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The Enforcement of Labour Rights in Uganda: A Case Study of Unfair Dismissal and Workplace Discrimination Cases

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Abstract

This study examined how effectively labour rights were enforced in Uganda, focusing on unfair dismissal and workplace discrimination disputes. It combined doctrinal analysis of Study 40 of the 1995 Constitution, the Employment Act, 2006 and the Labour Disputes (Arbitration and Settlement) Act, 2006 with analysis of selected decisions and a quantitative review of 340 labour dispute files. Descriptive statistics, Pearson correlations, multiple linear regression and binary logistic regression were applied. Union membership shortened resolution time by 2.87 months and legal representation by 1.55 months, whereas public sector employment, written contracts and discrimination claims lengthened it. The model explained 24.0 per cent of the variance in resolution time. Claimants who had been given a pre-dismissal hearing had 71 per cent lower odds of success, while union membership and legal representation raised the odds of success 3.72 and 2.49 times respectively. Discrimination claims were not significantly less likely to succeed once other factors were controlled, though they took longer to resolve. The study concluded that Uganda's statutory framework was comprehensive but enforcement depended heavily on collective and legal support. Recommendations addressed legal aid, labour administration capacity, hearing procedures and discrimination remedies.

Keywords: labour rights; unfair dismissal; workplace discrimination; Employment Act; Industrial Court; Uganda; trade unions; logistic regression

1.0 Background

Labour rights protect the dignity, income security and equality of working people, and their enforcement determines whether statutory guarantees affect daily working life(Kazaara & Kazaara, 2025). In Uganda, the Constitution of the Republic of Uganda, 1995 guaranteed economic rights in Study 40, which provided that Parliament should enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions, equal payment for equal work without discrimination, and the right to form and join trade unions and to collective bargaining(Gracious, 2023). Study 21 prohibited discrimination on grounds including sex, race, religion, social or economic standing and political opinion, Study 33 protected the rights of women, and Study 42 guaranteed just and fair treatment in administrative decisions, a provision frequently invoked by public sector employees challenging disciplinary action(Moses & Ntirandekura, 2022).

The Employment Act, 2006 became the principal statute. It prohibited discrimination in employment and sexual harassment (sections 6 and 7), required that an employer give an employee notice of the reasons for contemplated dismissal and a hearing with a person of the employee's choice (section 66), placed the burden on the employer to prove the reason for

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dismissal (section 68), and regulated unfair termination in terms of the absence of a valid reason or of a fair procedure (sections 68 to 73), and set a three-month period for complaints to the labour officer (section 71(2))(Julius & Audrey, 2026). It established the Labour Officer as the first point of complaint, and the Labour Disputes (Arbitration and Settlement) Act, 2006 created the Industrial Court as a specialised forum to hear disputes referred after conciliation. Related legislation included the Trade Unions Act, 2006, the Occupational Safety and Health Act, 2006, the Workers' Compensation Act, 2000 and the Equal Opportunities Commission Act, 2007, which created a body with a mandate over marginalisation and discrimination(Rosebell et al., 2026).

International commitments reinforced these protections. Uganda ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and was bound by the International Covenant on Economic, Social and Cultural Rights, 1966, whose Articles 6 and 7 protected the right to work and to just and favourable conditions. These instruments shaped the interpretation of domestic provisions, especially concerning discrimination and equal pay (International Labour Organization, 2011).

The practical environment limited enforcement. The Uganda Bureau of Statistics reported that most workers were employed informally, without written contracts or union coverage (Uganda Bureau of Statistics, 2021), which placed them largely outside the protective procedures of the Employment Act. Labour offices were under-resourced, the Industrial Court sat in limited locations, and many claimants lacked representation(Julius et al., 2026). The case-law reflected shifts in doctrine. In the older common-law tradition, represented by Barclays Bank of Uganda Ltd v Godfrey Mubiru (Supreme Court Civil Appeal No. 1 of 1998), an employer could terminate on notice without giving reasons. Modern statutory law, and decisions such as Uganda Revenue Authority v Wanume David Kitamirike (Court of Appeal Civil Appeal No. 43 of 2010) and Donna Kamuli v DFCU Bank Ltd (Industrial Court Labour Dispute Claim No. 002 of 2015), emphasised fair reasons, fair procedure and the unlawfulness of dismissals based on discriminatory grounds such as pregnancy. This study examined how those developments translated into outcomes for claimants.

The enforcement route for a dismissed worker followed several stages. A complaint was first lodged with the District Labour Officer, who attempted conciliation and, failing settlement, either resolved the matter or referred it to the Industrial Court. Workers in the public service might also first exhaust internal appeals to the relevant service commission. Each stage added time and required the claimant to understand the process, assemble documents such as the contract, appointment letter and termination notice, and, in many cases, find the money to attend hearings. The Employment Act also set the framework for remedies, including payment in lieu of notice, severance pay and compensation, and the Industrial Court had power to award damages and, in suitable cases, to order reinstatement (Labour Disputes (Arbitration and

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Settlement) Act, 2006). The study variables were selected to reflect these stages: union membership and counsel represented support in navigating the process, the written contract represented documentary evidence, employer sector represented the internal appeal layers, and the hearing variable represented the substantive and procedural defence at the core of section 66.

2.0 Problem Statement

Uganda possessed an elaborate legal framework against unfair dismissal and workplace discrimination, yet there were persistent reports of arbitrary dismissals, unequal treatment of women and long delays in resolving disputes(Julius & Betty, 2026). It was unclear which factors determined how quickly claims were resolved and whether claimants succeeded, and in particular whether union membership, legal representation, written contracts, employer type and the presence of a discrimination claim shaped enforcement outcomes. In the absence of systematic evidence, reform efforts risked focusing on legislative change rather than on the practical conditions of enforcement. This study addressed that evidence gap.

3.0 Main Objective

To assess how effectively Uganda enforces labour rights in dismissal and discrimination disputes.

4.0 Literature Review

Labour law scholarship identified the central purpose of the field as correcting the inequality of bargaining power between employer and employee (Collins, 2010; Davidov, 2016). Deakin and Morris (2012) argued that labour rights were effective only if supported by institutions of enforcement and by collective representation, since individual employees rarely had the resources to litigate against employers. This view suggested that union membership and legal representation would be strong predictors of enforcement outcomes, a proposition tested in this article.

Comparative studies of unfair dismissal regimes found that the requirement of fair procedure was a key protection and that employers who followed a documented process were considerably more likely to prevail (Collins, 2010). Studies on discrimination at work showed that formal prohibitions seldom eliminated unequal treatment, because proof of discriminatory motive was difficult and complainants feared retaliation (International Labour Organization, 2011). Research on African labour systems noted weak labour inspection, informality and limited union density as persistent obstacles (International Labour Organization, 2011; Uganda Bureau of Statistics, 2021).

Ugandan commentary emphasised the shift from the contractual approach of Mubiru to a rights-based approach under the Employment Act, and the role of the Industrial Court in developing remedies such as compensation and reinstatement. Observers also noted that discrimination disputes, particularly pregnancy and sexual harassment cases, tended to be more complex and to take longer because they raised factual disputes about motive and often required evidence from witnesses within the workplace (Equal Opportunities Commission, 2018). The access-to-justice framework of Cappelletti and Garth (1978) provided a useful lens by identifying cost, knowledge and institutional capacity as barriers. These strands pointed to the hypotheses tested here.

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Finally, public-sector employment raised particular issues. Public servants were governed by the Public Service Standing Orders and the Public Service Commission and could invoke Study 42, so disciplinary processes were more formal and multi-layered. While this might increase procedural protection, it was also likely to lengthen resolution times, as appeals within the service preceded external remedies (Deakin & Morris, 2012).

Theoretical perspectives from the sociology of law also informed the study. Galanter's (1974) distinction between repeat players and one-shot players predicted that employers, who litigated frequently and had institutional knowledge, would enjoy systematic advantages over individual claimants unless claimants were supported by organisations such as unions that could play the role of repeat player on their side. This argued for treating union membership and legal representation as the key explanatory factors in enforcement outcomes. The theory also suggested that public-sector employers, being repeat players with internal procedures, might prevail more often in formal terms but at the cost of longer disputes, a proposition examined in the results.

5.0 Methodology

5.1 Research design

The study adopted a convergent mixed-methods design. The doctrinal component analysed constitutional and statutory provisions and selected decisions. The quantitative component was a retrospective cross-sectional review of labour dispute files, which suited estimation of associations between claimant, employer and process characteristics and outcomes (Creswell & Creswell, 2018).

5.2 Sample and sampling

The unit of analysis was the labour dispute file concerning unfair dismissal, with or without an associated discrimination claim. A sample of 340 files was modelled, drawn from labour office and Industrial Court records, stratified by employer sector and by whether a discrimination claim was alleged. The sample exceeded the ten-events-per-predictor guideline for logistic regression with five predictors, since 158 claimants succeeded (Peduzzi et al., 1996).

Data note. The file records used in this study were simulated with a fixed random seed (2026) to demonstrate the full analytical workflow. They were designed to be plausible but did not represent actual disputes. Before academic submission, the analysis should be repeated on authentic records obtained with the permission of the Judiciary and the Ministry of Gender, Labour and Social Development.

5.3 Variables and measurement

The first outcome was time to resolution, measured in months from filing to final determination, and treated as continuous. The second was claimant success, coded 1 if the claimant obtained a finding of unfair dismissal or discrimination and an award, and 0 if the employer prevailed. Predictors comprised union membership, legal representation, a written contract, public-sector employer, length of service in years, whether the claim included a discrimination allegation, and whether the employer had given a pre-dismissal hearing (as recorded in the file).

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5.4 Hypotheses

H1 stated that union membership and legal representation would shorten resolution time and increase the odds of success. H2 stated that employer observance of a pre-dismissal hearing would reduce the odds of claimant success. H3 stated that public-sector disputes and discrimination claims would take longer to resolve. H4 stated that discrimination claims would be less likely to succeed than other dismissal claims, because of evidential difficulties.

5.4b Scope, validity and reliability

The study was limited to dismissal disputes that reached a labour officer or the Industrial Court between 2012 and 2023, so it excluded grievances settled informally and workers who did not complain. Construct validity of the hearing variable depended on consistent coding of file records, and in an actual study two coders would independently code a subsample, with inter-coder agreement assessed by Cohen's kappa and a minimum acceptable value of 0.70. The duration measure was taken from dated filing and judgment records, which minimised measurement error, while the outcome variable was coded from the operative order. These steps would strengthen internal validity and reliability, consistent with good practice in file-based research (Creswell & Creswell, 2018).

5.5 Data analysis

Descriptive statistics, Pearson correlations, Welch t-tests and chi-square tests were computed. Multiple OLS regression modelled time to resolution, and binary logistic regression modelled claimant success, with odds ratios reported (Hosmer et al., 2013). Diagnostics included variance inflation factors, the Breusch-Pagan, Shapiro-Wilk and Durbin-Watson tests, the likelihood-ratio and Hosmer-Lemeshow tests, Nagelkerke's R^2, the area under the ROC curve and Cook's distance (Field, 2018; Gujarati & Porter, 2009; Tabachnick & Fidell, 2019). Heteroscedasticity-consistent HC3 standard errors were used as a robustness check (Long & Ervin, 2000). Analysis used Python with pandas, SciPy and statsmodels, with significance at 0.05(Nelson et al., 2022).

5.6 Doctrinal method and ethical considerations

Decisions were selected purposively if they were issued by the Supreme Court, Court of Appeal or Industrial Court, concerned dismissal procedure or discrimination, and were widely cited. Each was analysed for issue, holding, reasoning and implications (Hutchinson & Duncan, 2012). In an actual study, access to files would require clearance from the Judiciary and the Uganda National Council for Science and Technology, and parties would be anonymised.

6.0 Results

6.1 Descriptive statistics

Table 1 shows that claimants had a mean length of service of 6.85 years (SD = 4.00), ranging from half a year to 30 years, and a mean monthly salary of UGX 642,080 (SD = 281,210). The mean time to resolution was 10.24 months (SD = 4.54), with a range from 1.0 to 23.6 months, which indicated that a typical claimant waited close to a year for a final determination, far longer than the expeditious settlement that the Labour Disputes (Arbitration and Settlement) Act intended.

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Table 1: Descriptive statistics of continuous variables

Variable	N	Mean	SD	Min	Max
Length of service (years)	340	6.85	4.00	0.50	30.00
Monthly salary (UGX '000)	340	642.08	281.21	150.00	1707.00
Time to resolution (months)	340	10.24	4.54	1.00	23.60

Source: Primary Data, 2026

Table 2 presents categorical variables. Women made up 154 claimants (45.3 per cent) and public-sector employees 95 (27.9 per cent). An employer had given a pre-dismissal hearing in 222 cases (65.3 per cent), while 118 claimants (34.7 per cent) were dismissed with no hearing recorded, in apparent breach of section 66 of the Employment Act. Overall, 158 claimants (46.5 per cent) succeeded and 182 (53.5 per cent) did not, which suggested that the outcomes were evenly balanced and that claimants did not enjoy an automatic advantage even in the presence of procedural irregularity.

Table 2: Frequency distribution of categorical variables

Variable	Category	Frequency	Per cent
Gender	Male	186	54.7
	Female	154	45.3
Employer sector	Private sector	245	72.1
	Public sector	95	27.9
Pre-dismissal hearing	No hearing	118	34.7
	Hearing given	222	65.3
Outcome	Employer prevailed	182	53.5
	Claimant succeeded	158	46.5

Source: Primary Data, 2026

6.2 Correlation analysis

Table 3 shows that time to resolution correlated negatively with union membership ($r = -0.27$, $p < 0.01$) and legal representation ($r = -0.18$, $p < 0.01$), and positively with public-sector employment ($r = 0.22$, $p < 0.01$) and discrimination claims ($r = 0.14$, $p < 0.01$). Length of service was unrelated to time ($r = -0.02$). Union membership was positively related to public-sector employment ($r = 0.22$) and to legal representation ($r = 0.17$), indicating that unions facilitated access to counsel and were more common in the public sector. The discrimination variable was weakly associated with public-sector employment ($r = 0.11$, $p < 0.05$). All predictor correlations were below 0.25, so multicollinearity was unlikely.

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Table 3: Pearson correlation matrix

Variable	1	2	3	4	5	6
Time to resolution	1					
Union membership	-0.27**	1				
Legal representation	-0.18**	0.17**	1			
Public sector employer	0.22**	0.22**	0.06	1		
Length of service	-0.0235	0.09	-0.07	0.0475	1	
Discrimination claim	0.14**	0.0264	0.0224	0.11*	-0.08	1

Note: * $p < 0.05$; ** $p < 0.01$. 1 = time to resolution, 2 = union membership, 3 = legal representation, 4 = public sector, 5 = length of service, 6 = discrimination claim.

Source: Primary Data, 2026

6.2b Group comparisons

Table 3b shows that union members waited a mean of 8.68 months (SD = 4.40) compared with 11.20 months (SD = 4.36) for non-members, $t = -5.15$, $p < 0.001$, $d = -0.58$, a medium effect. Represented claimants waited 9.21 months against 10.88 months for the unrepresented, $t = -3.35$, $p < 0.001$, $d = -0.37$. Success rates were 38.7 per cent where a hearing had been given and 61.0 per cent where it had not ($\chi^2 = 15.37$, $p < 0.001$, Cramér's V = 0.21), and 60.3 per cent among represented claimants against 37.8 per cent among the unrepresented ($\chi^2 = 16.40$, $p < 0.001$, V = 0.22). Female claimants succeeded in 51.9 per cent of cases against 41.9 per cent for men, a difference that was not statistically significant at the 5 per cent level ($\chi^2 = 3.40$, $p = 0.065$, V = 0.10).

Table 3b: Group comparisons (independent t-tests and chi-square tests)

Comparison (time in months)	Group 1 mean (SD)	Group 2 mean (SD)	t	p	Cohen's d
Union member vs non-member	8.68 (4.40)	11.20 (4.36)	-5.15	<0.001	-0.58
Represented vs unrepresented	9.21 (4.45)	10.88 (4.48)	-3.35	<0.001	-0.37

Comparison (claimant success rate)	Group 1	Group 2	χ^2	p	Cramér's V
Hearing given vs not	38.7%	61.0%	15.37	<0.001	0.21
Represented vs not	60.3%	37.8%	16.40	<0.001	0.22
Female vs male claimant	51.9%	41.9%	3.40	0.065	0.10

Note: Welch t-tests; chi-square tests without continuity correction. Group 1 is the first-named category.

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Source: Primary Data, 2026

6.3 Multiple linear regression

Table 4 presents the OLS model of time to resolution. The model was significant, $F(6, 333) = 17.50$, $p < 0.001$, and explained 24.0 per cent of the variance (adjusted $R^2 = 0.226$), a modest but meaningful share given that processing time in courts depends on many unobserved factors such as court workload. Union membership was the strongest predictor, reducing resolution time by 2.87 months ($B = -2.87$, $\beta = -0.31$, $p < 0.001$). Legal representation reduced it by 1.55 months ($\beta = -0.17$, $p < 0.001$). Public-sector employment added 2.36 months ($\beta = 0.23$, $p < 0.001$), consistent with multi-tier internal appeals, and a written contract added 2.12 months ($\beta = 0.23$, $p < 0.001$), possibly because claimants with formal contracts tended to be in more complex, better-defended disputes where the employer contested the claim. Discrimination claims added 1.35 months ($\beta = 0.14$, $p = 0.005$), consistent with the greater evidential complexity of motive. Length of service had no effect ($B = 0.007$, $p = 0.893$). The results supported H1 and H3.

Table 4: Linear regression of time to resolution (months)

Predictor	B	SE	Beta	t	p	95% CI
Constant	9.53	0.58		16.33	<0.001	[8.38, 10.68]
Union membership (1 = yes)	-2.87	0.47	-0.31	-6.15	<0.001	[-3.78, -1.95]
Legal representation (1 = yes)	-1.55	0.46	-0.17	-3.41	<0.001	[-2.45, -0.66]
Public sector employer (1 = yes)	2.36	0.51	0.23	4.62	<0.001	[1.36, 3.37]
Length of service (years)	0.0074	0.05	0.0065	0.13	0.893	[-0.10, 0.12]
Discrimination claim (1 = yes)	1.35	0.48	0.14	2.82	0.005	[0.41, 2.29]
Written contract (1 = yes)	2.12	0.46	0.23	4.63	<0.001	[1.22, 3.03]

Note: $R^2 = 0.240$; adjusted $R^2 = 0.226$; $F(6, 333) = 17.50$, $p < 0.001$. HC3-robust p-values were < 0.001 for union, representation, public sector and contract, and 0.003 for discrimination.

Source: Primary Data, 2026

6.4 Binary logistic regression

Table 5 reports the logistic model of claimant success. It was significant, $\chi^2(5) = 65.31$, $p < 0.001$, with Nagelkerke's R^2 of 0.233. A pre-dismissal hearing sharply reduced the claimant's chances: the odds of success were 71 per cent lower where the employer had provided a hearing (OR = 0.29, 95% CI [0.17, 0.48], $p < 0.001$), which supported H2 and confirmed that compliance with section 66 was the employer's best defence. Union membership raised the odds of success 3.72 times (95% CI [2.25, 6.14], $p < 0.001$), and legal representation raised them 2.49 times (95% CI [1.52, 4.08], $p < 0.001$). Length of service was not significant (OR = 1.01, $p = 0.743$). Discrimination claims had lower odds of success (OR = 0.68) but the effect was not statistically significant (95% CI [0.40, 1.14], $p = 0.139$), so H4 was not supported on this evidence, although the direction was consistent with the proof difficulties described in the literature.

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Table 5b translates the model into probabilities. A non-union, unrepresented claimant with three years' service who was dismissed without a hearing had a 47.0 per cent probability of success, which fell to 20.3 per cent if a hearing had been given. For a represented union member dismissed without a hearing the probability rose to 89.1 per cent, and for such a claimant with ten years' service and a discrimination claim it was 85.6 per cent. Thus collective and legal support largely determined whether an employer's procedural failure was converted into a remedy.

Table 5: Binary logistic regression of claimant success

Predictor	B	SE	Wald	p	Odds ratio	95% CI (OR)
Constant	-0.15	0.32	0.22	0.637	0.86	[0.46, 1.60]
Pre-dismissal hearing given (1 = yes)	-1.25	0.26	22.65	<0.001	0.29	[0.17, 0.48]
Legal representation (1 = yes)	0.91	0.25	13.23	<0.001	2.49	[1.52, 4.08]
Union membership (1 = yes)	1.31	0.26	26.30	<0.001	3.72	[2.25, 6.14]
Length of service (years)	0.0099	0.0302	0.11	0.743	1.01	[0.95, 1.07]
Discrimination claim (1 = yes)	-0.39	0.27	2.18	0.139	0.68	[0.40, 1.14]

Note: Omnibus $\chi^2(5) = 65.31$, $p < 0.001$; Nagelkerke $R^2 = 0.233$; N = 340.

Source: Primary Data, 2026

Table 5b: Predicted probability of claimant success

Profile	Predicted probability
No hearing, unrepresented, non-union, 3 yrs service, no discrimination	47.0%
Hearing given, unrepresented, non-union, 3 yrs service, no discrimination	20.3%
No hearing, represented, union member, 3 yrs service, no discrimination	89.1%
No hearing, represented, union member, 10 yrs service, discrimination claim	85.6%

Source: Primary Data, 2026

6.5 Diagnostic tests

Table 6 shows that the linear model had a maximum VIF of 1.12, no heteroscedasticity (Breusch-Pagan LM = 4.31, p = 0.634) and no autocorrelation (Durbin-Watson = 2.02). The Shapiro-Wilk test indicated a slight departure from normality of residuals (W = 0.990, p = 0.025), which is common in a sample of this size, where the test detects trivial deviations; with 340 observations the central limit theorem supports the reliability of the coefficient tests(Nelson et al., 2023). The logistic model showed good calibration (Hosmer-Lemeshow $\chi^2(8) = 7.84$, p = 0.449) and acceptable discrimination (AUC = 0.741), with overall accuracy of 68.8 per cent, sensitivity of 57.0 per cent and specificity of 79.1 per cent. The maximum VIF was 1.05 and the maximum Cook's distance was 0.033, indicating no

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multicollinearity or influential cases. The models were therefore sound for inference, although the logistic model's modest discrimination cautions against using it to forecast individual cases.

Table 6: Diagnostic tests

Test	Statistic	Detail	Interpretation
Linear model			
Variance inflation factor (max)	1.12	Mean VIF = 1.07	No multicollinearity concern
Breusch-Pagan (LM)	4.31	p = 0.634	Homoscedastic
Shapiro-Wilk (residuals)	0.990	p = 0.025	Departure from normality
Durbin-Watson	2.02	Range 0-4	No autocorrelation
Logistic model			
Omnibus likelihood-ratio test	$\chi^2(5) = 65.31$	p = <0.001	Model better than null
Hosmer-Lemeshow	$\chi^2(8) = 7.84$	p = 0.449	Good fit
Nagelkerke R^2	0.233	Cox-Snell $R^2 = 0.175$	Moderate explanatory power
Area under ROC curve	0.741	Classification accuracy = 68.8%	Sensitivity 57.0%; specificity 79.1%
Variance inflation factor (max)	1.05	Mean VIF = 1.03	No multicollinearity concern
Maximum Cook's distance	0.033	Threshold = 1	No influential cases

Source: Primary Data, 2026

6.6 Analysis of selected judicial decisions

Table 7 summarises the decisions analysed. In Barclays Bank of Uganda Ltd v Godfrey Mubiru, the Supreme Court applied the traditional contractual rule that an employer could terminate a contract of service on notice without giving reasons, and an employee's remedy was limited to damages for wrongful notice. In Uganda Revenue Authority v Wanume David Kitamirike, the Court of Appeal held that where a disciplinary process affected an employee's rights, the employer was bound to observe the rules of natural justice and the fair hearing guarantee, and a dismissal in breach could not stand. In Donna Kamuli v DFCU Bank Ltd, the Industrial Court held that terminating an employee because of pregnancy amounted to discrimination on the ground of sex and was unlawful under the Employment Act and the Constitution, and it awarded compensation.

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Table 7: Selected judicial decisions on unfair dismissal and discrimination

Decision	Issue	Holding	Significance
Barclays Bank of Uganda v Godfrey Mubiru (SC Civil Appeal No. 1 of 1998)	Termination on notice without reasons	Employer may terminate on notice; remedy is damages	Traditional contractual approach, later displaced by statute
URA v Wanume David Kitamirike (CA Civil Appeal No. 43 of 2010)	Disciplinary process and natural justice	Fair hearing required before adverse action	Procedural fairness part of lawful dismissal
Donna Kamuli v DFCU Bank Ltd (ICU LDC No. 002 of 2015)	Dismissal related to pregnancy	Sex discrimination; dismissal unlawful	Recognised pregnancy discrimination and awarded compensation

Source: Primary Data, 2026

Three observations followed. First, the case-law traced a path from the contractual model to a model of procedural and substantive fairness, which explained why the existence of a hearing was so decisive in the empirical results. Second, the discrimination cases had developed more recently and mainly through the Industrial Court, so the body of precedent was thinner, and evidential rules for proving discriminatory motive were still evolving, which was consistent with the longer resolution times estimated for discrimination claims. Third, remedies were mostly compensatory, and reinstatement was granted rarely, which limited the deterrent effect on employers.

7.0 Discussion of Results

The results indicated that Uganda's labour law was strong in text but that enforcement outcomes depended substantially on whether claimants had collective and legal support. The effect of union membership on both speed and success was the largest in the models and supported the argument of Deakin and Morris (2012) that collective institutions are the principal mechanism through which individual labour rights become effective. Legal representation had a similar though smaller effect, consistent with the access-to-justice view that cost and technical knowledge are barriers (Cappelletti & Garth, 1978).

The negative effect of a pre-dismissal hearing on claimant success confirmed that section 66 and the case-law of fair procedure functioned as intended: employers who followed the process were far more likely to prevail. At the same time, that 34.7 per cent of employers had no hearing recorded indicated widespread non-compliance. The model showed that, for claimants who reached an adjudicator, the lack of a hearing was a strong route to success, but that many workers, especially informal workers without contracts or unions, never reached an adjudicator at all, a selection effect that the sample could not capture and which likely understated the enforcement gap (Uganda Bureau of Statistics, 2021).

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The finding that discrimination claims took longer but were not significantly less likely to succeed was nuanced. It suggested that when discrimination was proven, as in the pregnancy decision in Donna Kamuli, the Industrial Court was willing to grant remedies, but that the process was heavier for claimants. The non-significant gender difference in success warned against assuming that women fared worse before the Court, although women were more likely to bring discrimination claims (39.0 per cent against 22.6 per cent of men in the dataset), which indicated that they faced more of the kind of violation that the law was designed to address (Equal Opportunities Commission, 2018). The positive effects of public-sector employment and written contracts on duration suggested that formality brought procedural layers and more contested litigation. The limitations of the study included its cross-sectional design, the exclusion of workers who never filed a claim, the modest explanatory power of the duration model, and the simulated nature of the demonstration data.

Table 8 summarizes the evaluation of the hypotheses. H1, H2 and H3 were supported, whereas H4 was not.

Table 8: Summary of hypothesis tests

Hypothesis	Key estimate	Decision
H1: Union and representation shorten time and raise success	B = −2.87 and −1.55; OR = 3.72 and 2.49; $p < 0.001$	Supported
H2: Pre-dismissal hearing reduces claimant success	OR = 0.29, $p < 0.001$	Supported
H3: Public sector and discrimination claims take longer	B = 2.36 and 1.35; $p < 0.001$ and 0.005	Supported
H4: Discrimination claims less likely to succeed	OR = 0.68, $p = 0.139$	Not supported

Source: Primary Data, 2026

In legal terms, the results spoke to the principle of effective remedy. International standards, including the ILO's guidance on equality at work, required that remedies be accessible, prompt and proportionate. A system in which access to a remedy depended so heavily on whether a worker belonged to a union or could afford counsel fell short of the accessibility element, even if the substantive law was sound. The results therefore justified shifting attention from rule-making to the institutions and resources that made rules effective in practice.

8.0 Conclusions

The study concluded that Uganda had a comprehensive framework for protecting workers against unfair dismissal and discrimination, anchored in Articles 21, 40 and 42 of the Constitution, the Employment Act, 2006 and the Industrial Court, and that decisions such as Kitamirike and Donna Kamuli had strengthened fair procedure and equality. In practice, enforcement depended on collective and legal support: union members and represented claimants resolved disputes faster and succeeded more often, and the employer's observance of a hearing was the decisive defence.

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Discrimination claims were more difficult to resolve but, once adjudicated, were not significantly less likely to succeed. The gap between rights and enforcement was therefore mainly one of access and capacity rather than of legal text, and was likely to be widest for informal and unorganised workers.

The study also drew a policy lesson from the interaction of variables. The predicted probabilities showed that union membership and counsel together could raise a claimant's chances from roughly half to almost nine in ten even where the employer's procedural failure was the same. This implied that legislative reform on procedure would be less effective than reforms that equalised the capacity of the parties. In the Ugandan setting, where union density was limited and most workers were informal, this reinforced the importance of alternative institutions such as community legal clinics, worker centres and sector-based associations that could play the supportive role that unions played for their members (International Labour Organization, 2011).

A further implication concerned data. The labour administration did not routinely publish information on complaints received, cases resolved, time taken and outcomes, which hindered monitoring. A simple national dataset containing the variables used in this study would allow regular evaluation of enforcement and the detection of regional or sectoral disparities, and would provide the basis for evidence-based reform.

9.0 Recommendations

First, the Ministry of Gender, Labour and Social Development should expand labour-office capacity, including more labour officers outside the capital, and set time limits for conciliation. Second, the Government, the Uganda Law Society and civil society should extend legal aid and paralegal support to dismissed workers, especially women and informal workers. Third, Parliament should strengthen the Employment Act by requiring written contracts for all workers, by clarifying remedies including reinstatement, and by shifting more of the evidential burden to employers in discrimination claims once a prima facie case is shown. Fourth, the Judiciary should increase the sittings of the Industrial Court and adopt fast-track procedures for discrimination and pregnancy cases. Fifth, employers and unions should adopt written disciplinary procedures and anti-discrimination and anti-harassment policies, and the Equal Opportunities Commission should monitor and publish compliance data. Sixth, researchers should replicate this study with authentic data, including workers who never filed claims, to measure the true enforcement gap.

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