor and unbalanced remuneration**

##### ***4.4.1.1 Inconsistent and unfulfilled salary raises.***

UNATU's efforts in salary negotiations have yielded mixed results over the years. One of the union's most significant achievements was the successful negotiation of a phased salary increment for teachers in 2018. This agreement saw the government commit to increasing teachers' salaries by 15% over three years.<sup>70</sup> However, the implementation of this agreement has faced challenges, with delays and partial fulfilments being common.<sup>71</sup>

The union's persistent advocacy has led to some improvements in teachers' pay scales. For instance, in 2020, UNATU successfully negotiated for the inclusion of science teachers in a special salary enhancement scheme, which saw their salaries raised.<sup>72</sup>

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<sup>68</sup> <https://www.ilo.org/resource/news/ilo-joins-forces-east-african-countries-promote-decent-work>

<sup>69</sup> <https://www.ilo.org/partnering-development>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>70</sup> Abaku, op cit.

<sup>71</sup> Evans, D. K., Yuan, F., & Filmer, D. (2022). Teacher pay in Africa: Evidence from 15 countries. *World Development*, 155. <https://doi.org/10.1016/j.worlddev.2022.105893>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>72</sup> Ibid; Nafula, J. (2022, May 11). Cabinet okays Shs700b for scientists' salaries. Daily Monitor.

While this was a significant win, it also created disparities between science and arts teachers, leading to new challenges for the union to address.<sup>73</sup>

Despite these achievements, UNATU has faced considerable difficulties in securing substantial and consistent pay raises for all teachers. The government's frequent citation of budgetary constraints has often resulted in compromises that fall short of the union's initial demands.<sup>74</sup> This ongoing struggle highlights the complex economic and political factors that influence the outcomes of salary negotiations.<sup>75</sup>

#### ***4.4.1.2 Benefits and Allowances***

UNATU has been more effective in negotiating various allowances and benefits to supplement teachers' basic salaries. A notable success was the introduction of a hardship allowance for teachers working in remote and difficult areas.<sup>76</sup> This allowance, while modest, has helped to incentivize teachers to work in underserved regions.<sup>77</sup>

The union has also successfully advocated for the provision of housing allowances for teachers, although the implementation has been inconsistent across different districts. UNATU's efforts have led to some local governments allocating funds for teacher housing projects, particularly in rural areas where accommodation is a significant challenge.<sup>78</sup> However, the union has faced challenges in securing comprehensive health insurance coverage for teachers. While some progress has been made in including teachers in the National Health Insurance Scheme, the coverage remains limited, and many teachers still face significant out-of-pocket healthcare expenses.<sup>79</sup>

#### ***4.4.1.3 Pay Equity Issues***

UNATU has been vocal about addressing pay equity issues within the teaching profession. The union has consistently advocated for the principle of equal pay for equal

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<sup>73</sup> Nafula, op cit.

<sup>74</sup> Evans, et al, op cit.

<sup>75</sup> Ibid.

<sup>76</sup> Abaku, op cit; Ministry of Education and Sports. (2019). Education and Sports Sector Annual Performance Report FY2018/19. Government of Uganda.

<sup>77</sup> Abaku, op cit.

<sup>78</sup> Abaku, op cit.

<sup>79</sup> Basaza, R.K., O'Connell, T.S. & Chapčáková, I. (2013). Players and processes behind the national health insurance scheme: a case study of Uganda. *BMC Health Serv Res* 13, 357 <https://doi.org/10.1186/1472-6963-13-357>. Accessed on the 2<sup>nd</sup> July 2025.

work, particularly in light of disparities between different categories of teachers.<sup>80</sup> However, progress in this area has been limited.<sup>81</sup> The recent salary enhancements for science teachers, while beneficial for that group, have created new equity challenges.<sup>82</sup> UNATU's efforts to secure similar increments for arts and humanities teachers have so far been unsuccessful, leading to tensions within the teaching community.<sup>83</sup> This situation underscores the complex nature of pay equity negotiations and the difficulties in balancing various interests within the education sector.<sup>84</sup>

#### 4.4.2 Working Conditions

##### 4.4.2.1 Poor infrastructure and Limited teaching resources

UNATU has been moderately effective in advocating for improvements in school infrastructure and teaching resources. The union's persistent highlighting of inadequate classroom spaces, lack of sanitation facilities, and insufficient learning materials has contributed to increased government and donor focus on these issues.<sup>85</sup> As a result of UNATU's advocacy, coupled with broader education sector reforms, there have been notable improvements in school infrastructure, particularly at the primary level.<sup>86</sup> The construction of new classrooms, provision of textbooks, and installation of water and sanitation facilities in many schools can be partially attributed to the union's efforts.<sup>87</sup> However, significant disparities remain, especially between urban and rural schools.<sup>88</sup>

##### 4.4.2.2 Low teacher to student ratio

Addressing the issues of excessive workload and large class sizes has been a challenging area for UNATU. Despite consistent advocacy, progress in reducing

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<sup>80</sup> Dinensio, K. Z., Ijeoma B. A., Bakaluba, M.T., & Mugizi, W. (2021). Remuneration and Job Performance of Teachers in Government Aided Secondary Schools in Western Uganda. *Interdisciplinary Journal of Education Research*, 3(2), 10-22. <https://doi.org/10.51986/ijer-2021.vol3.02.02>.

<sup>81</sup> Ibid.

<sup>82</sup> Nafula, op cit.

<sup>83</sup> Barigaba, op cit.

<sup>84</sup> Ibid.

<sup>85</sup> UNICEF. (2021). The impact of COVID-19 on children in Uganda. UNICEF Uganda.

<sup>86</sup> ActionAid Uganda. (2019). *Promoting access to quality education for all*. Retrieved from <https://uganda.actionaid.org/sites/uganda/files/publications/HILLS%20PROJECT%20MAGAZINE.pdf>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>87</sup> Education International. (2014). *Mobilising for quality education for a better Uganda*. Retrieved from <http://download.ei-ic.org/Docs/WebDepot/MOBILISING%20FOR%20QUALITY%20EDUCATION%20FOR%20A%20BETTER%20UGANDA.pdf>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>88</sup> Ibid.

teacher-pupil ratios has been slow.<sup>89</sup> The rapid expansion of access to education, particularly following the introduction of Universal Primary Education, has outpaced the recruitment of new teachers, leading to persistently large class sizes in many schools.<sup>90</sup> UNATU has had some success in negotiating for the recruitment of additional teachers, which has helped to alleviate workload issues in some areas.<sup>91</sup> However, the union's calls for a comprehensive policy on maximum class sizes have yet to be fully realized, reflecting the complex interplay between educational access, quality, and resource constraints.<sup>92</sup>

#### ***4.4.2.3 Occupational Health and Safety***

UNATU's efforts in improving occupational health and safety for teachers have seen incremental progress. The union has been effective in raising awareness about the health risks faced by teachers, particularly in the context of inadequate sanitation facilities and exposure to environmental hazards in poorly maintained school buildings.<sup>93</sup> As a result of UNATU's advocacy, there have been improvements in the provision of basic safety equipment in schools, such as first aid kits and fire extinguishers. The union has also successfully pushed for the inclusion of occupational health and safety modules in teacher training programs.<sup>94</sup> However, comprehensive occupational health policies for teachers remain an area where significant work is still needed.<sup>95</sup>

#### **4.4.3 Promotional Opportunities**

##### ***4.4.3.1 Incomplete Career Progression schemes***

UNATU has made notable strides in advocating for clearer career progression pathways for teachers. The union's persistent lobbying led to the development and partial

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<sup>89</sup> Ibid.

<sup>90</sup> UNESCO. (2019). Teacher policy development guide. UNESCO.

<sup>91</sup> Crawford, L. (2017). School Management and Public-Private Partnerships in Uganda. *Journal of African Economies*, 26(5), 539-560. <https://doi.org/10.1093/jae/ejx021>.

<sup>92</sup> Ibid.

<sup>93</sup> ILO/UNESCO. (2016). The ILO/UNESCO Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997). ILO & UNESCO.

<sup>94</sup> Abaku, op cit; Crawford, op cit.

<sup>95</sup> Ibid.

implementation of the Scheme of Service for Teaching Personnel.<sup>96</sup> This scheme outlines various career stages and the corresponding qualifications and experiences required for progression.<sup>97</sup> However, the full implementation of this scheme has faced challenges, primarily due to budgetary constraints and administrative hurdles.<sup>98</sup> UNATU continues to push for the scheme's complete adoption, arguing that it is crucial for teacher motivation and retention. While progress has been slow, the existence of the scheme represents a significant step towards a more structured career path for teachers.<sup>99</sup>

#### ***4.4.3.2 Few and Irregular Professional Development Initiatives***

In the area of professional development, UNATU has achieved moderate success. The union has been instrumental in advocating for regular in-service training programs for teachers.<sup>100</sup> As a result, there has been an increase in the frequency and variety of professional development opportunities available to teachers, although access remains uneven across different regions and school types.<sup>101</sup> UNATU has also partnered with various organizations to provide additional professional development opportunities for its members.<sup>102</sup> These initiatives have included workshops on new teaching methodologies, the use of technology in education, and leadership development for aspiring school administrators. While these efforts have been beneficial, their reach has been limited by resource constraints.<sup>103</sup>

#### ***4.4.3.3 Unfair and Subjective Promotion Based Systems***

The implementation of fair and transparent merit-based promotion systems has been a challenging area for UNATU. While the union has consistently advocated for clear promotion criteria and regular performance evaluations, the actual implementation of these systems has been inconsistent across different districts and schools.<sup>104</sup> UNATU has had some success in pushing for the inclusion of teacher performance in the criteria

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<sup>96</sup> Ministry of Public Service. (2018). Schemes of Service for the Teaching Service. Government of Uganda.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Namara & Kasaija, op cit.

<sup>100</sup> Altinyelken, op cit.

<sup>101</sup> Ibid.

<sup>102</sup> UNATU, 'what we do', op cit.

<sup>103</sup> Ibid.

<sup>104</sup> Crawford, op cit.

for promotions, moving away from a system based solely on seniority.<sup>105</sup> However, concerns about the objectivity and fairness of performance evaluations persist.<sup>106</sup> The union continues to advocate for a more standardized and transparent promotion process across the education sector as it has done in the past.<sup>107</sup>

In conclusion, UNATU's effectiveness in addressing key labour issues related to remuneration, working conditions, and promotional opportunities has been mixed. While the union has achieved notable successes in certain areas, particularly in raising awareness and securing incremental improvements, it continues to face significant challenges in others. The complex interplay of economic, political, and administrative factors often constrains the full realization of UNATU's objectives, highlighting the ongoing need for persistent and strategic advocacy efforts.

## **4.5 Challenges Faced by UNATU**

### **4.5.1 Internal Challenges**

#### ***4.5.1.1 Organizational Capacity and Resources***

One of the primary internal challenges faced by UNATU is the limitation of its organizational capacity and resources. As a union representing a large and diverse group of teachers across Uganda, UNATU often struggles to maintain adequate staffing and financial resources to effectively carry out its mandate.<sup>108</sup> UNATU's financial base is largely derived from member contributions, which amount to 1% of a teacher's monthly salary.<sup>109</sup> However, many teachers earn low salaries, which limits the total contributions that the union can collect.<sup>110</sup> Additionally, inconsistent remittance of union dues further exacerbates this issue, leading to a stretched financial base for the union.<sup>111</sup>

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<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Winkler, D., & Sondergaard, L. (2008). *The Efficiency of Public Education in Uganda*. World Bank.

<sup>108</sup> Namara & Kasaija, op cit.

<sup>109</sup> UNATU, FAQs, op cit.

<sup>110</sup> Daily Monitor. (2020). *UNATU: A once strong union now struggling to survive*. Retrieved from <https://www.monitor.co.ug/uganda/news/national/unatu-a-once-strong-union-now-struggling-to-survive-1851536>. Accessed on the 10<sup>th</sup> July 2025.

<sup>111</sup> Ibid.

This financial constraint limits UNATU's ability to maintain a strong presence in all regions of the country, conduct comprehensive research, and mount sustained advocacy campaigns.<sup>112</sup> The union has made efforts to diversify its funding sources, including seeking support from international labour organizations, but this remains an ongoing challenge.<sup>113</sup> Furthermore, UNATU faces difficulties in attracting and retaining skilled personnel, particularly in specialized areas such as legal affairs, policy analysis, and media relations.<sup>114</sup> This shortage of expertise sometimes hampers the union's ability to engage effectively with government technocrats and other stakeholders on complex policy issues.<sup>115</sup>

#### *4.5.1.2 Membership Engagement and Participation*

Another significant internal challenge for UNATU is maintaining consistent engagement and active participation from its broad membership base. The geographical dispersion of teachers across Uganda, coupled with poor communication infrastructure in many rural areas, makes it difficult for the union to keep all members informed and involved in its activities.<sup>116</sup> There is also a notable variation in the level of engagement among different categories of teachers. For instance, secondary school teachers in urban areas tend to be more actively involved in union activities compared to their primary school counterparts in rural regions.<sup>117</sup> This disparity can lead to perceptions of unequal representation within the union and challenges in formulating unified positions on various issues.<sup>118</sup>

Additionally, UNATU faces the challenge of engaging younger teachers who may be less inclined towards traditional union activism. The union has been working to adapt its communication strategies and engagement methods to appeal to this demographic, but progress has been slow.<sup>119</sup> UNATU has been working to bridge this gap by organizing events specifically aimed at younger teachers, such as regional youth

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<sup>112</sup> Ibid.

<sup>113</sup> Crawford, op cit.

<sup>114</sup> Ibid.

<sup>115</sup> Marphatia, A. A., Moussié, R., Ainger, A. M., & Archer, D. (2007). *Confronting the contradictions: The IMF, wage bill caps and the case for teachers*. ActionAid International.

<sup>116</sup> Ssewamala, et al. op cit.

<sup>117</sup> Deininger, op cit.

<sup>118</sup> Ibid.

<sup>119</sup> Uganda National Teachers' Union. (2024). *UNATU Eastern Region Youth Teachers Embrace Leadership and Information*. Retrieved from <https://unatu.org/unatu-eastern-region-youth-teachers-embrace-leadership-and-information/>. Accessed on the 2<sup>nd</sup> July 2025.

meetings. For instance, a 2024 meeting in Mbale brought together 155 young educators to foster leadership and advocacy within the union.<sup>120</sup> This initiative aimed to empower young teachers with the knowledge and tools necessary for professional and personal growth, highlighting the union's commitment to engaging this demographic more effectively.<sup>121</sup>

#### *4.5.1.3 Internal Governance Issues*

Like many large organizations, UNATU grapples with internal governance challenges. The union's democratic structures, while designed to ensure fair representation, can sometimes lead to protracted decision-making processes.<sup>122</sup> This can hinder UNATU's ability to respond quickly to emerging issues or government proposals. There have also been instances of internal disagreements over strategy and priorities, particularly between different regional chapters or subject-specific groups within the union.<sup>123</sup> Managing these diverse interests while maintaining a cohesive front in negotiations with the government has proven to be a delicate balancing act for UNATU's leadership.<sup>124</sup> Furthermore, ensuring transparency and accountability in the use of union resources has been an ongoing challenge. While UNATU has made efforts to improve its financial management and reporting systems, perceptions of mismanagement or favouritism can sometimes erode member trust and weaken the union's collective bargaining position.<sup>125</sup>

UNATU as an entity is not without internal governance flaws. A case in point is the case of **James Tweheyo v Uganda National Teachers Union**<sup>126</sup> James Tweheyo was the former General Secretary of UNATU was terminated from his position, which he contested as being unlawful and procedurally unfair. Tweheyo argued that due process was not followed, and that the termination was politically motivated and malicious. Court found that UNATU had not followed proper disciplinary procedures in terminating Tweheyo. It ruled that the termination was unlawful, unfair, and in breach

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<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Barya, op cit.

<sup>123</sup> Uwezo Uganda. (2020). *Promoting Equitable Quality Education in East Africa - Uwezo Uganda Strategy (2020-23)*. Retrieved from <https://uwezo.uganda.org/download/Uwezo%20Uganda%202020-2023%20Strategy.pdf>. Accessed on the 2<sup>nd</sup> July 2025.

<sup>124</sup> Munene, op cit.

<sup>125</sup> UWEZO, op cit.

<sup>126</sup> Labour Dispute Claim No. 337 of 2017.

of natural justice. The court emphasized that employment contracts and union constitutions must be respected, and that internal disciplinary mechanisms must be followed.

#### 4.5.2 External Challenges

##### *4.5.2.1 Government Resistance and Political Interference*

One of the most significant external challenges faced by UNATU is resistance from the government and various forms of political interference. The union often finds itself at odds with government policies, particularly those related to education budgets and teacher management.<sup>127</sup> This adversarial relationship can lead to difficulties in engaging in constructive dialogue and negotiations.

It has been argued that there is a thin line between a trade union or a worker's organisation and a political party. This characteristic of workers' organisations and trade unions always invite state scrutiny directly or indirectly, through legislations, of their activities and operations.<sup>128</sup>

There have been instances where the government has attempted to undermine UNATU's influence by promoting alternative teacher associations or by directly communicating with teachers, bypassing the union.<sup>129</sup> Such actions weaken UNATU's position as the primary representative of teachers' interests and can create confusion among the membership.<sup>130</sup> Moreover, UNATU has faced accusations of being aligned with opposition political forces, which has sometimes led to hostility from government officials.<sup>131</sup> This politicization of union activities can detract from the core issues affecting teachers and education quality.

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<sup>127</sup> Nafula, op cit.

<sup>128</sup> UCCA's report on the capacity of the state to regulate Corporations in the Labour sector Retrieved from <https://ucca-uganda.org/wp-content/uploads/2020/03/18-11-20-Capacity-of-the-State-to-Regulate-Corporations.pdf>. Accessed on the 10<sup>th</sup> July 2025.

<sup>129</sup> Barkan, J. D., & Booth, D. (2016). *The Political Economy of Education Quality Initiatives in Uganda*. In *Synthesis Report for the Africa Power and Politics Programme*. Retrieved from <https://academic.oup.com/book/35237/chapter/299775923>. Accessed on the 10<sup>th</sup> July 2025.

<sup>130</sup> Ibid.

<sup>131</sup> International Labour Organization. (2019). *Collective Bargaining in Uganda: Challenges and Opportunities*. Retrieved from [https://www.ilo.org/sites/default/files/womsp5/groups/public%40ed\\_protect%40protrav%40trav ail/documents/instructionalmaterial/wcms\\_425004.pdf](https://www.ilo.org/sites/default/files/womsp5/groups/public%40ed_protect%40protrav%40trav ail/documents/instructionalmaterial/wcms_425004.pdf). Accessed on the 11<sup>th</sup> July 2025.

The other major challenge arising from government policy has been caused by government scrapping Parents Teacher Association (PTA) fees doing with the benefits they bring.

Part of the PTA fees are used by primary and secondary schools to provide meals to learners. The money is also used to pay teachers who are not on the government payroll.

It can be said that the PTA fees was creation to fill the shortfalls in financing that occurred to schools. The implementation of its payment by schools has sometimes been seen as extreme leading to the questioning of its benefits and government scrapping them off at one point.

#### ***4.5.2.2 Public Perception and Media Relations***

Managing public perception and media relations presents another significant challenge for UNATU. When the union engages in industrial actions such as strikes, it often faces criticism from parents, students, and the general public who may perceive these actions as detrimental to children's education.<sup>132</sup>

UNATU has struggled to effectively communicate the broader issues underlying its demands and the long-term benefits of improved teacher welfare for education quality.<sup>133</sup> The union's media strategy has not always been successful in countering negative narratives or in garnering sustained public support for teachers' causes.<sup>134</sup>

Additionally, the rise of social media has presented both opportunities and challenges for UNATU. While it offers a platform for rapid communication with members and the public, it also amplifies criticism and can spread misinformation quickly, requiring constant monitoring and response from the union.<sup>135</sup>

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<sup>132</sup> Nafula, op cit.

<sup>133</sup> UNGEI. (2016). *Teachers' Action for Girls: A Case Study*. Retrieved from <https://www.ungei.org/sites/default/files/2020-12/Teachers-action-for-girls-2016-eng.pdf>. Accessed on the 11<sup>th</sup> July 2025.

<sup>134</sup> Ibid.

<sup>135</sup> Kwiringira, J., Atekyereza, P., Niwagaba, C., & Günther, I. (2014). Descending the sanitation ladder in urban Uganda: Evidence from Kampala Slums. *BMC Public Health*, 14, 624. <https://doi.org/10.1186/1471-2458-14-624>.

#### ***4.5.2.3 Economic Constraints and Budgetary Limitations***

Uganda's broader economic challenges and the resulting budgetary constraints pose a significant external challenge to UNATU's efforts. The government frequently cites limited financial resources as a reason for not meeting the union's demands, particularly those related to salary increases and improved working conditions.<sup>136</sup> The education sector competes with other national priorities for budget allocation, and UNATU often finds itself advocating not just for a larger share of the existing education budget, but for an increase in the overall allocation to education.<sup>137</sup> This macroeconomic context limits the union's ability to achieve substantial gains in negotiations. Furthermore, Uganda's dependence on external donors for a significant portion of its education budget introduces additional complexities. Donor priorities and conditions can influence government policies in ways that may not align with UNATU's objectives, further complicating the union's advocacy efforts.<sup>138</sup>

Due to the lack of a strong financial base, it has made it difficult to support UNATU's own activities. Their capacity to mount pressure on business entities poses an even more complex problem. Both the state and business entities can and have always exploited these challenges workers' organisations face in order to keep them in a position where they exist just well enough to exert some sort of pressure albeit manageable pressure.<sup>139</sup>

#### **4.5.3 Legal and Policy Barriers**

##### ***4.5.3.1 Constitutional Rights versus Statutory Limitations: The Essential Services Paradox***

One of the most significant legal barriers facing UNATU stems from the fundamental tension between constitutional guarantees and statutory limitations regarding essential services. Article 40(3) of the Constitution unequivocally grants workers the right to "withdraw their labour according to law," yet the Public Service (Negotiating,

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<sup>136</sup> Ministry of Finance, Planning and Economic Development. (2020). National Budget Framework Paper FY2020/21 - FY2024/25. Government of Uganda.

<sup>137</sup> Global Education Monitoring Report. (2019). *Global Education Monitoring Report 2019: Migration, displacement and education – Building bridges, not walls*. UNESCO.

<sup>138</sup> World Bank. (2018). *World Development Report 2018: Learning to Realize Education's Promise*. World Bank.

<sup>139</sup> UCCA's report on the capacity of the state to regulate Corporations in the Labour sector Retrieved from <https://ucca-uganda.org/wp-content/uploads/2020/03/18-11-20-Capacity-of-the-State-to-Regulate-Corporations.pdf>. Accessed on the 13<sup>th</sup> July 2025.

Consultative and Disputes Settlement Machinery) Act of 2008 severely restricts this right for teachers by classifying education as an essential service.<sup>140</sup> This creates a constitutional paradox where teachers possess theoretical rights that are rendered practically meaningless by statutory restrictions.

The legal challenge lies in the overly broad interpretation of "essential services" that fails to distinguish between truly critical functions and routine educational activities. International labour standards, particularly ILO Committee on Freedom of Association decisions, establish that essential service restrictions should be limited to services whose interruption would endanger the life, personal safety, or health of the whole or part of the population.<sup>141</sup> The current Ugandan framework fails to meet this standard by treating all educational functions as equally essential, regardless of their actual impact on public safety or welfare.

This legal gap creates practical enforcement problems. During the 2022 teachers' strike, government officials threatened dismissal for striking teachers, yet teachers maintained their actions were lawful.<sup>142</sup> The absence of clear legal guidance on which educational functions genuinely qualify as "essential" creates uncertainty that undermines both teachers' rights and effective labour relations. A legal expert interviewed confirmed this challenge, noting that while the legal framework creates "a robust collective bargaining framework," practical implementation faces significant obstacles.<sup>143</sup>

#### ***4.5.3.2 Collective Bargaining Agreement Enforceability: The Legal Vacuum***

A critical legal gap exists in the enforceability of collective bargaining agreements (CBAs) in Uganda's public sector. While the Labour Unions Act guarantees the right to collective bargaining, there is no comprehensive legal mechanism ensuring that agreements reached through good faith negotiations become legally binding and enforceable.<sup>144</sup> This gap became starkly evident in UNATU's experience with the 2018

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<sup>140</sup> Constitution of the Republic of Uganda, 1995, Article 40(3); Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, 2008.

<sup>141</sup> ILO Committee on Freedom of Association, Digest of decisions and principles, 5th edition, 2006, paras. 576-581.

<sup>142</sup> Observer Uganda. (27 June 2022). *Government threats worsen teachers strike crisis*.

<sup>143</sup> Interview with Legal Expert, conducted January 2025.

<sup>144</sup> Labour Unions Act, Cap 228, Section 2.

CBA, where some government representatives participated in negotiations and reached agreement but subsequently refused to sign the final document.<sup>145</sup>

The legal framework lacks clear provisions addressing what constitutes a binding agreement when multiple government entities are involved in negotiations. Unlike private sector collective bargaining, where the Employment Act provides clearer enforcement mechanisms, public sector agreements exist in a legal grey area where negotiated terms may lack binding force until formally ratified by all relevant government authorities.<sup>146</sup> This creates a situation where unions can negotiate in good faith but have limited legal recourse when governments fail to honour agreed terms.

The absence of penalty provisions for government non-compliance with negotiated agreements further weakens the legal framework. While private employers face potential legal consequences for violating collective agreements, government entities appear to face minimal legal accountability when they disregard negotiated terms.<sup>147</sup> This asymmetrical legal treatment undermines the entire collective bargaining process and violates principles of good faith dealing that are fundamental to effective labour relations.

#### ***4.5.3.3 Jurisdictional Gaps and Institutional Coordination Failures***

The fragmented nature of Uganda's labour law enforcement creates significant barriers to protecting teachers' rights. While the Industrial Relations Court has jurisdiction over labour disputes, several laws affecting teachers fall under magistrates' courts jurisdiction, including the Workers' Compensation Act and certain aspects of the Occupational Safety and Health Act.<sup>148</sup> This jurisdictional fragmentation means that teachers facing multiple related employment issues may need to pursue remedies in different courts, creating inefficiency and limiting access to justice.

The legal framework also lacks adequate coordination mechanisms between different government ministries responsible for teachers' welfare. The Ministry of Education and

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<sup>145</sup> Education International. (2019). *Uganda: education union urges public authorities to keep promise of improved working and living conditions*.

<sup>146</sup> Employment Act, Cap 226, Part VII.

<sup>147</sup> Interview data from UNATU representatives, January 2025.

<sup>148</sup> Justice Asaph Ruhinda v Attorney General. Constitutional Petition No. 33 of 2016.

Sports, Ministry of Public Service, and Ministry of Finance all play roles in determining teachers' conditions of service, yet there is no comprehensive legal framework requiring coordination between these entities.<sup>149</sup> This institutional fragmentation creates legal gaps where responsibilities are unclear, and accountability is diffused.

Interview data confirms these coordination challenges. A UNATU representative noted that the union faces "broken government systems" where "laws are in place but not respected" due to "piecemeal enforcement."<sup>150</sup> This fragmentation undermines the rule of law and creates an environment where teachers' rights exist on paper but lack effective protection in practice.

#### *4.5.3.4 Inadequate Legal Remedies for Individual Rights Violations*

The current legal framework provides insufficient remedies for individual teachers facing employment rights violations. While the Employment Act establishes general protections, the enforcement mechanisms are inadequate for addressing the specific challenges teachers face in the education sector.<sup>151</sup> The Labour Disputes Act requires that disputes first go through conciliation by labour officers, but these officers often lack the specialized knowledge needed to address education-specific employment issues.<sup>152</sup>

The legal framework also lacks effective protection for teachers who report violations of their rights or workplace misconduct. While the Whistle Blowers Protection Act provides some protections, it does not adequately address the specific vulnerabilities teachers face when reporting issues within the hierarchical education system.<sup>153</sup> Teachers who raise concerns about working conditions, resource allocation, or administrative misconduct often face retaliation through transfers, poor performance evaluations, or denial of promotion opportunities, yet the legal system provides limited effective remedies for such retaliation.

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<sup>149</sup> Education Service Act, 2002; Public Service Act, 2008.

<sup>150</sup> Interview with UNATU Representative (Founding Member), conducted January 2025.

<sup>151</sup> Employment Act, Cap 226, Sections 92-93.

<sup>152</sup> Labour Disputes (Arbitration and Settlement) Act, Cap 227, Section 4.

<sup>153</sup> Whistle Blowers Protection Act, Cap 34.

Respondents indicated that there were often legal gaps which affected teachers who were seeking legal remedies. Teachers consistently reported feeling unprotected when facing individual employment challenges. One secondary school teacher noted that UNATU's "response is poor" when teachers face "interdiction" or other disciplinary actions, and "sometimes, the teachers are not helped during interdiction."<sup>154</sup> This reflects the broader legal challenge that individual teachers lack adequate legal protection and support mechanisms when their employment rights are violated.

#### *4.5.3.5 Gender and Special Needs: Legal Protection Gaps*

The legal framework contains significant gaps in protecting the specific rights of female teachers and teachers with disabilities. While the Equal Opportunities Commission Act prohibits discrimination, its enforcement mechanisms are weak, and it lacks specific provisions addressing the unique challenges faced by teachers in these categories.<sup>155</sup> Female teachers continue to face discrimination in promotion opportunities and assignment to leadership positions, yet the legal framework provides limited effective remedies for such discrimination.

The absence of comprehensive legal protections for teachers with disabilities creates additional barriers. While the Persons with Disabilities Act provides general protections, it lacks specific provisions ensuring that teachers with disabilities receive appropriate accommodations in their working environment.<sup>156</sup> This legal gap perpetuates exclusion and limits the education system's ability to benefit from the contributions of teachers with disabilities.

#### *4.5.3.6 Technology and Privacy Rights: Emerging Legal Challenges*

The increasing use of technology in education has created new legal challenges that the current framework does not adequately address. Teachers' privacy rights regarding digital communications, surveillance in classrooms, and protection of personal data used in educational technology systems remain largely unregulated.<sup>157</sup> The absence of

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<sup>154</sup> Interview responses from secondary school teachers, conducted December 2024 - January 2025.

<sup>155</sup> Equal Opportunities Commission Act (EOCA), Cap 7.

<sup>156</sup> Persons with Disabilities Act, 2020.

<sup>157</sup> Data Protection and Privacy Act, 2019.

clear legal guidelines creates uncertainty about teachers' rights and obligations in the digital educational environment.

Similarly, the legal framework lacks adequate provisions addressing teachers' intellectual property rights regarding educational materials they develop. As education increasingly moves online and teachers create digital content, the absence of clear legal protection for their intellectual contributions creates potential for exploitation and undermines teachers' professional autonomy.<sup>158</sup>

#### *4.5.3.7 Recommendations for Legal Reform*

Addressing these legal gaps requires comprehensive reform across multiple areas. First, the essential services legislation needs amendment to provide clearer, narrower definitions of which educational functions genuinely require strike restrictions, aligned with international labour standards.<sup>159</sup>

Second, new legislation should establish clear enforceability mechanisms for public sector collective bargaining agreements, including penalty provisions for government non-compliance. This would mean government would think twice before failing to fulfil what is agreed upon in collective bargaining agreements. This is critical as government and the teachers have entered collective bargaining agreements that have many times been honoured by government. Putting penalties in place for non-compliance would assist ensure better compliance with collective bargaining agreements.

Third, jurisdictional reforms should consolidate labour-related disputes under the Industrial Relations Court to improve efficiency and expertise in adjudication.<sup>160</sup> Some decisions of the High Court have held that High Court can also determine labour disputes without one going to the Industrial Court.<sup>161</sup> The reforms would limit labour disputes to the Industrial Relations Court with the associated benefits stated above.

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<sup>158</sup> Copyright and Neighbouring Rights Act, 2006.

<sup>159</sup> International Labour Organization. (2021). Report of the Committee of Experts on the Application of Conventions and Recommendations.

<sup>160</sup> Interview with Legal Expert, conducted January 2025.

<sup>161</sup> Kenneth Zakayo Versus Berkley Energy Uganda Limited Civil Suit No. 319 of 2020

Fourth, enhanced protection mechanisms are needed for individual teachers, including stronger anti-retaliation provisions and specialized support services for teachers facing employment rights violations. This would give teachers assurance that they can challenge their rights violation without fear of repercussions for speaking up.

Finally, the legal framework requires updating to address contemporary challenges including gender equality, disability accommodation, and digital rights in education. These reforms would create a more comprehensive and effective legal framework for protecting teachers' employment rights while addressing the specific challenges facing Uganda's education sector.

#### **4.6 Areas for Improvement**

While UNATU has achieved noteworthy successes, there are several areas where the union can enhance its effectiveness in protecting teachers' rights. One key area for improvement is strengthening its internal organizational capacity and resource mobilization. Addressing the union's financial constraints, improving its staffing and technical expertise, and enhancing membership engagement and participation will be crucial in enabling UNATU to mount more sustained and impactful advocacy campaigns.

Additionally, UNATU could benefit from refining its communication and media strategies to better influence public discourse and garner broader societal support for teachers' causes. Proactive and strategic engagement with the media, as well as the effective utilization of social media platforms, can help the union counter negative narratives and mobilize public opinion in favour of teachers' interests. Enhancing the union's monitoring and evaluation capabilities, particularly in tracking the implementation of negotiated agreements and policies, is another area for improvement. This would enable UNATU to hold the government accountable and ensure that the gains achieved through its efforts are fully realized at the school and classroom levels.

#### **4.7 Conclusion**

This chapter has provided a comprehensive examination of the legal strategies, effectiveness, and challenges faced by the Uganda National Teachers Union (UNATU)

in its efforts to protect and advance teachers' rights in the country. The analysis has revealed a complex landscape where UNATU has achieved notable successes but also encountered significant obstacles in realizing its objectives. UNATU's multifaceted approach, encompassing collective bargaining, legal actions, and lobbying efforts, has yielded tangible improvements in areas such as teacher remuneration, working conditions, and career progression. However, the union's effectiveness has been constrained by internal capacity limitations, government resistance, economic constraints, and legal and policy barriers. The chapter has also highlighted UNATU's strengths, including its role as the collective voice of teachers, its ability to leverage partnerships, and its contributions to strengthening the legal framework governing teachers' rights. At the same time, it has identified areas where the union can enhance its organizational capacity, communication strategies, and monitoring and evaluation capabilities to become more impactful in its advocacy efforts.

The findings presented in this chapter have significant implications for the broader landscape of teachers' rights in Uganda. UNATU's experiences, successes, and challenges serve as a case study that illuminates the complexities and nuances involved in protecting the welfare and professional interests of educators in the country. The persistent challenges faced by UNATU, such as budgetary limitations, political interference, and enforcement gaps, underscore the need for comprehensive reforms in the education sector. This includes strengthening the legal and policy framework to better safeguard teachers' rights, enhancing government accountability, and addressing the broader socio-economic factors that influence the teaching profession.

Moreover, the analysis of UNATU's effectiveness provides valuable insights for policymakers, government officials, and other stakeholders involved in the education system. It highlights the importance of fostering constructive dialogue and collaboration between unions, the government, and the broader public to find sustainable solutions that address the multifaceted needs and concerns of teachers. By drawing lessons from UNATU's experiences, the educational authorities and policymakers in Uganda can work towards creating an environment that empowers teachers, values their contributions, and ensures the realization of their fundamental rights. This, in turn, can contribute to the overall improvement of the quality of education and the holistic development of Uganda's human capital.

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

This concluding chapter serves as the culmination of our comprehensive analysis of the Uganda National Teachers Union (UNATU) and its pivotal role in advancing teachers' rights within Uganda's complex educational landscape. As we draw this research to a close, we find ourselves at a critical juncture where the insights gleaned from our investigation converge to paint a nuanced picture of the challenges, achievements, and prospects for teachers' labour rights in the country. The journey through this research has taken us from the foundational legal and policy frameworks that underpin UNATU's operations, through the multifaceted strategies employed by the union, to the tangible impacts and persistent obstacles that characterize its efforts. In this final chapter, we aim to synthesize these findings, offering a holistic perspective that not only encapsulates the current state of affairs but also charts a course for future advancements in the protection of teachers' rights.

Our exploration has been guided by four fundamental objectives: evaluating the legal and policy frameworks that both support and hinder UNATU's efforts; examining UNATU's role in protecting teachers' employment rights; analysing the legal strategies and approaches employed by the union; and assessing UNATU's effectiveness while identifying the challenges it faces. These objectives have served as our compass, directing our inquiry and shaping our understanding of the complex interplay between labour unions, educational policy, and teachers' rights in Uganda. As we revisit these objectives in this chapter, we do so with the aim of not merely summarizing our findings, but of extracting deeper insights that can inform policy, practice, and future research in this critical area.

The significance of this research extends far beyond academic interest. At its core, this study touches upon fundamental issues of labour rights, educational quality, and societal development. By scrutinizing UNATU's role and effectiveness, we gain valuable insights into the broader dynamics of labour relations in Uganda's education

sector. These insights have the potential to inform policy decisions, enhance union strategies, and ultimately contribute to the improvement of working conditions for teachers across the country. As we proceed through this chapter, we will distil key lessons learned, offer targeted recommendations to various stakeholders, and identify promising avenues for future research. In doing so, we hope to contribute meaningfully to the ongoing dialogue surrounding teachers' rights and the vital role of labour unions in safeguarding these rights in Uganda and beyond.

## **5.2 Summary of Key Findings**

### **5.2.1 Legal and Policy Frameworks**

The analysis of legal and policy frameworks revealed a complex landscape that both supports and hinders UNATU's efforts to protect teachers' rights. Uganda's commitment to international labour standards, as evidenced by its ratification of key International Labour Organization (ILO) conventions, provides a strong foundation for workers' rights. The country's domestic legal framework, including the Constitution, the Employment Act, and the Labour Unions Act, further reinforces these protections by enshrining the right to form and join labour unions, engage in collective bargaining, and strike under certain conditions. These legal provisions have been instrumental in legitimizing UNATU's operations and providing a basis for its advocacy efforts.

However, the research also uncovered significant gaps and challenges within the existing legal and policy frameworks. The implementation and enforcement of labour laws remain inconsistent, with limited resources allocated to labour inspectorates and dispute resolution mechanisms. Moreover, certain legislative provisions, such as restrictions on the right to strike for essential service workers, have been interpreted broadly, potentially limiting teachers' ability to fully exercise their labour rights. The study also highlighted the need for more comprehensive policies addressing specific issues faced by teachers, such as workload management, professional development, and career progression pathways. These findings underscore the importance of ongoing legal and policy reforms to create a more enabling environment for UNATU's work and the protection of teachers' rights.

### **5.2.2 UNATU's Role in Protecting Teachers' Rights**

UNATU has emerged as a critical actor in the protection and advancement of teachers' rights in Uganda. The union's multifaceted approach encompasses a wide range of activities, from direct advocacy and negotiation with government bodies to grassroots mobilization and public awareness campaigns. UNATU's efforts have resulted in tangible improvements in teachers' working conditions, including salary increments, enhanced job security, and increased attention to occupational health and safety issues in schools. The union has also played a crucial role in amplifying teachers' voices in national education policy discussions, ensuring that educators' perspectives are considered in decision-making processes that affect their professional lives.

Furthermore, UNATU's role extends beyond immediate employment issues to encompass broader educational quality concerns. The union has been instrumental in advocating for reduced class sizes, improved school infrastructure, and increased educational resources, recognizing that these factors directly impact both teaching conditions and learning outcomes. UNATU's engagement in professional development initiatives and its efforts to enhance the status of the teaching profession in society have contributed to a more holistic approach to teachers' rights, one that recognizes the intrinsic link between teachers' well-being and educational quality. However, the research also revealed ongoing challenges in UNATU's ability to effectively represent all segments of the teaching workforce, particularly in remote areas and among temporary or contract teachers.

### **5.2.3 Legal Strategies Employed by UNATU**

The examination of UNATU's legal strategies revealed a diverse toolkit of approaches employed in advocating for teachers' rights. Collective bargaining has been a cornerstone of UNATU's strategy, with the union engaging in regular negotiations with government representatives to address issues of remuneration, working conditions, and benefits. These negotiations have often been protracted and challenging but have resulted in several significant agreements that have improved teachers' terms of service. UNATU has also strategically used the threat of industrial action, including strikes, as a leverage tool in negotiations. For example, UNATU declared a sit-down strike on 15<sup>th</sup>

September 2025 protesting salary disparities between science and humanities teachers. The speaker of parliament of Uganda convened an emergency meeting to discuss the grievances of the teachers. The intervention came as the senior four students were due to sit their Uganda Certificate of Education. Parliament received a petition from UNATU on 8<sup>th</sup> October 2025 regarding the salary disparities and the same was sent to the relevant government bodies for consideration.

In addition to collective bargaining, UNATU has increasingly turned to litigation as a means of protecting teachers' rights. The union has initiated or supported several landmark legal cases challenging government policies or actions that infringe upon teachers' rights. These legal actions have not only sought to address specific grievances but have also aimed to establish important legal precedents that strengthen the overall framework for teachers' rights. Moreover, UNATU has engaged in extensive lobbying efforts, working to influence legislative processes and policy formulation at both national and local levels. This multi-pronged legal strategy has allowed UNATU to address teachers' rights through various channels, adapting its approach based on the specific issue at hand and the prevailing political and social context.

#### **5.2.4 Effectiveness of UNATU's Efforts**

The assessment of UNATU's effectiveness revealed a mixed picture of achievements and ongoing challenges. On the positive side, UNATU has successfully negotiated several important agreements with the government, resulting in incremental improvements in teachers' salaries and benefits. The union's advocacy has also led to enhanced recognition of teachers' professional status and increased public awareness of the challenges facing educators. UNATU's efforts have contributed to policy changes in areas such as teacher recruitment, deployment, and career progression, demonstrating its ability to influence the broader educational policy landscape.

However, the research also highlighted limitations in UNATU's effectiveness. Despite its achievements, significant disparities persist in teachers' working conditions across different regions and school types. The union has faced difficulties in fully addressing issues such as delayed salary payments, inadequate housing for teachers in rural areas, and the plight of contract teachers. Moreover, while UNATU has made strides in

improving dialogue with government stakeholders, the relationship remains fraught with tension, often hampering the union's ability to achieve more substantive and lasting reforms. The study also revealed challenges in UNATU's internal capacity, including constraints in financial resources, technical expertise, and geographical reach, which have impacted its ability to consistently and comprehensively represent all teachers' interests.

### **5.2.5 Challenges Faced by UNATU**

The research identified several significant challenges that UNATU faces in its efforts to safeguard teachers' employment rights. One of the primary obstacles is the constrained fiscal environment in Uganda, which limits the government's ability to meet many of UNATU's demands, particularly those related to substantial salary increases or infrastructure improvements. This economic reality often places UNATU in a difficult negotiating position, forcing compromises that may fall short of teachers' expectations. Additionally, the union grapples with the challenge of maintaining unity and cohesion among a diverse membership base with varying priorities and concerns, from urban to rural teachers, and across different education levels.

Political interference and attempts to undermine union activities have also emerged as significant challenges. The research uncovered instances where government officials have sought to discourage union membership or retaliate against union leaders, creating an atmosphere of intimidation that can hamper UNATU's effectiveness. When the arts teachers commenced their strike on 15<sup>th</sup> September 2025, the government, through statements by Minister of Public Service Wilson Muruli Mukasa gave striking teachers an ultimatum to return to work or face dismissal. In response, UNATU leaders stated their resolve, warned the government against intimidation, and vowed to stand firm for justice, while many members continue to strike, citing unfairness and lack of dialogue.<sup>1</sup>

Moreover, the union faces the ongoing challenge of public perception, with media portrayals sometimes casting teachers' demands in a negative light, particularly during

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<sup>1</sup> <https://observer.ug/news/govt-declares-teachers-local-govt-workers-strikes-illegal/>. Accessed on the 11<sup>th</sup> October 2025.

periods of industrial action. These external pressures are compounded by internal challenges, including the need for continued capacity building among union leaders and representatives, especially in areas such as negotiation skills, policy analysis, and strategic planning. Addressing these multifaceted challenges will be crucial for UNATU to enhance its effectiveness and continue to make meaningful strides in protecting teachers' rights.

### **5.3 Synthesis of Research Insights**

#### **5.3.1 Interconnections between Legal Frameworks and UNATU's Effectiveness**

The research has illuminated the intricate relationship between Uganda's legal and policy frameworks and UNATU's ability to effectively advocate for teachers' rights. The existing legal structure, while providing a foundation for union activities, also presents constraints that significantly impact UNATU's operational scope and strategic choices. The constitutional recognition of workers' rights and the ratification of international labour conventions have undoubtedly strengthened UNATU's position. However, the gaps in implementation and enforcement of these laws create a complex environment in which the union must navigate. This dichotomy between legal promises and practical realities has forced UNATU to adopt a multifaceted approach, balancing formal legal strategies with grassroots mobilization and public advocacy.

Moreover, the research reveals how the evolving legal landscape has both empowered and challenged UNATU over time. Legislative changes, such as the enactment of the Public Service Negotiating, Consultative and Disputes Settlement Machinery Act, have provided new avenues for engagement but also introduced additional procedural hurdles. This dynamic interplay between legal frameworks and union effectiveness underscores the need for continuous legal reform and capacity building within UNATU. It also highlights the importance of UNATU's role not just as a beneficiary of legal protections, but as an active participant in shaping and refining these frameworks to better serve teachers' interests.

### **5.3.2 Impact of UNATU's Strategies on Teachers' Rights**

The analysis of UNATU's various strategies reveals a nuanced picture of their impact on teachers' rights in Uganda. The union's approach, combining collective bargaining, legal action, public campaigns, and policy advocacy, has yielded tangible results in several areas. Notably, the incremental improvements in teachers' salaries and working conditions can be directly attributed to UNATU's persistent negotiations and strategic use of industrial action. These gains, while often falling short of the union's initial demands, represent significant progress in a resource-constrained environment. Furthermore, UNATU's legal interventions have not only addressed specific grievances but have also contributed to the development of case law that strengthens the overall framework for protecting teachers' rights.

However, the research also indicates that the impact of UNATU's strategies has been uneven across different aspects of teachers' rights and varied geographical regions. While the union has been relatively successful in addressing issues of national concern, such as salary scales and basic employment terms, it has faced greater challenges in tackling localized problems like inadequate housing in rural areas or disparities in resource allocation among schools. This uneven impact reflects the complexities of Uganda's educational landscape and the limitations of a centralized union structure in addressing diverse local needs. Additionally, the study reveals that UNATU's strategies have had broader, indirect impacts on the education sector as a whole. By advocating for teachers' rights, the union has indirectly contributed to discussions on educational quality, resource allocation, and the overall status of the teaching profession in Ugandan society.

### **5.3.3 Balancing Achievements and Persistent Challenges**

The synthesis of research findings presents a complex picture of UNATU's role, characterized by significant achievements juxtaposed against persistent challenges. On one hand, UNATU has established itself as a formidable voice in Uganda's education sector, capable of influencing policy decisions and securing incremental improvements in teachers' welfare. The union's ability to mobilize its membership, engage in high-level negotiations, and leverage legal mechanisms demonstrates a level of

organizational maturity and strategic acumen. These achievements have not only benefited teachers directly but have also contributed to a broader recognition of the importance of labour rights and collective bargaining in Uganda's public sector.

On the other hand, the research highlights enduring challenges that continue to impede UNATU's effectiveness and the full realization of teachers' rights. The persistent gap between policy pronouncements and implementation, the ongoing struggles with inadequate resourcing in the education sector, and the sometimes-adversarial relationship with government authorities all pose significant obstacles. Furthermore, the union faces internal challenges related to representation and capacity, particularly in addressing the diverse needs of its membership across different educational levels and geographical areas. This balancing act between celebrating achievements and confronting ongoing challenges underscores the dynamic and often precarious nature of labour advocacy in Uganda's educational context. It also points to the need for UNATU to continually evolve its strategies, strengthen its internal capacities, and forge broader alliances to address the multifaceted issues affecting teachers' rights.

#### **5.4 Recommendations**

Based on the comprehensive analysis of UNATU's role in protecting teachers' rights in Uganda, this research proposes a series of recommendations targeted at key stakeholders in the education sector. These recommendations aim to address the challenges identified, build on existing strengths, and create a more conducive environment for the advancement of teachers' rights and the overall improvement of the education system in Uganda.

##### **5.4.1 For the Government and State Agencies**

For the Government of Uganda, particularly the Ministry of Education and Sports, it is imperative to prioritize the full implementation of existing labour laws and policies that protect teachers' rights. This includes allocating sufficient resources to labour inspectorates and dispute resolution mechanisms to ensure effective enforcement. The government should also consider establishing a dedicated teachers' service commission to address the unique needs and challenges of the teaching profession. Such a

commission could streamline teacher management processes, from recruitment and deployment to professional development and career progression.

Furthermore, the government should commit to regular, good-faith negotiations with UNATU, viewing the union as a partner in education reform rather than an adversary. This collaborative approach could involve creating formal, structured dialogue mechanisms that ensure teachers' perspectives are consistently incorporated into policy-making processes.

Additionally, the government should prioritize increasing the education sector budget to address critical issues such as inadequate school infrastructure, oversized classes, and the need for competitive teacher salaries. By demonstrating a genuine commitment to improving teaching conditions, the government can enhance teacher motivation and, by extension, the quality of education in Uganda.

#### **5.4.2 For UNATU Leadership and Membership**

UNATU itself must focus on strengthening its internal capacity and expanding its reach to better serve its diverse membership. The union should invest in comprehensive training programs for its leaders and representatives, focusing on areas such as negotiation skills, policy analysis, and strategic planning. This capacity building will enhance UNATU's ability to engage effectively with government stakeholders and articulate teachers' needs more persuasively.

The union should also work on developing a more decentralized structure that can better address localized issues while maintaining a unified national voice. This could involve establishing stronger regional chapters with greater autonomy to address area-specific challenges.

UNATU should also prioritize the use of technology to improve communication with its members, gather real-time data on teaching conditions across the country, and mobilize support more effectively. Furthermore, the union should diversify its strategies beyond traditional labour tactics, exploring innovative approaches such as teacher-led research initiatives, public-private partnerships for educational improvement, and collaboration with international education networks. By broadening

its approach, UNATU can position itself not just as a defender of teachers' rights, but as a key contributor to the overall advancement of education in Uganda.

#### **5.4.3 For School Administrators**

For school administrators and local education officials, the recommendations focus on creating a more supportive environment for teachers at the institutional level. These stakeholders should work on developing comprehensive school-level policies that protect teachers' rights and promote their professional growth. This includes establishing fair and transparent processes for teacher evaluation, promotion, and disciplinary actions. School administrators should also prioritize creating collaborative work environments that encourage teacher input in school management decisions. Regular forums for teacher feedback and participation in school improvement planning can foster a sense of ownership and professionalism among educators. Additionally, local education officials should work closely with UNATU representatives to address region-specific challenges, such as housing for rural teachers or security concerns in certain areas. By acting as a bridge between national policies and local realities, these stakeholders can play a crucial role in translating broad directives into meaningful improvements in teachers' daily working conditions.

#### **5.4.4 For the Judiciary and the Legal Community**

The judiciary and legal community in Uganda also have a significant role to play in advancing teachers' rights. The courts should prioritize cases related to labour rights in the education sector, ensuring timely and fair adjudication. Legal professionals, including judges and lawyers, should receive specialized training on international labour standards and their application in the Ugandan context, particularly as they relate to the education sector. The legal community should also work on developing a body of jurisprudence that progressively interprets labour laws in favour of workers' rights, setting precedents that can strengthen the overall framework for protecting teachers. Furthermore, pro bono legal services should be expanded to ensure that teachers and their union representatives have access to quality legal support when needed. By strengthening the legal foundations and enforcement mechanisms for teachers' rights, the judiciary and legal community can provide a crucial backstop to UNATU's

advocacy efforts and help ensure that legal protections translate into practical realities for teachers across Uganda.

### **5.5 Areas for Further Research**

While this study has provided comprehensive insights into UNATU's role in protecting teachers' rights in Uganda, it has also uncovered several areas that warrant further investigation. One crucial area for future research is the long-term impact of UNATU's advocacy efforts on educational outcomes in Uganda. A longitudinal study examining the correlation between improvements in teachers' working conditions and student performance could provide valuable data to support UNATU's ongoing advocacy work. Such research could help quantify the broader societal benefits of investing in teachers' rights and working conditions, potentially strengthening the case for increased educational funding and support.

Additionally, comparative studies examining UNATU's strategies and outcomes against those of teachers' unions in other East African countries or similar developing contexts could offer valuable insights into best practices and innovative approaches in labour advocacy within the education sector. This cross-national perspective could help identify transferable strategies and inform UNATU's future strategic planning.

Another important area for further research is the intersection of teachers' rights with other pressing educational issues in Uganda, such as inclusive education, gender equity in the teaching profession, and the integration of technology in education. For instance, a study focusing on how UNATU's efforts impact female teachers' career progression and leadership opportunities within the education sector could provide important insights into gender dynamics in the profession. Similarly, research into how UNATU's advocacy affects the implementation of inclusive education policies, particularly for teachers working with students with disabilities or in marginalized communities, could highlight important areas for future union focus.

Furthermore, an in-depth analysis of UNATU's role in shaping policies around digital literacy and the use of educational technology could offer valuable insights into the union's adaptability to changing educational landscapes. These areas of research would not only contribute to the academic understanding of teachers' unions and their impact

but also provide practical guidance for UNATU and policymakers in addressing the evolving challenges in Uganda's education sector.

## **5.6 Final Reflections**

This comprehensive study of UNATU's role in protecting teachers' rights in Uganda reveals a complex and dynamic landscape where progress and challenges coexist. The research underscores the critical importance of strong, effective labour unions in the education sector, not just as advocates for teachers' immediate interests, but as key contributors to the overall quality and development of the education system. UNATU's journey, marked by both significant achievements and persistent obstacles, reflects the broader struggles and aspirations of Uganda's education sector. The union's efforts have undoubtedly improved the working conditions and professional standing of teachers in many respects, yet the research also highlights the considerable work that remains to be done to fully realize the vision of a well-supported, highly motivated teaching force in Uganda.

The implications of this study extend far beyond the immediate concerns of teachers and their unions. They touch upon fundamental issues of social justice, economic development, and the future of education in Uganda. By advocating for teachers' rights, UNATU is essentially championing the cause of quality education for all Ugandan children. The union's successes and challenges in this endeavour offer valuable lessons for labour movements, policymakers, and education stakeholders not just in Uganda, but in other developing countries facing similar issues. This research demonstrates that the path to improving education is inextricably linked to the empowerment and support of teachers and that strong, responsive labour unions play a crucial role in this process. As Uganda continues to strive for educational excellence and socio-economic development, the role of UNATU and the status of teachers' rights will remain central to these national aspirations. The findings and recommendations of this study aim to contribute to this ongoing journey, offering insights and strategies to strengthen the protection of teachers' rights and, by extension, the quality of education in Uganda.

## 5.7 Conclusion

As we conclude this comprehensive analysis of the Uganda National Teachers Union (UNATU) and its role in protecting teachers' rights, we find ourselves at a critical juncture in the ongoing narrative of education reform and labour rights in Uganda. This research has illuminated the multifaceted nature of UNATU's work, revealing a complex interplay of legal frameworks, advocacy strategies, institutional dynamics, and societal factors that collectively shape the landscape of teachers' rights in the country. The journey through this study has underscored the indispensable role that labour unions play in the education sector, not merely as defenders of workers' interests, but as vital contributors to the broader goals of educational quality and national development.

The findings of this research paint a nuanced picture of UNATU's achievements and challenges. On one hand, the union has made significant strides in improving teachers' working conditions, enhancing their professional status, and amplifying their voices in national policy discussions. UNATU's persistent advocacy has led to tangible improvements in areas such as salary structures, job security, and professional development opportunities. These gains, hard-won through a combination of collective bargaining, legal action, and public campaigns, have not only benefited teachers but have also contributed to the overall stability and quality of Uganda's education system. The union's ability to navigate complex political and economic landscapes while maintaining a focused commitment to its members' interests is a testament to its resilience and strategic acumen.

However, this study has also brought to light the persistent challenges and structural barriers that continue to impede the full realization of teachers' rights in Uganda. The gap between policy pronouncements and practical implementation, the ongoing struggle for adequate educational funding, and the sometimes-adversarial relationship between the union and government authorities all present significant obstacles. Moreover, the diverse needs of Uganda's teaching workforce, spanning urban and rural areas and various educational levels, pose complex representational challenges for UNATU. These findings underscore the need for continued evolution in UNATU's

strategies, enhanced capacity building within the union, and a more collaborative approach to education reform involving all stakeholders.

Looking to the future, this research points towards several key areas of focus for UNATU and other education stakeholders in Uganda. Strengthening the legal and policy frameworks that protect teachers' rights, while ensuring robust implementation mechanisms, emerges as a critical priority. There is also a pressing need for more inclusive and decentralized approaches to addressing teachers' concerns, particularly those in underserved areas. Furthermore, the integration of technology in education and the changing global landscape of work necessitate new forms of advocacy and support for teachers. UNATU's ability to adapt to these evolving challenges while maintaining its core mission will be crucial in shaping the future of teachers' rights and education quality in Uganda.

In conclusion, this study reaffirms the vital importance of strong, effective labour unions in the education sector. UNATU's journey reflects the broader struggles and aspirations of Uganda's pursuit of quality education for all. By championing teachers' rights, UNATU is essentially advocating for the future of Uganda's children and the nation's development prospects. As the country continues to strive for educational excellence and socio-economic progress, the role of UNATU and the status of teachers' rights will remain central to these national aspirations. We hope that the insights, recommendations, and reflections offered in this research will contribute meaningfully to this ongoing journey, fostering a future where teachers' rights are fully realized, and quality education becomes a tangible reality for all Ugandan children.

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## APPENDICES

### QUESTIONNAIRE

These questions provide a comprehensive framework for gathering diverse perspectives on UNATU's role in protecting teachers' employment rights. They cover aspects of strategy, effectiveness, challenges, legal frameworks, and stakeholder engagement.

#### **A. For UNATU Representatives:**

1. What strategies has UNATU employed to protect teachers' employment rights?
2. How effective have these strategies been in achieving UNATU's objectives?
3. What are the main challenges UNATU faces in advocating for teachers' rights?
4. How does UNATU engage with government authorities in policy formulation?
5. Can you describe UNATU's approach to collective bargaining?
6. How does UNATU ensure representation of diverse teacher interests?
7. What legal frameworks most impact UNATU's operations?
8. How has UNATU's role evolved over the past decade?

#### **B. For Teachers (UNATU members)- public and private schools, higher and primary:**

1. How has UNATU's advocacy impacted your working conditions?
2. What are the most pressing employment issues you face as a teacher?
3. How effective do you find UNATU's communication with its members?
4. Have you participated in any UNATU-organized activities? If so, what was your experience?

5. How responsive is UNATU to individual members' concerns?
6. What improvements would you suggest for UNATU's operations?
7. How has your understanding of your employment rights changed since joining UNATU?
8. What role do you think teachers should play in UNATU's decision-making processes?

**C. For Ministry of Labour Officials:**

1. How does the Labour Ministry oversee the implementation of labour laws in the education sector?
2. What role does the Ministry play in mediating disputes between UNATU and education authorities?
3. How does Uganda's labour law framework compare with international standards?
4. What are the main challenges in enforcing labour laws in the public sector?
5. How does the Ministry support the right to collective bargaining in the education sector?
6. What measures are in place to protect teachers from unfair labour practices?
7. How does the Ministry collaborate with UNATU in addressing labour issues?
8. What recent labour law reforms have impacted teachers' rights?

**D. For Civil Society Organizations:**

1. How do you perceive UNATU's effectiveness in advocating for teachers' rights?
2. What role does your organization play in supporting labour rights in the education sector?

3. How do you collaborate with UNATU and other stakeholders?
4. What are the main gaps in the legal protection of teachers' rights in Uganda?
5. How can civil society better support the labour movement in the education sector?
6. What international best practices could enhance teachers' rights protection in Uganda?
7. How do you assess the government's responsiveness to teachers' labour concerns?
8. What strategies have been most effective in advancing teachers' rights?

**E. For Legal Experts:**

1. How adequate is Uganda's legal framework in protecting teachers' employment rights?
2. What are the main legal challenges facing UNATU in its advocacy efforts?
3. How do Uganda's labour laws align with ratified international conventions?
4. What legal reforms would strengthen the protection of teachers' rights?
5. How effective are the current dispute resolution mechanisms for labour issues in the education sector?
6. What legal precedents have significantly impacted teachers' rights in Uganda?
7. How does the constitutional right to unionize translate into practice for teachers?
8. What legal strategies could UNATU employ to enhance its advocacy effectiveness?





THE REPUBLIC OF UGANDA

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF UGANDA

AND

PUBLIC SERVICE LABOUR UNIONS

NAMELY;

- 1) Uganda Medical Workers' Union (UMWU)
- 2) Uganda Local Government Workers' Union (ULGWU)
- 3) Uganda National Teachers' Union (UNATU)
- 4) National Union of Educational Institutions (NUEI)
- 5) Uganda Government and Allied Workers' Union (UGAWU)
- 6) University Professional and Academic Staff Union (UPASU)
- 7) Uganda Nurses and Midwives Union (UNMU)
- 8) Uganda Parastatal, Statutory Authority and Judicial Workers (UPSAJWU)
- 9) Uganda Scientists, Researchers and Allied Workers' Union (USRAWU)
- 10) Uganda Farm and Agro Based Workers' Union (UFABWU)

IN THE MATTER OF A COLLECTIVE BARGAINING AGREEMENT (CBA)  
ON SALARY ENHANCEMENT

---

## 2.0. AGREEMENTS

Now whereof the parties do hereby agree as follows:

### 2.1. Pay Policy for the Public Service:

That the approved pay policy will cover all Public Officers who draw salaries from the consolidated fund including the pay targets as agreed by both parties.

### 2.2. Salary structure and pay targets:

That salary enhancement for all Public Officers as has been agreed upon as per *Appendix 1 and 2* shall be implemented in accordance with this agreement over a five year period.

### 2.3. Discrimination:

That there shall be no discrimination in pay and other terms and conditions of service and where they exist, the parties shall work towards its total elimination.

### 2.4. Parameters of CBA:

That the implementation of this CBA shall be based on the following parameters:- ~~performance, inflation and hard to reach;~~

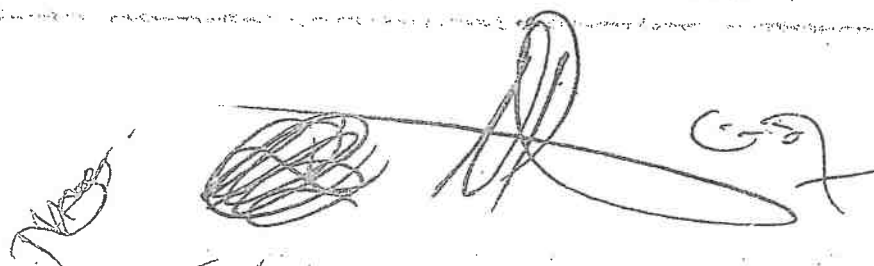
### 2.5. Public Service Labour Unions involvement:

Those parties shall have equal rights in Collective Bargaining in all matters that affect workers in the public service.

### 2.6. Check-off:

2.6.1 That the parties hereby undertake to ensure that check-off for Union dues provided under the law is effected.

2.6.2. That a levy shall be effected on non-union members pay, enhancement equivalent to 1% as provided under Statutory Instrument Number 60 of 2011.



2.6.3 That during the duration of this CBA, payrolls of all MDAs and LGs under a particular Public Service Union shall be furnished to the respective Labour Union on request.

**2.7. Funding of the Public Service Negotiating and Consultative machinery:**

That Government commits to provide budgetary allocations to ensure the proper functioning of the Council and the Tribunal. In furtherance of this agreement, Government shall guide the service on the obligations of the Public Service Labour Unions.

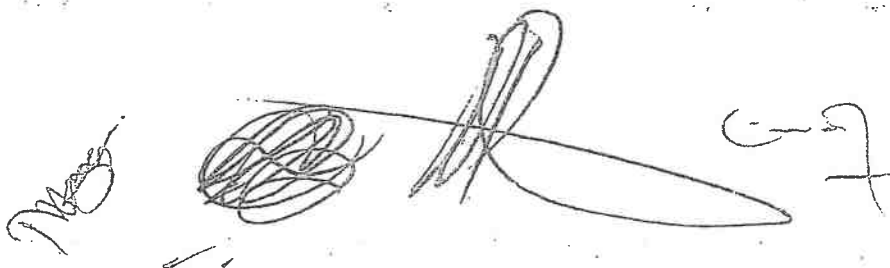
**2.8. Pay targets and outstanding commitments:**

2.8.1. That the pay enhancement approved for FY 2018/19 amounting to UGX. 536 Billion under phase <sup>one</sup> out of which;

2.8.1.1 Medical Workers, other Scientists, Legal professionals/ Prosecutors, Post Primary Teachers, Police, Prisons and UPDF in Lower Ranks as well as Local Government Political Leaders have been allocated UGX 532.7Bn and

2.8.1.2 Public Universities have been (UGX. 4.3Bn) as a Government commitment made in FY 2017/18 to enhance salaries for Non-Teaching staff in Public Universities in Salary Scales M10 – M22. This will bridge the gap between them and their **Administrative** counterparts in Scales M3 to M7. UGX. (29.4Bn) for enhancement of salaries for both the Teaching and Non-Teaching across Scales.

2.8.2. That Government shall, under phase two, enhance pay for other Public Officers, (Non-science Public Officers in Ministries, Departments and Local Governments, UPDF, Police and Prisons personnel in higher ranks, Primary School Teachers, Head Teachers and their Deputies, Security organization employees in higher ranks) who have not been covered in FY 2018/19. This shall be in accordance with the agreed targets reflected under Annex 1 of the Agreement in order to bring them at par with the Public Officers covered under phase one.



2.8.3. Those subsequent pay enhancements in FY 2020/21; 2021/22 and 2022/23 shall be in accordance with the principles of the pay policy as per 2.4 of this agreement and shall cover all Public Officers with a view to achieving the agreed long term pay targets.

**2.9. Settlement:**

2.9.1 That any disagreement arising out of the implementation of this agreement shall be settled in accordance with the provisions under the recognition agreement.

2.9.2 That Government and the Public Service Labour Unions commit to mobilize and sensitize Public Officers to comply with this agreement and ensure that Public Officers commit to deliver services without undue recourse to industrial action/lock out within the framework of this agreement.

**2.10 Review of the agreement:**

That this agreement may be reviewed through mutual agreement by either party giving the other a three months' notice.

**2.11 Effective date:**

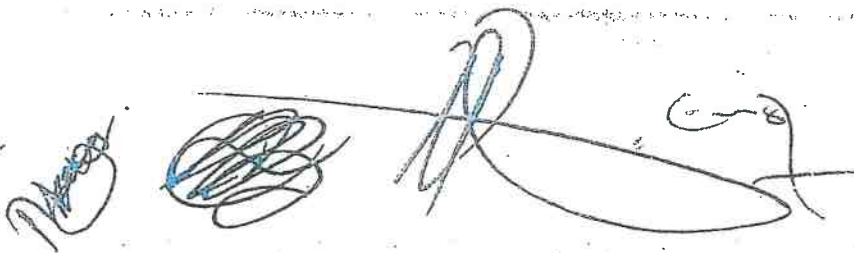
~~This agreement shall be effective from the date of signing and it shall remain in force for 5 years or until mutually amended or repealed through an agreement by both parties.~~

**3.0 SIGNATURES**

3.1. We the undersigned append our signatures as follows:-

**FOR AND ON BEHALF OF GOVERNMENT**

1. Name: Dr. John Mitala

Three handwritten signatures in blue ink are visible. The first is a cursive signature, the second is a more scribbled signature, and the third is a large, stylized signature.

Position: **Head of Public Service /Secretary to Cabinet**

Signature:  .....

3.2. In witness whereof, on behalf of Government

1. Name: **Mr. Pius Bigirimana**

Ministry: **Gender, Labour and Social Development**

Position: **Permanent Secretary**

Signature:  .....

2. Name: **Mr. Keith Muhakanizi**

Ministry: **Finance, Planning and Economic Development**

Position: **Permanent Secretary/Secretary to the Treasury**

Signature: .....

3. Name: **Mr. Ben Kumumanya**

Ministry: **Ministry of Local Government**

Position: **Permanent Secretary**

Signature: .....

4. Name: **Mrs. Catherine Bitarakwate Musingwiire**

Ministry: **Public Service**



Position: Permanent Secretary

Signature: 

5. Name: Mr. Francis Atoke

Ministry: Justice and Constitutional Affairs

Position: Solicitor General


Signature: .....

**FOR AND ON BEHALF OF PUBLIC SERVICE LABOUR UNIONS**

1. Name: Sanya Aggrey

Labour Union: Uganda Medical Workers Union

Position: General Secretary

Signature: 


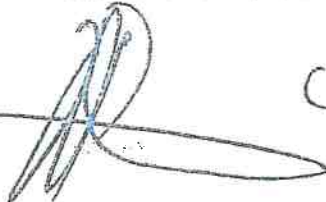

2. Name: Hassan Lwabayi Mudiba

Labour Union: Uganda Local Government Workers' Union

Position: General Secretary

Signature: 

3. Name: Baguma Filbert Bates

Labour Union: Uganda National Teachers' Union

Position: General Secretary

Signature:  .....

Name: Okello Musa

Labour Union: National Union of Educational Institutions

Position: General Secretary

Signature: 

4. Name: ...M. ATWIRE BENON...

Labour Union: Uganda Government and Allied Workers' Union

Position: General Secretary

Signature: ......

5. Name: Dr. Isaac E. Wanzige Magoola

Labour Union: University Professional and Academic Staff Union

~~Position: General Secretary~~

Signature: 

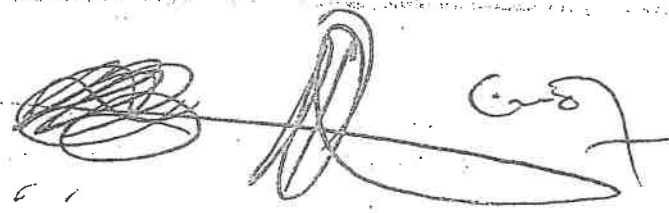
6. Name: Mufumba Emmanuel

Labour Union: Uganda Nurses and Midwives Union

Position: General Secretary

Signature: 

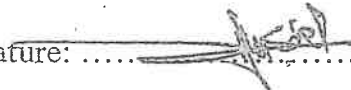




7. Name: Oketcho John Siel

Labour Union: Uganda Parastatal, Statutory Authority and Judiciary  
Workers Union

Position: General Secretary

Signature: 

8. Name: Keno Robert

Labour Union: Uganda Scientists, Researchers and Allied Workers' Union

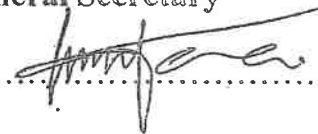
Position: General Secretary

Signature: .....

9. Name: Wafana Nelson

Labour Union: Uganda Farm and Agro Based Workers' Union

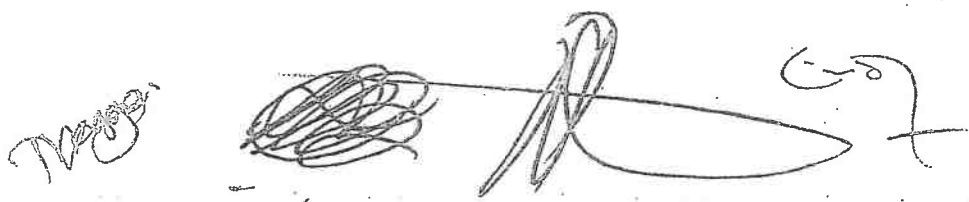
Position: General Secretary

Signature: 

In witness whereof, on behalf of the Public Service Labour Unions

1. Name: Werikhe Christopher Peter

Organization: National Organization of Trade Unions



Position: Secretary General

Signature: .....

*[Handwritten Signature]* 22/6/18

2. Name: Dr. Sam Lyomoki (MP)

Organization: Central Organization of Free Trade Unions Uganda

Position: Secretary General

Signature: ..... *[Handwritten Signature]* .....

In witness whereof;

Name: Mr. Olweny Claudius

Organization: Public Service Negotiating and Consultative Council

Position: Chairperson

Signature: *[Handwritten Signature]*

*[Handwritten scribble]*

**ANNEX 2: SALARY ENHANCEMENT FOR PUBLIC UNIVERSITIES FY 2018/19 TO 2019/20**

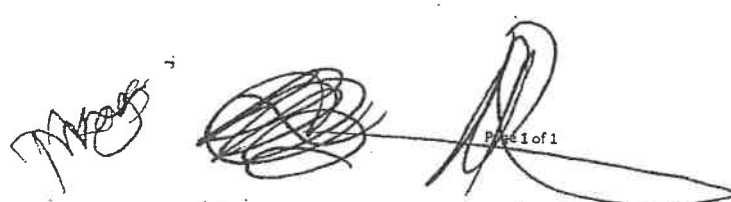
Teaching Science

Teaching Non Science

Non Teaching Science

Non Teaching Non Science

Title/Level	Salary Scale	FY 2018/2019		FY 2019/2020	
		P.M	P.A	P.M	P.A
Vice Chancellor	M1	11,234,265	134,811,176	11,234,265	134,811,176
Deputy Vice Chancellor	M2	9,685,091	116,221,090	9,685,091	116,221,090
Professor	M3	9,150,286	109,803,435	9,150,286	109,803,435
Associate Professor	M4	8,586,787	103,041,442	8,586,787	103,041,442
Senior Lecturer	M5	7,725,507	92,706,082	7,725,507	92,706,082
Lecturer	M6.1	7,013,324	84,159,890	7,013,324	84,159,890
Asst. Lecturer	M6.2	5,237,649	62,851,790	5,237,649	62,851,790
Teaching Assitant	M7	4,606,134	55,273,604	4,606,134	55,273,604
	M10	2,786,291	33,435,490	2,786,291	33,435,490
	M11	2,632,846	31,594,155	2,632,846	31,594,155
	M12	1,728,080	20,736,966	1,728,080	20,736,966
	M13	1,545,626	18,547,507	1,545,626	18,547,507
	M14				
	M15				
	M20	787,499	9,449,990	787,499	9,449,990
Professor	M3	8,100,023	97,200,280	8,100,023	97,200,280
Associate Professor	M4	7,798,835	93,586,023	7,798,835	93,586,023
Senior Lecturer	M5	7,118,538	85,422,462	7,118,538	85,422,462
Lecturer	M6.1	6,528,695	78,344,340	6,528,695	78,344,340
Asst. Lecturer	M6.2	4,660,161	55,921,926	4,660,161	55,921,926
Teaching Assitant	M7	3,775,047	45,300,563	3,775,047	45,300,563
Director	M3	9,150,286	109,803,435	9,150,286	109,803,435
Deputy Director	M4	8,586,787	103,041,442	8,586,787	103,041,442
Assistant Director	M5	7,725,507	92,706,082	7,725,507	92,706,082
Senior Administrator	M6.1	7,013,324	84,159,890	7,013,324	84,159,890
Administrator	M6.2	5,237,649	62,851,790	5,237,649	62,851,790
Assistant Administrator	M7	4,606,134	55,273,604	4,606,134	55,273,604
	M10	3,030,898	36,370,778	3,030,898	36,370,778
	M11	2,863,983	34,367,794	2,863,983	34,367,794
	M12	1,879,788	22,557,456	1,879,788	22,557,456
	M13	1,681,315	20,175,786	1,681,315	20,175,786
	M14	1,295,667	15,548,001	1,295,667	15,548,001
	M15	1,239,379	14,872,547	1,239,379	14,872,547
	M20	856,633	10,279,601	856,633	10,279,601
	M21	772,890	9,274,681	772,890	9,274,681
Director	M3	8,100,025	97,200,299	8,100,025	97,200,299
Deputy Director	M4	7,798,837	93,586,042	7,798,837	93,586,042
Assistant Director	M5	7,118,540	85,422,479	7,118,540	85,422,479
Senior Administrator	M6.1	6,528,696	78,344,356	6,528,696	78,344,356
Administrator	M6.2	4,660,161	55,921,937	4,660,161	55,921,937
Assistant Administrator	M7	3,775,048	45,300,572	3,775,048	45,300,572
	M10	2,830,119	33,961,430	2,830,119	33,961,430
	M11	2,227,391	26,728,690	2,227,391	26,728,690
	M12	1,882,428	22,589,132	1,882,428	22,589,132
	M13	1,535,532	18,426,385	1,535,532	18,426,385
	M14	1,156,254	13,875,049	1,156,254	13,875,049
	M15	1,110,874	13,330,492	1,110,874	13,330,492
	M16	1,054,713	12,656,562	1,054,713	12,656,562
	M17	1,013,573	12,162,873	1,013,573	12,162,873
	M18	972,432	11,669,184	972,432	11,669,184
	M20	804,114	9,649,368	804,114	9,649,368
	M21	711,422	8,537,059	711,422	8,537,059
	M22	618,685	7,424,223	618,685	7,424,223



SN	CATEGORY	SCALE	FY 2018/19	FY 2019/2020	FY 2020/21	FY 2021/22	FY 2022/23	
<b>A MEDICAL PERSONNEL</b>								
1	Director General (Health Services)	UIS	6,000,000	72,000,000	6,000,000	72,000,000	6,000,000	72,000,000
2	Director National Referral Hospital	UIS	5,500,000	66,000,000	5,500,000	66,000,000	5,500,000	66,000,000
3	Director Specialised Health Institute	UIS	5,500,000	66,000,000	5,500,000	66,000,000	5,500,000	66,000,000
4	Director - Regional Referral Hospital	UIS	4,800,000	57,600,000	4,800,000	57,600,000	4,800,000	57,600,000
5	Deputy Director	UISE	4,600,000	55,200,000	4,600,000	55,200,000	4,600,000	55,200,000
6	Senior Consultant	UIESC	4,500,000	54,000,000	4,500,000	54,000,000	4,500,000	54,000,000
7	Consultant	UIESC	4,200,000	50,400,000	4,200,000	50,400,000	4,200,000	50,400,000
8	Medical Officers Special Grade	UIESC	3,750,000	45,000,000	3,750,000	45,000,000	3,750,000	45,000,000
9	Principal Medical Officers/Dental Surgeon	UIESC	3,750,000	45,000,000	3,750,000	45,000,000	3,750,000	45,000,000
10	Senior Medical Officers/Dental Surgeon	UIESC	3,300,000	39,600,000	3,300,000	39,600,000	3,300,000	39,600,000
11	Medical Officers/Dental Surgeon	UIESC	3,000,000	36,000,000	3,000,000	36,000,000	3,000,000	36,000,000
<b>B HEALTH WORKERS/OTHER THAN MEDICAL PROFESSIONALS</b>								
1	Health Workers at Principal Level	UIZSC	3,500,000	42,000,000	3,500,000	42,000,000	3,500,000	42,000,000
2	Health Workers at Senior Level	UIZSC	3,100,000	37,200,000	3,100,000	37,200,000	3,100,000	37,200,000
3	Graduate Health Workers	UIZSC	2,200,000	26,400,000	2,200,000	26,400,000	2,200,000	26,400,000
4	Health Workers (Higher Diploma)	UISSC	1,200,000	14,400,000	1,200,000	14,400,000	1,200,000	14,400,000
5	Health Workers (Ordinary Diploma)	UISSCI	850,000	10,200,000	850,000	10,200,000	850,000	10,200,000
6	Health Workers (Certificate)	UIJSC	613,158	7,357,896	613,158	7,357,896	613,158	7,357,896
7	Nursing, Theatre, Lab, Dental Assistants	UIJ	313,832	3,765,984	313,832	3,765,984	313,832	3,765,984
<b>C SCIENTISTS/OTHER THAN MEDICAL PROFESSIONALS</b>								
1	Director Science	UISE-SC	3,600,000	43,200,000	3,600,000	43,200,000	3,600,000	43,200,000
2	Deputy Director/Science	UISE-SC	3,300,000	39,600,000	3,300,000	39,600,000	3,300,000	39,600,000
3	Commissioner Science	UISE-SC	3,050,000	36,600,000	3,050,000	36,600,000	3,050,000	36,600,000
4	Assistant Commissioner - Science	UIESC	2,700,000	32,400,000	2,700,000	32,400,000	2,700,000	32,400,000
5	Principal Officers	UIESC	2,400,000	28,800,000	2,400,000	28,800,000	2,400,000	28,800,000
6	Senior Officers - Science	UIJSC	2,100,000	25,200,000	2,100,000	25,200,000	2,100,000	25,200,000
7	Officers - Science	UIJSC	2,200,000	26,400,000	2,200,000	26,400,000	2,200,000	26,400,000
<b>D LEGAL PROFESSIONALS</b>								
1	Chief Registrar	UIS	5,570,000	66,840,000	5,570,000	66,840,000	5,570,000	66,840,000
2	Director of Public Prosecution	UIS	5,570,000	66,840,000	5,570,000	66,840,000	5,570,000	66,840,000
3	Registrar	UISF	5,000,000	60,000,000	5,000,000	60,000,000	5,000,000	60,000,000
4	Deputy Director of Public Prosecution	UIS	4,490,000	53,880,000	4,490,000	53,880,000	4,490,000	53,880,000
5	Administrator General	UIS	4,490,000	53,880,000	4,490,000	53,880,000	4,490,000	53,880,000
6	Director - Legal	UISF	4,490,000	53,880,000	4,490,000	53,880,000	4,490,000	53,880,000
7	Deputy Registrar	UISF	4,490,000	53,880,000	4,490,000	53,880,000	4,490,000	53,880,000
8	Chief Minister/Commissioner	UISF	3,550,000	42,600,000	3,550,000	42,600,000	3,550,000	42,600,000
9	Sen. Prin. Magistrate /Assistant	UIE	2,900,000	34,800,000	2,900,000	34,800,000	2,900,000	34,800,000
10	Principal Legal Officer/Magistrate	UIE	2,700,000	32,400,000	2,700,000	32,400,000	2,700,000	32,400,000
11	Senior Legal Officer/Magistrate	UIA	2,000,000	24,000,000	2,000,000	24,000,000	2,000,000	24,000,000
12	Legal Officer	UIA	1,700,000	20,400,000	1,700,000	20,400,000	1,700,000	20,400,000
13	Senior Steno Prosecutor	UIS	1,200,000	14,400,000	1,200,000	14,400,000	1,200,000	14,400,000
14	Steno Prosecutor	UIE	850,000	10,200,000	850,000	10,200,000	850,000	10,200,000
<b>E TEACHERS</b>								
1	Principal Comprehensive School/ NTC, UCC	UI-SE	2,794,620	33,535,440	3,100,000	37,200,000	8,540,000	102,480,000
2	Principal PTC, Tech Sch/Deputy Principal NTC, UCC	UIE	2,160,000	25,920,000	2,600,000	31,200,000	7,000,000	84,000,000
3	Head Teacher (Secondary)	UIE	2,028,917	24,347,404	2,600,000	31,200,000	7,000,000	84,000,000
4	Deputy Head Teacher (Secondary)	UIE	1,550,256	18,603,072	2,300,000	27,600,000	5,180,000	62,160,000
5	Science Teachers at Principal Level	UIE	2,469,931	29,639,174	2,469,931	29,639,174	4,150,000	49,800,000
6	Science Teachers at Senior Level	UIE	1,668,456	20,021,472	2,300,000	27,600,000	5,100,000	61,200,000
7	Arts Teachers	UIA	1,490,271	17,883,245	2,000,000	24,000,000	3,780,000	45,160,000
8	Science Teachers at Graduate Level	UIA-SC	1,413,226	16,958,707	2,300,000	27,600,000	3,300,000	39,600,000
9	UJAA Head Teacher	UIA	701,341	8,416,092	1,700,000	20,400,000	3,775,000	45,300,000

S/N	CATEGORY	SCALE	FY 2018/19	FY 2019/2020	FY 2020/21	FY 2021/22	FY 2022/23
10	Science Teachers at Diploma Level	US SC	951,462	1,200,000	2,100,000	2,550,000	3,000,000
11	US Arts Teacher	U5	534,080	1,100,000	1,800,000	2,245,000	2,700,000
12	Head teacher (Primary)	U4	814,011	1,700,000	2,950,000	3,775,000	4,500,000
13	Deputy Head teacher (Primary)	U5	671,194	1,100,000	1,800,000	2,245,000	2,700,000
14	Senior Education Assistant	U6	560,000	670,000	1,190,000	1,445,000	1,600,000
15	Education Assistant	U7	508,671	600,000	945,000	1,147,500	1,350,000
16	Non-Formal Education Teachers (Trial Termis)	U8	228,612	2,743,343	500,000	6,000,000	
F	POLICE/ PRISONS	U6	540,587	670,000	1,190,000	1,445,000	1,600,000
		U7	470,235	600,000	945,000	1,147,500	1,350,000
		U8	375,200	4,502,400	800,000	950,000	1,200,000
G	PUBLIC OFFICERS IN ADMINISTRATION	U15	17,609,880	211,200,000	17,600,000	19,975,000	23,500,000
1	Head of Public Service	U15	16,400,000	196,800,000	15,750,000	19,125,000	22,500,000
2	Deputy Head of Public Service	U15	15,400,000	184,800,000	15,400,000	17,000,000	20,000,000
3	Permanent Secretaries	U15E	3,419,578	41,034,936	13,500,000	15,400,000	17,000,000
4	Deputy Secretary	U15E	3,400,000	40,000,000	13,400,000	15,400,000	17,000,000
5	Director	U15E	3,100,000	37,200,000	12,400,000	14,400,000	16,000,000
6	Commissioner	U15E	2,600,000	31,200,000	10,800,000	12,400,000	14,000,000
7	Assistant Commissioner	U1-E	2,300,000	27,600,000	9,600,000	11,000,000	12,000,000
8	U2	U2	2,000,000	24,000,000	8,400,000	9,600,000	10,800,000
9	U3	U3	1,700,000	20,400,000	7,200,000	8,100,000	9,000,000
10	U4	U4	1,500,000	18,000,000	6,300,000	7,100,000	7,800,000
11	U5	U5	1,300,000	15,600,000	5,400,000	6,100,000	6,700,000
12	U6	U6	1,100,000	13,200,000	4,600,000	5,200,000	5,700,000
13	U7	U7	900,000	10,800,000	3,700,000	4,200,000	4,600,000
14	U8	U8	700,000	8,400,000	2,900,000	3,300,000	3,600,000
H	PUBLIC FINANCIALS	M1	16,000,000	192,000,000	16,000,000	17,000,000	204,000,000
1		M2	15,500,000	186,000,000	15,500,000	16,500,000	196,000,000
2		M3	15,000,000	180,000,000	15,000,000	16,000,000	190,000,000
3		M4	10,500,000	126,000,000	10,500,000	11,500,000	138,000,000
4		M5	9,450,000	113,400,000	9,450,000	10,100,000	121,200,000
5		M6.1	8,550,000	102,600,000	8,550,000	9,100,000	108,000,000
6		M6.2	6,720,000	80,640,000	6,720,000	7,100,000	84,000,000
7		M7	5,950,000	71,400,000	5,950,000	6,200,000	74,000,000
8		M10	4,900,000	58,800,000	4,900,000	5,100,000	61,000,000
9		M11	3,850,000	46,200,000	3,850,000	4,000,000	48,000,000
10		M12	2,800,000	33,600,000	2,800,000	2,900,000	34,800,000
11		M13	1,750,000	21,000,000	1,750,000	1,800,000	21,600,000
12		M14	1,589,000	19,068,000	1,589,000	1,630,000	19,560,000
13		M15	1,015,000	12,180,000	1,015,000	1,035,000	12,420,000
14		M16	1,001,000	12,012,000	1,001,000	1,020,000	12,240,000
15		M17	962,500	11,550,000	962,500	982,500	11,775,000
16		M18	945,000	11,340,000	945,000	965,000	11,580,000
17		M20	850,000	10,200,000	850,000	870,000	10,440,000
18		M21	800,000	9,600,000	800,000	820,000	9,840,000
19		M22	800,000	9,600,000	800,000	820,000	9,840,000
20		M22	800,000	9,600,000	800,000	820,000	9,840,000
I	AGENCIES UNDER GOVERNMENT ADMINISTRATION AND STATES IN AREA PUBLIC SERVICE	U15	15,400,000	184,800,000	15,400,000	17,000,000	204,000,000
1		U15E	13,500,000	162,000,000	13,500,000	15,000,000	176,000,000
2		U15E	11,200,000	134,400,000	11,200,000	12,400,000	148,000,000
3		U1-E	8,540,000	102,480,000	8,540,000	9,000,000	108,000,000
4		U1-E	7,000,000	84,000,000	7,000,000	7,400,000	88,000,000
5		U1-E	6,000,000	72,000,000	6,000,000	6,300,000	75,000,000

S/N	CATEGORY	FY 2018/19		FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23	
		Scale	Count	Scale	Count	Scale	Count	Scale	Count	Scale	Count
6	U2					62,160,000	6,290,000	75,480,000	7,400,000	88,800,000	8,800,000
7	U3					45,360,000	4,590,000	55,080,000	5,400,000	64,800,000	6,400,000
8	U4					29,400,000	2,975,000	35,700,000	3,500,000	42,000,000	4,200,000
9	U5					21,600,000	2,245,000	26,940,000	2,700,000	32,400,000	3,200,000
10	U6					14,280,000	1,445,000	17,340,000	1,600,000	19,200,000	1,900,000
11	U7					11,340,000	1,147,500	13,770,000	1,350,000	16,200,000	1,600,000
12	U8					9,600,000	950,000	11,400,000	1,200,000	14,400,000	1,400,000
J	SPECIFIED OFFICERS										
1	Chief Justice	20,000,000	240,000,000	20,000,000	240,000,000	240,000,000	22,525,000	270,300,000	26,500,000	318,000,000	318,000,000
2	Deputy Chief Justice	18,000,000	216,000,000	18,000,000	216,000,000	216,000,000	21,250,000	255,000,000	25,000,000	300,000,000	300,000,000
3	Principal Judge	10,018,796	120,225,552	10,018,796	120,225,552	168,000,000	17,000,000	204,090,000	20,000,000	240,000,000	240,000,000
4	Justice of the Supreme Court	9,688,506	116,262,072	9,688,506	116,262,072	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
5	Justice of Court of Appeal	9,358,216	112,298,592	9,358,216	112,298,592	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
6	Judge of High Court	9,026,743	108,320,916	9,026,743	108,320,916	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
7	Auditor General	3,610,000,000	43,320,000,000	3,610,000,000	43,320,000,000	444,000,000	37,000,000	533,200,000	44,000,000	533,200,000	533,200,000
8	Inspector General of Government	37,000,000	444,000,000	37,000,000	444,000,000	444,000,000	37,000,000	533,200,000	44,000,000	533,200,000	533,200,000
9	Deputy Inspector General of Government	32,000,000	384,000,000	32,000,000	384,000,000	384,000,000	32,000,000	444,000,000	37,000,000	533,200,000	533,200,000
10	Inspector General of Police	6,868,005	82,416,060	6,868,005	82,416,060	168,000,000	17,000,000	204,090,000	20,000,000	240,000,000	240,000,000
11	Commissioner General of Prisons	6,868,005	82,416,060	6,868,005	82,416,060	168,000,000	17,000,000	204,090,000	20,000,000	240,000,000	240,000,000
12	Chairperson of Commission	8,457,300	101,487,600	8,457,300	101,487,600	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
13	Deputy Inspector General of Police	6,774,345	81,292,140	6,774,345	81,292,140	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
14	Deputy Commissioner General of Prisons	6,774,345	81,292,140	6,774,345	81,292,140	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
15	Deputy Chairperson of Commission	8,157,300	97,887,600	8,157,300	97,887,600	124,320,000	12,590,000	150,960,000	14,800,000	177,600,000	177,600,000
16	Members of Parliament	11,180,000	134,160,000	11,180,000	134,160,000	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
17	Members of Commission	8,007,300	96,087,600	8,007,300	96,087,600	113,400,000	11,475,000	137,700,000	13,500,000	162,000,000	162,000,000
K	LOCAL GOVT POL LEADERS										
1	District Chairperson	2,380,000	28,560,000	2,380,000	28,560,000	80,640,000	8,160,000	97,920,000	9,600,000	115,200,000	115,200,000
2	District Vice Chairperson	1,190,000	14,280,000	1,190,000	14,280,000	38,800,000	3,960,000	46,000,000	4,800,000	57,600,000	57,600,000
3	Chairperson District Service Commission	1,716,346	20,596,152	1,716,346	20,596,152	45,360,000	4,590,000	55,000,000	5,400,000	64,800,000	64,800,000
4	Municipal Mayor	1,190,000	14,280,000	1,190,000	14,280,000	31,500,000	2,975,000	35,700,000	3,500,000	42,000,000	42,000,000
5	District Speaker	724,000	8,688,000	724,000	8,688,000	29,400,000	2,975,000	35,700,000	3,500,000	42,000,000	42,000,000
6	Member District Executive Committee	620,000	7,440,000	620,000	7,440,000	11,760,000	1,190,000	14,280,000	1,400,000	16,800,000	16,800,000
7	Sub County/Town Council Chairperson	412,000	4,944,000	412,000	4,944,000	10,500,000	1,062,500	12,750,000	1,250,000	15,000,000	15,000,000
8	Municipal Deputy Mayor	620,000	7,440,000	620,000	7,440,000	9,240,000	935,000	11,220,000	1,100,000	13,200,000	13,200,000
9	Municipal Division Chairperson	412,000	4,944,000	412,000	4,944,000	9,240,000	935,000	11,220,000	1,100,000	13,200,000	13,200,000
L	EXECUTIVE										
1	Senior Presidential Advisor	3,400,000	40,800,000	3,400,000	40,800,000	5,967,560,000	8,160,000	7,846,080,000	9,600,000	8,524,600,000	8,524,600,000
2	Resident District Commissioner	3,200,000	38,400,000	3,200,000	38,400,000	9,757,440,000	8,160,000	11,818,320,000	9,600,000	13,939,200,000	13,939,200,000
3	Presidential Advisor	3,000,000	36,000,000	3,000,000	36,000,000	6,644,400,000	5,950,000	8,008,200,000	7,000,000	9,402,000,000	9,402,000,000
4	Deputy Resident District Commissioner	3,000,000	36,000,000	3,000,000	36,000,000	4,704,000,000	5,950,000	5,712,000,000	7,000,000	6,720,000,000	6,720,000,000
5	Assistant Presidential	2,700,000	32,400,000	2,700,000	32,400,000	1,451,320,000	4,590,000	1,702,560,000	5,400,000	2,073,600,000	2,073,600,000
M	EXECUTIVE										
1	President	9,600,000	49,200,000	9,600,000	49,200,000	180,000,000	25,500,000	306,000,000	30,000,000	360,000,000	360,000,000
2	Vice President	9,500,000	47,500,000	9,500,000	47,500,000	230,160,000	23,290,000	279,480,000	27,400,000	328,800,000	328,800,000
3	Prime Minister	3,200,000	38,400,000	3,200,000	38,400,000	210,000,000	21,250,000	255,000,000	25,000,000	300,000,000	300,000,000
4	Deputy Prime Minister	11,180,000	134,160,000	11,180,000	134,160,000	168,000,000	17,000,000	204,090,000	20,000,000	240,000,000	240,000,000
5	Minister	11,180,000	134,160,000	11,180,000	134,160,000	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000
6	Minister of State	11,180,000	134,160,000	11,180,000	134,160,000	146,160,000	14,790,000	177,480,000	17,400,000	208,800,000	208,800,000



**AN ANALYSIS OF THE ROLE OF LABOUR UNIONS IN THE  
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**By**

**KITAMIRIKE PIUS**

**(REGISTRATION NUMBER: 2021/HD09/19535U)**

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**RESEARCH SUPERVISOR: DR PHIONA MUHWEZI MPANGA**

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UNIVERSITY**

**27 October 2025**

