

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. 60.

THE LABOUR UNIONS (CHECK OFF) REGULATIONS, 2011

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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. 60.

The Labour Unions (Check Off) Regulations, 2011.

(Under section 58 of the Labour Unions Act, 2006, Act No. 7 of 2006)

IN EXERCISE of the powers conferred upon the Minister responsible for labour by section 58 of the Labour Unions Act, 2006, these Regulations are made this 28th day of April, 2011.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Labour Unions (Check Off) Regulations, 2011.

PART II—LABOUR UNIONS DEDUCTIONS

2. Labour union monthly check off deductions

(1) Upon the conclusion of a recognition agreement between an employer and an affiliated labour union, the employer shall make monthly deductions, from the salary or wages of every employee who is a member of that union, of a sum equal to the monthly subscription required to be paid by the employee as a member of the union.

(2) A deduction shall not be made from the salary or wages of an employee unless he or she has signified his or her consent in writing.

(3) The system of deduction provided for in sub-regulation (1) shall be known as the check off system.

(4) An employer who deducts money under these Regulations shall give a pay slip to every employee from whose salary or wages the deductions are made.

(5) An employer shall, at the end of every month and not later than the third day of the month following that in which the deductions are made, pay to the labour union by cheque or electronic funds transfer (EFT) all the money he or she has deducted from the salary or wages of his or her employees by way of the check off system.

(6) Where payments are made to a labour union under this regulation, that labour union shall, not later than the tenth day of the month, pay to the centre ten percent of the total amount received.

(7) Where a worker is not in the labour union but benefits from the negotiations of the labour union, the worker shall pay a levy of 1% of his or her wages or salary to the labour union.

3. Withdrawal from participating in the check off system

(1) An employee may withdraw from participating in the check off system by giving thirty days notice in writing to the Secretary General and a copy to the labour officer.

(2) The Secretary General shall within thirty days from receipt of the notice in writing inform the employer in writing.

(3) An employer on receiving a notice shall stop deducting money from the employee's salary or wages.

(4) Where an employee withdraws from participating in the check-off system, he or she shall cease to be a member of the labour union.

PART III—MISCELLANEOUS

4. Offences and penalties

A person who contravenes these Regulations commits an offence and is liable on conviction to a fine not exceeding six currency points or to imprisonment not exceeding three months or both.

5. Revocation of S.I. 223 - 3

The Trade Unions (Check off) Regulations S.I. 223 – 3 are revoked.

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