

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2011 No. 61.

THE EMPLOYMENT REGULATIONS, 2011

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STATUTORY INSTRUMENTS

2011 No. 61.

The Employment Regulations, 2011

(Under section 97(1) of the Employment Act 2006, Act No.6 of 2006)

IN EXERCISE of the powers conferred upon the Minister responsible for labour by section 97(1) of the Employment Act, 2006, these Regulations are made this 28th day of April, 2011.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Employment Regulations, 2011.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Employment Act 2006, Act No. 6 of 2006;

“apprentice” means a worker who is engaged primarily for the purpose of receiving training in a trade or profession;

“Commissioner” means the Commissioner in the Ministry responsible for labour;

“Minister” means the Minister responsible for labour;

“piece-work” means any work where payment is determined by the amount of work done irrespective of the time taken to complete it;

“task work” means the amount of work which an employee can reasonably perform in a day for not more than eight working hours;

“workplace” means all places of work and all sites and areas where work is carried out including not only the permanent, indoor, stationary places of work such as factories, offices and shops but also temporary places of work such as civil engineering sites, open-air places such as fields, forests, roads, oil refineries and mobile places of work such as cabs of trucks, seats of tractors and excavators, ships, galleys, freight decks of air craft, and without exception, places where workers are found as a consequence of their work including canteens and dining quarters on board ships.

PART II—ADMINISTRATION AND JURISDICTION

3. Functions of District Labour Officer

The functions of the District Labour Officer appointed under Section 9 (4) of the Act include—

- (a) carrying out inspections of workplaces and providing advice to employers and employees;
- (b) registration of accidents and injuries and settlement of workers compensation cases at the district level;
- (c) settlement of disputes between employers and employees over terms and conditions of employment;
- (d) restricting and monitoring of employment of children;
- (e) preparing a monthly report on the labour inspection services in the district and submission to the Commissioner.

4. Labour inspection

(1) A labour officer shall inspect a work place under section 10 at least once a year and shall file an inspection report of his or her findings in the form prescribed in Part A of the First Schedule.

(2) A labour officer shall keep a register of workplaces in the form prescribed in Part B of the First Schedule.

(3) The Commissioner shall issue inspection guidelines to District Labour Officers.

5. Powers of labour officer

A labour officer in exercising the powers as provided in sections 10 and 11 of the Act, shall identify himself or herself by presentation of an identity card prescribed in the Second Schedule.

6. Closure of a workplace

(1) Where a labour officer carrying out an inspection ascertains present or imminent danger at a workplace, he or she shall close the workplace in accordance with section 11 (2) of the Act by issuing a notice of closure to the employer.

(2) The notice of closure shall be in the form prescribed in the Third Schedule.

(3) The labour officer shall inform the Commissioner within forty-eight hours of closure of the workplace by serving on him or her a copy of the notice of closure.

(4) The Commissioner upon receipt of the notice of closure, may take any of the following actions—

- (a) approve the closure of the workplace;
- (b) require the employer to remedy any defect in the plant layout or working methods within such time as the Commissioner may prescribe; or
- (c) revoke the notice of closure.

7. Procedure for receiving of complaints by the labour officer

(1) Every complaint lodged with the labour officer shall be registered in the form prescribed in Part A of the Fourth Schedule.

(2) Upon receipt of the complaint, the labour officer shall notify the respondent of the complaint against him or her in the form prescribed in Part B(1) of the Fourth Schedule.

(3) An agreement to settle the matter, between the complainant and the respondent, shall be in the form prescribed in Part B(2) of the Fourth Schedule.

(4) Where the labour officer does not receive a response to the complaint within fourteen days, he or she shall issue a reminder to the respondent in the form prescribed in Part C of the Fourth Schedule.

(5) Where the labour officer fails to reasonably access the respondent for the purposes of serving any notice under these regulations, the ordinary rules of service in civil proceedings shall apply.

8. Procedure to be followed by a labour officer during hearings

(1) Upon receipt of a response from a respondent to the dispute, the labour officer shall within fourteen days after receipt of the response, summon the parties in question for a conciliation meeting, facilitate discussions, guide parties on matters concerning relevant laws and try to settle the matter in accordance with section 13 (1) of the Act.

(2) Where the parties fail to come to a compromise, the labour officer shall summon witnesses or require the production of documents relating to the complaint and may propose solutions to the complaint.

(3) Upon completion of the hearing proceedings, the labour officer shall make an order binding on both parties and state the reasons for his or her decisions on the complaint.

(4) The order in subregulation (3) shall be complied with by either party within seven days from the date the order was made.

(5) Where the order in subregulation (3) is not complied with, the complaint shall be referred to the Commissioner.

(6) Upon receipt of the complaint in sub regulation (5), the Commissioner shall within fourteen days review and resolve the matter and where the matter is not resolved the Commissioner shall refer it to the Industrial Court.

(7) Subject to sub regulations (2) and (3), the labour officer shall presume the complaint settled if the complainant fails to appear within seven days, without reasonable excuse, from the date of the conciliation meeting under sub regulation (1).

9. Composition of the Labour Advisory Board

(1) The Labour Advisory Board as referred to in section 21 of the Act shall be composed of—

- (a) a chairperson;
- (b) two representatives of Federation of Uganda Employers;
- (c) two representatives of Labour Unions;
- (d) a representative of the Ministry responsible for public service;
- (e) a representative of the Ministry responsible for finance;
- (f) a representative of the Ministry responsible for education;
- (g) a representative of the Ministry responsible for local government;
- (h) a representative of the Ministry responsible for trade and industry;
- (i) a representative of the Ministry responsible for justice;
- (j) a representative of persons with disabilities; and
- (k) a representative of the Government agency responsible for environmental protection.

(2) The Commissioner shall be Secretary to the Board and an *ex-officio* member.

(3) The Minister shall appoint members of the Board by notice published in the Gazette.

10. Powers of the Labour Advisory Board

(1) The Labour Advisory Board shall have powers to—

- (a) advise the Minister on all labour and employment matters;
- (b) oversee the operations of the labour officers or inspectors;
- (c) monitor the environment in and around the workplaces;
- (d) oversee the implementation of the National Employment Policy, the HIV/AIDS at Work Policy, the National Child Labour Policy or any subsequent labour policy and monitor as well as review where necessary, implementation of the labour policies, laws and regulations;

- (e) regulate employment agencies and bureaus;
- (f) mediate disputes between Federations of Employers and Federations of Labour Unions;
- (g) review and monitor the implementation of collective bargaining agreements;
- (h) monitor and oversee the implementation of the disputes settlement process;
- (i) review and monitor the status of migrant labour.

(2) The Board may co-opt any organisation or individual for technical or expert advice or opinion for the better carrying out of its functions.

PART IV—OPERATIONAL GUIDELINES OF EMPLOYMENT SERVICES

11. Operational requirements for public employment services

(1) The labour officer shall canvass and collect information on existing vacancies from potential employers.

(2) The labour officer shall advertise vacancies in either electronic or print media or on notice boards in public places.

(3) The labour officer shall submit quarterly reports to the Commissioner in the form prescribed in the Fifth Schedule.

12. Private employment services

(1) A private employment agency shall not operate unless it is registered under these Regulations, and has in force an operational licence, issued by the Commissioner.

(2) An application for registration and an operational license, shall be in the form specified in Part A of the Sixth Schedule.

(3) The application for registration and a licence shall be accompanied where applicable, by the following—

- (a) certificate of registration;
- (b) articles and memorandum of association;

- (c) certificate of incorporation;
- (d) trading license;
- (e) audited books of account; and
- (f) recommendations from at least three referees.

(5) Where the applicant complies with the requirements of these Regulations, the Commissioner shall issue a licence in the form prescribed in Part B of the Six Schedule upon payment of the prescribed fee in Part C of the Sixth Schedule.

(6) A license issued under this regulation shall expire on the 31st day of December in the year in which it is issued but may be renewed in accordance with these regulations.

(7) The Commissioner shall notify the public in the Gazette or in a newspaper of wide circulation of the registration and license of the private employment agency stating the name and physical address of the private employment agency.

(8) The Commissioner shall monitor the operations of the private employment agencies to ascertain conformity with the labour standards.

(9) The Commissioner shall have the authority to review and control the activities of private employment agencies.

13. Operational requirements for private employment services

(1) Private employment agencies shall advertise vacancies in either electronic or print media or on notice boards in public places.

(2) Private employment agencies shall file quarterly reports to the Commissioner in a form prescribed in Part D of the Sixth Schedule.

PART V—RECRUITERS AND RECRUITING

14. Recruiting permit

(1) An application for a recruiting permit required under section 38 of the Act, shall be made to the Commissioner and shall be in such form as the Commissioner may approve.

(2) The application shall be accompanied by the following—

- (a) a passport photograph of the applicant;
- (b) a certified copy of the agreement under which the recruiter is to be employed;
- (c) full particulars as to the payment the recruiter is to receive;
- (d) the terms and conditions of employment which the recruiter is to offer to recruited persons.

(3) A recruiting permit shall be in the form specified in Part A of the Seventh Schedule.

(4) The Commissioner shall before issuing a recruiting permit satisfy himself or herself that—

- (a) the applicant is an authorised agent of the employer;
- (b) adequate provision has been made for safeguarding the safety, health and welfare of the recruits;
- (c) all necessary measures will be taken by the applicant for the acclimatization and adaption of recruits;
- (d) recruiters will keep in such form as the Commissioner may direct, records from which the regularity of every recruiting operation and identity of every recruit can be verified.

(5) The Commissioner shall before granting a recruiting permit in any area, take into consideration the following—

- (a) possible effects of the withdrawal of persons on the social life of the population concerned;
- (b) the density of the population, its tendency to increase or decrease;
- (c) the effect on the population concerned, particularly in connection with health, welfare and food supply; and
- (d) the effect on industries established in that area.

(6) Subject to sub regulations (1) and (2) and regulation 16, the Commissioner may impose any of the following limitations before issuing a recruiting permit—

- (a) the number of persons;
- (b) the age;
- (c) gender balance; and
- (d) any other aspects as the Commissioner may deem necessary.

15. Extension of permit

Every application for endorsement of a recruiting permit in a district or area other than that for which the permit is issued or to act for more than one employer shall be in writing addressed to the Commissioner.

16. Fee for recruiting permit

Where a person, recruits persons for employment within Uganda, the East African Community member states or beyond, the fee for a recruitment permit shall be as prescribed in Part B of the Seventh Schedule.

17. Duplicate permit

(1) Upon the loss or destruction of the original recruiting permit the recruiter may apply to the Commissioner for a duplicate permit, and the Commissioner, on being satisfied that the application is made in good faith, shall issue a duplicate recruiting permit upon payment of half the fee prescribed in relation to the original permit, and the lost permit shall be revoked.

(2) An application for the issue of a duplicate recruiting permit shall be in writing addressed to the Commissioner, and shall contain particulars as to the circumstances of the loss or destruction of the original.

18. Inspection

A recruiter shall before recruitment, present his or her recruiting permit for inspection to the labour officer, and the District Police Commander of the area of operation of the recruitment.

19. Surrender of expired permits

A holder of a recruiting permit issued under these Regulations shall, within one month after expiration, cancellation or suspension, surrender it at the office of the Commissioner.

20. Returns

(1) An employer or recruiter shall furnish to the Commissioner or any officer designated by the Commissioner, all returns regarding the persons recruited or employed by him or her as may be required from time to time.

(2) An employer who refuses or fails to supply returns under sub regulation (1) or willfully gives any false particulars in any such returns, commits an offence.

21. Cancellation, suspension and deletion of name of employer from recruiting permits

The Commissioner may—

- (a) cancel any recruiting permit if the recruiter—
 - (i) fails to observe the conditions of the recruiting permit; or
 - (ii) has been convicted of an offence or is guilty of any misconduct which, in the opinion of the Commissioner renders the recruiter unfit to conduct recruiting operations;
- (b) suspend any recruiting permit pending the result of any inquiry into the conduct of the holder of the recruiting permit; and
- (c) delete from a recruiting permit the name of any employer for whom the permit authorizes the recruiter to recruit, if the recruiter has been convicted of an offence under the Act and these Regulations relating to the conditions of any contract of service under which recruits were engaged or the making of adequate provisions for safeguarding the safety, health and welfare of recruits.

22. Prohibition against transfer of recruiting permits

A holder of a recruitment permit shall not transfer or assign the permit to any other person or recruiting agent.

23. Transportation of recruits

The recruiter shall ensure that—

- (a) the vehicles or vessels used for the transportation of recruits are suitable for that transport and are in good mechanical and sanitary condition and are not overcrowded;
- (b) when it is necessary to break the journey for the night, suitable accommodation is provided for the recruits;
- (c) in the case of long journeys, all necessary arrangements are made for medical assistance and for the welfare of the recruits;
- (d) when recruits have to make long journeys on foot to the place of employment, the length of the daily journey is compatible with the maintenance of health, safety and welfare of the recruits; and
- (e) where the extent of the movement of labour makes it necessary, rest camps or rest houses shall be provided for the recruits at suitable points on main routes with the following facilities—
 - (i) adequate and suitable food supplies;
 - (ii) clean water for bathing and washing;
 - (iii) potable safe water for drinking;
 - (iv) adequate bathrooms and toilets separately marked “male” and “female”;
 - (v) reasonable beddings;
 - (vi) basic medical facilities; and
 - (vii) the recruiter shall ensure adequate security throughout the journey.

- (f) the expenses of the journey of recruits to the place of employment including all expenses incurred for their protection during the journey, shall be borne by the recruiter.

24. Return of recruits

A recruit shall be returned to the place of recruitment at the expense of the recruiter where—

- (a) he or she becomes incapacitated by sickness or accident during the journey to the place of employment; or
- (b) he or she is found by the Commissioner or labour officer to have been recruited as a result of coercion, undue influence, misrepresentation or mistake.

25. Families of recruits

(1) Where families of recruits have been allowed by the employer to be brought to the place of employment, the employer shall take all necessary measures for safeguarding their safety, health and welfare during the journey.

(2) Regulations 24 and 25 shall apply to the families of recruits referred to in sub regulation (1).

(3) Where the recruit is returned by virtue of regulation 24, his or her family shall also be returned.

(4) Where a recruit dies during the journey to the place of employment, it shall be the responsibility of the employer to return the body of the deceased and his or her family to the place of origin.

26. Death of recruits

(1) Where a recruit or family member of a recruit dies in transit, the recruiter shall notify the employer, the District Labour officer and the District Police Commander about the death and the probable cause of death.

(2) On receipt of the notification—

- (a) the labour officer shall provide a death report as prescribed in the Eighth Schedule;

- (b) the District Labour Officer shall assist in tracing the next of kin of the deceased ;
- (c) the District Police Commander shall provide security during transportation of the body to the home of the deceased;
- (d) the employer shall bear the transportation and burial expenses of the body.

27. On the spot checks

(1) A labour officer may stop and board any vessel, vehicle, train or plane to ascertain whether persons are leaving for the place of recruiting in contravention of the provisions of the Act and these Regulations and may detain any such vessel, train, plane or vehicle for that purpose and shall not, in the exercise of that power, be liable to any prosecution or civil action.

(2) The labour officer may, in the exercise of his or her powers under sub regulation (1) engage the services of a police officer.

PART VI—CONTRACTS OF SERVICE

28. Record keeping

(1) An employer shall keep a pay roll in respect of his or her employees in English and shall at all reasonable hours afford every facility to any authorised officer for the examination of the pay roll.

(2) An employer unless exempted in writing by the Commissioner, shall keep a personnel record and muster roll of all his or her employees in English, and the records shall contain the following particulars—

- (a) name of employer, month and year;
- (b) serial number of employment card;
- (c) name of employee;
- (d) nature of employment;
- (e) day of month (column for each day);
- (f) rate of pay with or without food;
- (g) amount earned;

- (h) deduction for absence;
- (i) permitted or authorized deductions;
- (j) net amount due;
- (k) amount paid;
- (l) remarks; and
- (m) signature of the employer or his or her representative.

29. Transfer of contract

(1) An employer shall consult an employee to obtain his or her consent at least thirty days before the employee is transferred from one employer to another.

(2) Where the employee does not consent to the transfer, the employee shall be paid his or her terminal benefits unpaid wages, outstanding allowances and benefits and accrued leave according to the existing terms of service.

(3) Where an employee is represented by a union at the workplace, the transfer shall be negotiated between the union and the employer.

(4) Where the employee consents to the transfer, the employee's outstanding claims shall be computed and paid by the new employer within two months in the absence of an agreement between the new employer and the employee to the contrary.

(5) An employer who intends to transfer ownership of his or her business or trade shall inform the office of the Commissioner at least thirty days before the transfer is effected in the form prescribed in the Ninth Schedule.

30. Portability of earnings and benefits

(1) Where an employee consents to the transfer under regulation 29 the employee's past services, earnings and benefits with the previous employer shall be ascertained and guaranteed in accordance with the terms of service in the new contract.

(2) Where an employee transfers a contract under regulation 29 and the employee is dismissed by a new employer, the employee shall be paid his or her outstanding earnings and benefits arising out of the previous service by the previous employer.

(3) An employee who has consented to transfer of contract shall not suffer lower benefits and other conditions of service than he or she has been enjoying.

31. Bond paid by unincorporated or non resident employers

(1) An employer who is not incorporated or resident in Uganda shall notify the Commissioner in the form prescribed in the Tenth Schedule.

(2) The employer referred to under sub regulation (1) shall pay a bond which shall be assessed at the rate equivalent to three month's wage or salary of each employee, and shall be paid within one month of the employer's commencement of operation.

(3) The Commissioner shall operate a special interest bearing account, which shall not be used for any other purpose other than paying the employee's wages or salaries and other entitlements in the event of default by the employer.

(4) An employer shall be entitled to a refund of the bond under the following circumstances—

- (a) upon incorporation;
- (b) upon acquiring residence; and
- (c) upon paying all wages or salaries and other entitlements to the employees.

32. Death of employer

Upon the death of an employer, the employees shall be paid all entitlements due at the time of death of the employer by the administrator of the estate of the deceased employer.

33. Insolvency of employer

Upon bankruptcy or winding up of an employer or employer's business, the claims, wages and other payments due to employees, shall be settled within twelve months after the appointment of a receiver or liquidator in accordance to laws governing Bankruptcy.

34. Medical examination

(1) A person seeking employment involving exposure to hazards, shall undergo medical examination before recruitment by an employer, and shall be examined every six months.

(2) The certificate of the medical examination under section 33 of the Act shall be in the forms prescribed in Parts A and B of the Eleventh Schedule.

PART VII—SPECIAL CATEGORIES OF EMPLOYEES

Persons with disabilities

35. Persons with disabilities

(1) Subject to inherent requirements of a particular job, an employer shall when advertising for vacancies encourage persons with disabilities to apply.

(2) An employer shall not, while conducting interviews for employment use screening methods which have the effect of discriminating against a person on the grounds of his or her disability.

(3) An applicant with any disability shall disclose to the prospective employer the nature of his or her disability to enable the employer to provide necessary assistance and devices during the interviews.

(4) The Minister responsible for persons with disability shall, in consultation with the National Council for Disabilities periodically provide to employers information on necessary assistance and devices with regard to the nature of categories of disabilities.

(5) An employer may consult the Minister responsible for persons with disabilities to certify the requirements to provide services and devices of assistance to persons with disability.

(6) The Minister responsible for labour shall compile detailed information on persons with disabilities which shall include—

- (a) age;
- (b) sex;
- (c) nature or type of disability;
- (d) educational qualification;
- (e) skills;
- (f) location by district.

(7) The employer shall ensure that the physical offices of the workplace are accessible and the employer shall provide assistance and devices required by an employee with disability to enable him or her execute his or her duties.

(8) The employer shall accord persons with disabilities equal opportunities and treatment at the place of work.

(9) In addition to the provisions of the Workers Compensation Act, where an employee becomes disabled in the course of his or her employment and is unable to perform his or her previous duties, the employer shall subject to availability of alternative positions, re-deploy, re-orient and re-align the employee.

(10) A person who employs persons with disabilities shall file annual returns of employment of persons with disabilities to the Minister responsible for labour and employment in the form prescribed in the Twelfth Schedule with a copy to the Minister responsible for disability affairs by the end of the financial year.

(11) The annual returns in subregulation (10) shall indicate the annual lump sum the employer spent on persons with disabilities.

36. Contract of apprenticeship

(1) A person with a minimum age of seventeen years shall qualify as an apprentice for any designated trade.

(2) An apprentice shall enter into a three months probationary contract of apprenticeship with the employer and the contract shall be registered with the Commissioner for Labour.

(3) A probationary contract of apprenticeship shall be in the form prescribed in Part A of the Thirteenth Schedule.

(4) Upon completion of the probationary period, the apprentice and the employer shall within twenty one days enter into a contract of apprenticeship not exceeding three years in the form prescribed in Part B of the Thirteenth Schedule.

(5) The employer shall submit a copy of the contract under sub-regulation (4) to the Commissioner.

37. Complaints involving an apprentice

(1) A complaint involving an apprentice shall be reported to the labour officer and a copy sent to the Commissioner for Labour.

(2) In handling the complaint the labour officer shall—

(a) consult and involve the Commissioner for labour; and

(b) be guided by the terms as provided in the contract of apprenticeship.

(3) Complaints involving apprentices shall be settled in the same way as ordinary complaints under these Regulations.

38. Transfer of contracts of apprenticeship

(1) Where an employer is unable to provide an aspect of training to the apprentice, the employer shall advise the Directorate of Industrial Training to transfer the apprentice to another employer, and the transfer shall be notified to the Commissioner for labour.

(2) Where a contract of apprenticeship is transferred from one employer to another, the transfer shall be evidenced in the form prescribed in Part C of the Thirteenth Schedule and signed by the apprentice, the employer and the Commissioner for Labour and copied to the Directorate of Industrial Training.

(3) Where a transfer made under sub regulation (1), exceeds one month, the new contractual employer shall be responsible for paying the wages and other benefits to the apprentice during the period of the transfer.

(4) A labour officer shall inspect every apprentice and his or her employer at least once every year to ensure that the terms and conditions of the contract of apprenticeship are complied with.

(5) An employer shall submit to the Commissioner for labour an annual report on the progress and conduct of each apprentice in the form prescribed in the Fourteenth Schedule.

Other special categories

39. Contracts for casual employees

(1) A person shall not be employed as a casual employee for a period exceeding four months.

(2) A casual employee engaged continuously for four months shall be entitled to a written contract and shall cease to be a casual employee and all rights and benefits enjoyed by other employees shall apply to him or her.

(3) An employment card shall be issued to, and retained by the casual employee except at the request of the employee and shall not be taken from him or her, except for the purpose of having it marked by the employer which shall be done on each day worked or, in the case of a day to be counted as worked, on the next working day.

(4) Where a casual employee is laid off by an employer and rehired the service shall be regarded as continuous.

40. Piece work

(1) A contract may be entered into under which piece work is to be performed for an agreed remuneration.

(2) The employee, in the case of piece work, shall be paid by his or her employer at the end of each month in proportion to the amount of work which he or she has performed during that month or on the completion of that work, whichever date is earlier.

(3) Piece work shall not be performed by a person for a period of more than three months unless the person has a contract.

41. Task work

(1) An employer may require an employee to perform his or her work on the basis of a daily task, which shall be an amount of work which can reasonably be performed in a day of not more than eight working hours.

(2) Where an employer has withheld wages of an employee due to failure to complete that daily task, and in the opinion of the Commissioner, the task of work required was excessive and the work done was reasonable, having due regard to the terms and conditions of the work, the Commissioner may direct that the wages so withheld be paid.

42. Expectant mothers

(1) An expectant employee shall not, as a consequence of pregnancy be obliged to perform work which is harmful to her health.

(2) An employer shall provide an expectant mother with any of the following options—

- (a) flexible hours of work;
- (b) lighter work load; and
- (c) alternative arrangements of work.

PART VIII—SICKNESS, INJURY AND ILLNESSES

43. Provision of facilities for illnesses and injury

(1) An employer shall take reasonable steps to provide facilities for illnesses or injured employees in accordance with the provisions of these Regulations.

(2) An employer shall cause steps to be taken to procure the immediate treatment of all cases of sickness and injury commensurate to the size of the labour office.

(3) The Fifteenth Schedule shall apply so far as the requirement of drugs in health facilities and maintenance of minimum consumable items are concerned for the purposes of this regulation.

(4) Deductions shall not be made from the wages of an employee for any medical attention provided by the employee.

(5) The labour officer, shall in accordance with the powers given to him or her under section 11 of the Employment Act, 2006 ensure that the provisions under the Occupational Safety and Health Act, 2006 Act No. 12 of 2006 and the statutory instruments made under that Act are applied.

PART IX—TERMINATION OF SERVICES

44. Collective terminations

An employer who contemplates termination of ten or more employees over a period of not more than three months as a result of restructuring, technological and economical change, shall—

- (a) notify the Commissioner in a form prescribed in Parts A and B of the Sixteenth Schedule and give reasons for termination, the number of workers, age, sex, occupation, wages, duration of employment and exact date of termination;
- (b) provide a report detailing the terminal benefits and plan of payments of those benefits to the affected employees.

45. Appeal

(1) A person aggrieved by the decision of the labour officer may within thirty days give a notice of appeal to the Industrial Court in the form prescribed in the Seventeenth Schedule.

(2) Upon require receipt of a notice of appeal the registrar shall within fourteen days, the labour officer to furnish the Industrial Court with information concerning the complaint, the parties involved, the hearing proceedings, the decision of the labour officer on the matter of appeal.

(3) The labour officer shall present to the Industrial Court the information referred to in sub regulation (2) within twenty one days after being required to provide information.

(4) After receiving the information on the matter of appeal from the labour officer, the Industrial Court shall summon the parties for hearing.

(5) The rules of procedure for the Industrial Court shall apply.

PART X—MISCELLENEOUS

46. Offences and penalties

(1) A person who obstructs a labour officer in the exercise of the powers conferred by these Regulations commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding two years or both.

(2) A person who contravenes regulations 23, 24, 25 or 26 commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding two years or both.

47. Revocation of S.I. 219 – 1

The Employment Regulations S.I. 219 – 1 are revoked.

FIRST SCHEDULE

PART A

Regulation 4(1)

L.D FORM 1

INSPECTION REPORT

1. District Code and File No.....
2. Locality/ Physical Address
3. Name of undertaking.....
4. Name of Local Manager.....
5. Postal Address.....Email Address.....
6. Telephone Number.....
7. Nature of Business.....
8. Place and Name of the District.....
9. Employment Card (Yes / No).....
10. Muster rolls (Yes / No).....
11. Number employed

	<i>African</i>	<i>Asians</i>	<i>Europeans</i>	<i>Others</i>
Males
Females
Juveniles
Total

12. Districts of origin:-
 - Apach..... Moyo.....
 - Bushenyi..... Bungibugyo.....
 - Iganga Tororo
 - Kabarole Mukono.....
 - Kamuli..... Hoima.....

Kibale..... Mbale.....
 Kitgum Rakai.....
 Lira Luwero.....
 Masindi Kotido.....
 Moroto..... Kiboga.....
 Pallisa Kapchorwa
 Mubende.....Kalangala.....
 Soroti..... Jinja.....
 Arua Gulu.....
 Kabale.....Kampala.....
 Kasese.....Kisoro.....
 Kumi.....Masaka.....
 Mbarara..... Mpigi.....
 Rukungiri..... Nebbi.....
 Others

13. Occupations and wages

<i>Occupation</i>	<i>Apprentice(s)</i>	<i>Persons with Disability</i>	<i>Male/ Female</i>	<i>Number</i>	<i>Wage rate(s) (Ug.shs)</i>	<i>P.D, P.W, P.M</i>	<i>Bonuses Allowances not included in wage</i>
.....		
.....		
.....		
.....		

14. Drugs and equipment (Yes/No).....

15. Medical facilities (Yes/No).....

16. Normal Hours of work per day Weekly.....

1. Morning shift from.....to.....
2. Afternoon shift from.....to.....
3. Night Shift from.....to.....
17. Holidays/Leave (Yes/No).....
18. Maternity Leave/Paternity Leave (Number of days).....
19. Weekly rest (Yes/No).....
20. Employment Contract
21. Staff Rules and Regulations.....
22. Code of Conduct
23. Human Resource Manual.....
24. Joint staff Committee (Yes/No).....
25. Name of Trade Union, if any:.....
26. Collective Bargaining Agreement.....
27. Member of Federation of Uganda Employers.....
28. Other Sectoral Association.....
29. Insurance Policy No.....Valid until.....
30. Factory certificate No.....
31. Number employed in factory
32. Absenteeism/Weekly
33. Rationing: (a) Daily.....
(b) Weekly:.....
34. Approximate monthly value of rations: Shs.....
35. Cash in lieu of rations: Shs.....
36. Number rationed.....
37. Extra food supplied: Porridge/Tea/other.....
38. Food store
39. Canteen/Eating room

40. Kitchen

41. Sanitation and Housing

<i>Latrines</i>	<i>Type</i>	<i>Condition</i>	<i>Female</i>	<i>Adequacy</i>
At place of work				
At dwellings				

42. Dwellings:

<i>Type of construction</i>	<i>Single Employees</i>	<i>Married Employees</i>
.....

43. If temporary camp, has use been authorized (Yes/No)

44. Water supply.....

45. Ablutions

46. HIV/AIDS at the Work Place Policy (Yes/No).....

47. Health and Safety Committee (Yes/No).....

48. Sexual Harassment Policy and Committee (Yes/No).....

49. National List of Hazardous Work not permitted for Children displayed (Yes/No).....

Further remarks

.....

.....

.....

.....

.....

Date of Inspection

District/Station

Signature of inspecting officer.....
Action taken
Date.....
Signature.....

Remarks by Commissioner for Labour.....
Date.....
Signature

SECOND SCHEDULE

Regulation 5

THE EMPLOYMENT ACT, 2006, ACT NO. 6 OF 2006

IDENTITY CARD
(Section 10 and 11 of the Act)

FORM

Serial No.....

MINISTRY OF GENDER, LABOUR
AND SOCIAL DEVELOPMENT

This is to certify that

.....

(names)

THE REPUBLIC OF UGANDA

(Section 10 and 11 of the Employment Act)

Designation.....

is an authorized officer for the
purposes of the Employment Act and
Employment Regulations

.....

Signature and stamp

.....

Commissioner for Labour

.....

Signature of Holder

Date.....

Date of publication.....

This card is a property of the Government of Uganda and must be surrendered
by the holder upon termination of employment

THIRD SCHEDULE

Regulation 6

To:
.....
.....

INTERIM ORDER FOR CLOSURE OF A WORKPLACE
SECTION 11(3) OF THE EMPLOYMENT ACT, 2006

Your establishment/factory/premises located on Plot No.....(has) have been found with defects and working methods that constitute a threat to the health and safety of the workers.

An interim order is hereby made to close down/to discontinue any work processes until you remedy the defect/working methods at the premises.

.....
Labour officer

District.....

L.D.FORM 2

Ref: CB.....

LABOUR DEPARTMENT

.....

.....

Date:.....

To:

.....

.....

Sir / Madam,

NOTIFICATION OF COMPLAINT (1)

Re:

.....

.....

1. I have to bring to your notice the substance of a complaint (s) which has or have been made to me by your above named employee (s) who state (s)

.....

.....

2. If you can settle this matter to the satisfaction of the complainant (s) without reference to me please do so otherwise I shall be glad if you will let me have your comments on the complaint(s) latest.....

Yours

Faithfully,

.....

LABOUR OFFICER

FOURTH SCHEDULE
PART B(2)

Regulation 7(3)

COMPLAINT SETTLEMENT
PAYMENT CERTIFICATE

CB:..... LABOUR DEPARTMENT
P.O. Box
.....
Date:.....

I hereby certify that I have paid.....the sum of shs.....
being the full and final settlement of
.....
.....
.....

Date.....
LABOUR OFFICER
.....
DISTRICT

Name of Payee:
Signature:
Witness:
Signature:

FOURTH SCHEDULE
PART C

Regulation 7(4)

L.D. FORM 3

Ref. No. CB:..... LABOUR DEPARTMENT

.....

Date:.....

To:

.....

.....

Sir / Madam,

NOTIFICATION OF COMPLAINT - (II)

Re:.....

.....

1. I wish to draw your attention to the notice of a complaint(s) made by your above named employee(s) which was posted to / sent to you by the hand of.....on.....
2. The substance of the complaint(s) made is:-
.....
.....
3. I have not yet received your comments on the complaint(s) made although I understand that the matter has not been settled to the satisfaction of the complaint(s). I shall have to place the complaint(s) in the hands of a Magistrate/Industrial Court unless the matter is satisfactorily settled forthwith or unless I receive your comments on the complaint(s) by.....

Yours faithfully

.....

LABOUR OFFICER

SIXTH SCHEDULE

PART A

Regulation 12(2) and 13 (2)

APPLICATION FORM

To:

The Commissioner,

.....
.....

Under regulation 12 of the Employment Regulations, 2011, I (we) apply for the registration of a private employment agency and for the issue of an operational license and submit the following particulars in this regard—

1. Name of the private employment agency
.....
2. Physical address or premises where the business of the private employment agency will be conducted.
.....
3. Head office.....
4. Branch/branches (if any).....
5. Nature of employment (e.g Executive and professional staff or unskilled labour)
6. Type of employment service (e.g temporary or permanent).....
7. Business sector in which it will be operating (e.g IT sector).....
8. Bank Account Number
9. Payroll system used
10. Number of people to be employed by the office according to race and gender

<i>Number</i>	<i>Race</i>	<i>Gender</i>

11. Date on which applicant desires to commence business
12. Attachments required by regulation 12 of these regulations—
- (a) Certificate of Registration;
 - (b) Articles and Memorandum of Association;
 - (c) Trading license;
 - (d) Audited Books of Accounts; and
 - (e) Recommendations from at least three referees.

Yours Sincerely,

.....
Applicant's signature

FOR OFFICIAL USE ONLY			
Official		Province	
Date of application			
PEA signature			

Private employment agency (PEA)

SIXTH SCHEDULE

PART B

(SEAL)

Regulation 12(5)

LICENSE OF OPERATION TO PRIVATE EMPLOYMENT AGENCY

A licence is granted to located atto operate as a private employment agency for the period of one year commencing on *(date)*..... and termination on *(date)*....., operating recruitment of (profession and executive staff/unskilled or manual labour) fill appropriately in.....district.

This license is issued subject to provisions of the Employment Act, 2006 and the Employment Regulations, 2011.

.....
Commissioner Authorized Officer

SIXTH SCHEDULE

PART C

PRIVATE EMPLOYMENT AGENCIES REQUIREMENTS FOR REGISTERING AND LICENCING

Regulation 12(5)

FEES

1. Application Fee:

1. On application of the private employment agency, the fee is UG. Shs. 200,000/= (Two hundred thousand shillings only), to be paid to the authorized officer.

2. License Fees

Category A:

Where a private employment agency engages in the recruitment of executive and professional staff including managers, accountants, administrators, engineers, social workers, economists, bankers etc. It shall pay a licence fee of Ushs. 1,000,000= (one million shillings) for a period of 12 months.

Category B:

Where a private employment agency engages in the recruitment of unskilled or manual workers including housemaids, porters, cleaners, casual workers, shamba boys etc, it shall pay a licence fee of 200,000/= (two hundred thousand shillings only) for a period of 12 months.

SEVENTH SCHEDULE

PART A

Regulation 14 (3)

RECRUITING PERMIT

No.....

Permission is hereby granted to to recruit on behalf of for a period of commencing on the day of .., 20..... and terminating on the day of .., 20..... in the Territory /District ofsubject to such restrictions as to the areas as the Commissioner of Labour may impose.

This permit is available for the recruitment of employees and is issued subject to the provision of the Employment Act No. 6, 2006 and the regulations made under the Act.

Restrictions as to the Areas;

.....
.....
.....
.....

.....
Commissioner for Employment/Authorized Officer

The permit shall be surrendered at the office of the Commissioner for Employment within one month after its expiration, and if a permit is suspended or cancelled in pursuance of the Act, it shall as soon as possible be surrendered at the office of the Commissioner for Employment/Authorized Officer.

Copied to:

- Chief Administrative Officer
- Resident District Commissioner
- Labour officer
- Officer in Charge of Security
- District Police Officer

PART B

Regulation 16

Fees

The recruitment agency shall pay a fee of 200,000/= (two hundred thousand shillings) for recruitment permit valid for 12 months.

NINTH SCHEDULE
THE EMPLOYMENT ACT, 2006 ACT NO. 6 OF 2006
(Section 28 of the Act)

Regulation 29(5)

NOTICE OF TRANSFER OF CONTRACT

The Commissioner for Labour

.....
.....

I/(We).....located at Plot.....Tel. No.

being the registered holder(s) of business, Certificate No.....
intend to transfer my (our)business and contract of service with the
persons(employees) listed in the schedule hereto

to.....(the new employer) located at Plot
.....Tel. No.....

The affected employees have been consulted and given notice of 30 days in
accordance with section 28 (2) of the Employment Act 2006 and the
Employment Regulations, 2011.

1. I/(We) hereby declare that all outstanding claims (wages, workers
compensation¹, annual leave and other allowances) have been settled as
indicated in the schedule.²
(Delete if necessary)
2. The outstanding claims (wages, annual leave and other allowances) shall
be transferred to the new employer.
3. The effective date of transfer of service is.....

Yours truly,
Faithfully,

.....
Name (Employer)

.....
Name(New Employer)

.....
Signature

.....
Signature

Copied to: The Labour Union (if any)
The Workers' Representative

¹Claims for workers Compensation are not transferable nor are they supposed to be assigned or attached.

²The Schedule of names of the employees shall be attached to the Notice of Transfer Part A.

TENTH SCHEDULE

Regulation 31(1)

BOND

I/We..... Employer(s) not incorporated or resident in Uganda hereby bind myself/ourselves to the Government of Uganda for the payment to the said Government of the sum of Shs..... Sealed with my /our seal(s) this day of

The above obligation shall remain in force until I/WeEmployer(s) become incorporated or acquire residence and pay allowances/salaries and other entitlements to the employee(s).

I/we understand that upon submission of satisfactory evidence, the refund of the Bond shall be made.

Signed, sealed and delivered by the above named employer.....

In the presence of:

.....
Name and Signature
Commissioner for Labour

Date.....

THIRTEENTH SCHEDULE
PART A

Regulation 36(3)

PROBATIONARY CONTRACT OF APPRENTICESHIP

This probationary contract of apprenticeship made the.....day ofbetween (1) of address.....carrying out business ashereafter called the employer and (2).....of address).....aged (or apparent age).....hereafter called the apprentice and (3).....of (address).....the father(mother) guardian of the apprentice hereafter called the guardian, witness as follows:-

1. That the apprentice having produced satisfactory certificates of attendance and proficiency from technical school or institution covering a period ofyears which is to be taken to be the equivalent to.....years of apprenticeship does of his own free will and with the consent of his/her guardian agree:-
 - (a) to be attached as an apprentice to the said employer in the trade of..... for.....years subject to three months probation commencing on the day of20.....;
 - (b) to obey the lawful orders of the employer or his representatives; to comply with the provisions of the agreement; not to misbehave himself nor absent himself from work without his employer's permission except in the event of sickness certified by a medical officer;
 - (c) not to disclose or communicate with any person any information relating to the business of the employer;
 - (d) except with the employer's permission, not to have or acquire any interest directly or indirectly either as a paid agent or otherwise in any business or undertaking other than that of the employer;
 - (e) regularly attend classes for workshop practice/technical instruction and study the subjects that are applicable to the trade;
 - (f) to attend trade tests at such periods and places as may be ordered by the Commissioner for Labour.
2. That the employer agrees:-

- (a) during the term of the apprenticeship to the best of his skill and ability to teach or cause the apprentice to be taught and instructed in the trade carried on by the employer;
- (b) to provide all necessary fees and time for the apprentice to attend the aforesaid classes and trade tests subject to satisfactory attendance on the part of the apprentice;
- (c) to pay the said apprentice wages at the rate of per month during the probationary period.

4. In witness whereof the contracting parties have hereunder set their hands
 this.....day of.....20.....

As witness

Name.....
Employer

Occupation.....

Name
Apprentice

Occupation

Name.....
Guardian

Occupation.....

Approved.....
*Commissioner for Labour/
 Authorized Officer*

THIRTEENTH SCHEDULE
PART B

Regulation 36(4)

CONTRACT OF APPRENTICESHIP

This contract of apprenticeship made the.....day ofbetween (1) of address.....carrying out business ashereafter called the employer and (2).....of address).....aged (or apparent age).....hereafter called the apprentice and (3).....of (address).....the father(mother) guardian of the apprentice hereafter called the guardian, witness as follows:-

1. That the apprentice having produced satisfactory certificates of attendance and proficiency from technical school or institution covering a period ofyears which is to be taken to be the equivalent to.....years of apprenticeship does of his own free will and with the consent of his/her guardian agree:-
 - (a) to be attached as an apprentice to the said employer in the trade of.....for.....years commencing on theday of20.....;
 - (b) to obey the lawful orders of the employer or his representatives; to comply with the provisions of the agreement; not to misbehave himself nor absent himself from work without his employer's permission except in the event of sickness certified by a medical officer;
 - (c) not to disclose or communicate with any person any information relating to the business of the employer;
 - (d) except with the employer's permission, not to have or acquire any interest directly or indirectly either as a paid agent or otherwise in any business or undertaking other than that of the employer;
 - (e) regularly attend classes for workshop practice/technical instruction and study the subjects that are applicable to the trade;
 - (f) to attend trade tests at such periods and places as may be ordered by the Commissioner for Labour.
2. That the employer agrees:-

- (a) during the term of the apprenticeship to the best of his skill and ability to teach or cause the apprentice to be taught and instructed in the trade carried on by the employer;
- (b) to provide all necessary fees and time for the apprentice to attend the aforesaid classes and trade tests subject to satisfactory attendance on the part of the apprentice;
- (c) to pay the said apprentice wages at not less than the following rate:-

For theyear of apprenticeship at the rate of.....

For theyear of apprenticeship at the rate of.....

For theyear of apprenticeship at the rate of.....

For theyear of apprenticeship at the rate of.....

When for sufficient reason the employer is unable to provide the apprentice with work or training during any period of his apprenticeship, the employer may with the approval of and subject to such conditions as the Commissioner for Labour/authorized officer may determine, arrange for the apprentice to do such work or training with some other employer.

4. In witness whereof the contracting parties have hereunder set their hands
this.....day of.....20.....

As witness

Name.....
Employer

Occupation.....

Name
Apprentice

Occupation

Name.....
Guardian

Occupation.....

Approved.....
*Commissioner for Labour/
Authorized Officer*

THIRTEENTH SCHEDULE

PART C

Regulation 38(2)

NOTICE OF TRANSFER OF CONTRACT OF APPRENTICESHIP

The services of the apprenticeship and the responsibilities of the employer are hereby transferred to.....located at P. O. Box.....with effect from the date of registration hereof. In witness whereof the contracting parties hereby affix their signatures on thisday of20.....

As witnesses,

Name
Employer

Occupation

Name.....
New Employer

Occupation.....

Name.....
Apprentice

Occupation.....

Name.....
Guardian

Occupation

I hereby certify that all parties to this contract have understood the meaning of the contract and I approve.

.....
Commissioner for Labour or Authorised Officer

FIFTEENTH SCHEDULE

Regulation 43(3)

PART A

DRUGS AND EQUIPMENT

DRUGS AND EQUIPMENT TO BE MAINTAINED FOR BETWEEN
FORTY TO ONE HUNDRED EMPLOYEES

THE CONSUMABLE ITEMS ONLY TO BE REPEATED WITH EACH
ONE HUNDRED EMPLOYEES UP TO FIVE HUNDRED

All containers must be clearly labeled.

1. Aspirin/Panadol..... 200tablets
2. Quinine 200tablets
3. Epsomor glauber salts..... 2.5 kg
4. Cough mixture (approved by a Government medical officer)..... 2litres
5. Acriflavine (1/1000)..... 1/2 litre
6. Castor Oil (for eye drops) 60ml
7. Common Salt (for gargles) 1kg
8. Sulphur Ointment 1/2 kg
9. Lint (white)..... 1/2 kg
10. Cotton Wool..... 1/2 kg
11. Bandage (roller)..... 1 doz. or equivalent
12. Bandages (triangular)..... 6
13. Elastoplast or equivalent, 7.5 cm..... one roll
14. Safety pins (assorted)..... 12
15. Scissors..... 1 pair
16. Table spoon..... 1
17. Forceps (dissecting or dressing)..... 1 pair
18. Lotion bowl or dish..... 1
19. Medicine measure (30ml)..... 1
20. Tumbler or mug..... 1
21. A receptacle for storing clean water (minimum capacity 4 gallons)..... 1

FIFTEENTH SCHEDULE

PART B

Regulation 43 (3)

MINIMUM DRUGS THAT MAY BE REQUIRED FOR LESS THAN
FORTY EMPLOYEES

1. Bandage (roller) 2.5cm..... 6
2. Bandages (roller) 7.5 6
3. Lint (white)..... $\frac{1}{2}$ kg
4. Cotton Wool..... $\frac{1}{2}$ kg
5. Elastoplast or equivalent, 7.5 cm..... one roll
6. Bandages (triangular)..... 3
7. Acriflavrine (1/1000)..... $\frac{1}{2}$ litre
8. Castor Oil (for eye drops)..... 60ml.
9. Safety pins (assorted)..... 12
10. Scissors..... 1 pair
11. Lotion bowl or dish..... 1
12. Tumbler or mug..... 1
13. A receptacle for storing clean water (minimum capacity 1 gallon)..... 1

SIXTEENTH SCHEDULE
PART A

Regulation 44 (a)

To: The Commissioner for Labour

.....
.....
.....

NOTIFICATION OF COLLECTIVE TERMINATIONS,
SECTION 81(1) OF THE EMPLOYMENT ACT 2006 AND THE
EMPLOYMENT REGULATIONS, 2011

I/We do hereby notify you that as a result of restructuring /orwith effect from.....day of 20...,(number) of our employees listed in the attached schedule will have their services terminated.

The employees affected and the labour union (if any and give names of the Union representatives) have been consulted.

The terminal benefits of the employees have been paid/shall be paid as indicated in the attached Schedule.

.....
Name and Signature of the Employer

PART B
EMPLOYEES AFFECTED

<i>Name</i>	<i>Occupation</i>	<i>Age</i>	<i>Sex</i>	<i>Period / Date of Termination</i>	<i>Terminal Package/Date of Payment</i>	<i>Names of the Union representative</i>

SEVENTEENTH SCHEDULE

Regulation 45(1)

THE EMPLOYMENT ACT 2006 ACT NO.6 OF 2006
(Section 94 of the Act)

Date

To: THE REGISTRAR
INDUSTRIAL COURT

APPEAL TO THE INDUSTRIAL COURT

In accordance with the provisions of Section 94 of the Employment Act, 2006 Act No. 6 of 2006 and Employment Regulations, 2011 an appeal is hereby made against the decision taken by the Labour Officer concerning.....on 2011 at

The matter was discussed and investigated in accordance with the procedure laid down in the law. Notwithstanding, we are dissatisfied with the final decision taken by the Labour Officer the grounds for appeal are—

1.
2.
3.
4.

We therefore notify the Court in accordance with the provisions of Section 94 of the Act that this matter be brought before the Court for appeal.

Name and Signature.....

Employer or Worker

GABRIEL OPIO,
Minister of Gender, Labour and Social Development.