

UGANDA MARTYRS UNIVERSITY

FACULTY OF BUSINESS ADMINISTRATION AND MANAGEMENT

CODE: IRM 3201 INDUSTRIAL RELATIONS MANAGEMENT

BAM III NKOZI& RUBAGA DAY

DATE: May 2019

Time allowed: 3 Hours

Instructions to Candidates:

- Do not write anything on this question paper
- Choose **FOUR** questions only
- Question **ONE** is compulsory
- Additional numbers will not be marked
- Write every number on a new page

Question one (Compulsory)

Law dons write, warn Nawangwe

Source : The Observer January 30, 2019 by BAKER BATTE

Law professors have stepped into an intensifying leadership crisis at Makerere University with tough legal advice to the vice chancellor: rescind the suspension of employee association leaders.

The university opened officially for the second semester of the 2018/19 academic year on January 19 and shortly after plunged into a lecturers' strike. The striking lecturers walked out of classes, accusing the university leadership of failure to pay their enhanced salaries and salary arrears and of illegally suspending/dismissing their colleagues and association leaders.

Vice Chancellor Prof Barnabas Nawangwe recently dismissed 46 staff, accusing them of insubordination, abscondment from duty, bribery and inciting violence, among others. The suspended staff include Dr Deus Kamunyu Muhwezi, chairman of the powerful Makerere University Academic Staff Association [Muasa]; Bennet Magara, chairman of Makerere University Administrative Staff Association [Masa]; and Joseph Kalema, secretary general of Masa.

The suspensions, however, were described by many as vindictive and illegal, tailored largely to punish particular individuals for questioning the way the university is run. In their six-page letter, 20 law lecturers from Law School, argue that there cannot be a negotiated settlement to the crisis if the staff association leaders are still on suspension.

"We wish to state that every Ugandan has a constitutional right of freedom of speech and expression and freedom of association, which includes freedom to form and join associations or unions including trade unions and political and other civic organizations...with respect to universities, specifically members of staff have the right to form staff associations under sections 68 and 93 of the Universities and Other Tertiary Institutions Act," the letter dated January 26, addressed to Prof Nawangwe, reads in part.

The law professors say Muasa, Masa, and the National Union of Education Institutions [NUEI] have a constitutional and statutory mandate and right to represent all Makerere University academic staff and that nobody including the university management can challenge their legality.

"We wish to note that the suspension of leaders of Masa and Muasa is a direct attack on not only the freedom of association of university staff but is also an attack on academic freedom guaranteed by the constitution. This is because Article 29 guarantees every person's right to freedom of thought, conscience and belief which shall include academic freedom in an institution of learning. By suspending and gagging the leaders of Muasa and Masa, the university

management is sending a message that staff leaders should not be independent and autonomous,” the letter says.

The law dons also expressed dismay at the fact that Masa and Muasa leaders were suspended as employees of the university yet the allegations made against them relate to their work as leaders of employee associations.

“It is, therefore, unlawful and illogical to accuse association leaders of wrongs allegedly committed in the course of their leadership activities, which activities are within their mandate and are lawful but proceed to suspend them as employees deployed in their respective units... We, therefore, believe that the act of suspending the association leaders is unacceptable as it is an attack on freedom of association and academic freedom not only for those leaders but the entire academic and administrative staffs of the university.”

Makerere responds

Interviewed for a comment yesterday, Dr Muhammad Kiggundu Musoke, the manager, Communications and International Relations, said the university welcomes the law professors’ letter in good faith.

“We take this document in good faith because if you are looking for a solution, you have got to get different opinions from different people and stakeholders. It is going to be one of the documents that are going to inform the direction the university is going to take. We hope it is such opinions that will help us get a permanent solution to avoid the reoccurrence of such issues in the future,” Kiggundu, the immediate former chairman of Muasa, told The Observer yesterday.

He, however, refused to be drawn into discussing the legality of the suspension. “These are legal interpretations which perhaps will inform the next plan of action; this is not the time for saying this is wrong or this is right; what we are doing now is gathering information. Management has decided to have an open-door discussion and engagement to make sure that we get a lasting solution.”

Kiggundu said they are trying to arrive at an amicable settlement with the lecturers. “I see the university opening very soon because the flares are lowering; people have now understood that finding a solution is going to come from within; we are listening to one another.”

*You shall use information in the passage to guide your answers

*You are at liberty to further use prior and additional knowledge from other sources

Required

- (a) Identify the industrial relations issues raised in the case (15 marks)
- (b) As a student of industrial relations management explain with examples how you would discipline the members of MUASA (13 marks)
- (c) What challenges would you face in enforcing discipline? (12 marks)

Question two

... . It is a legal requirement in Uganda for the employer to provide an employment contract for each employee whom he or she employs.

- (a) Discuss the importance of at least 8 critical components of an employee contract (10 marks)
- (b) Illustrate on at least 6 legal provisions in any Act that need to be strengthened to protect the Ugandan workers (10 marks)

Question three

- (a) Distinguish between employee involvement and employee commitment (5 marks)
- (b) You have been invited to address the Management of Uganda Martyrs University on the topic “**Employee commitment**”. It is expected of you to highlight to them with examples the factors that management should consider if they are to achieve staff commitment of the University staff. What would be your approach to this task as a student of industrial relations? (15 marks)

Question four

The picket is a technique for bringing moral pressure to bear on would-be non-strikers. From the point of view of the strikers, the individual worker should be morally bound by the majority decision to strike, and a peaceful picket of workers at the entrance to the place of work is designed to make this moral duty clearly visible.

- (a) In relation to the above, define the term picketing as used in industrial relations (5 marks)

- (b) Under what circumstances may picketing maybe considered unlawful? (10 marks)
- (c) Giving relevant examples, distinguish between picket-line and picket-codes (5 marks)

Question five

Using relevant examples, write short notes on the following

- (a) Management prerogative
- (b) Conciliation
- (c) Labour hoarding
- (d) Industrial Action
- (e) Craft unions

(4 marks @)

Question six

Using an institution of your choice,

- (a) Elaborate on how employees may use collective bargaining to achieve better terms of employment . (10 marks)
- (b) In collective bargaining, certain essential conditions need to be satisfied such as the existence of freedom of association and labor law system. As a student of industrial relations management, what other conditions would you put into consideration for a successful collective bargaining process? (10 marks)

END