

THE REPUBLIC OF UGANDA
IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA
LABOUR DISPUTE APPEAL NO. 007 OF 2015
[ARISING FROM CB/194/2014]

BETWEEN

OIL COM (U) LTD.....APPELLANT

VERSUS

WASHINGTON INIMARESPONDENT

BEFORE

1. Hon. Head Judge Ruhinda Asaph Ntengye

PANELISTS

1. Ms. Adrine Namara
2. Ms. Susan Nabirye
3. Mr. Michael Matovu

AWARD

This is an appeal against the decision of Ms. Ruth, Namaarwa Kulabako sitting at Kampala City Council authority Labour Office.

The respondent was employed by the appellant by virtue of a letter dated 1/2/2013 on probation for 3 months. By a letter of termination dated 12/05/2014 the employment of the respondent was terminated.

According to the ruling of the labour officer on 19/8/2014 the respondent lodged a complaint to the labour office. At page 07 of the Award, the labour officer granted the respondent certain remedies in the total sum of 3,812,500/=. The appellant filed an appeal to this court based on certain grounds as mentioned in the appeal.

However, the appellant never filed any submissions despite the court having given direction as to when each of the parties should file submissions.

Although the respondent in his submissions pointed out the power of this court under **Section 94(3)** to confirm, modify or overturn any decision, he did not make any attempt to justify the court's interference with the labour officer's Award in a form of modification or complete overturn as specified in **Section 94(3) of the Employment Act**. In the absence of submissions from the appellant the respondent was under a duty to address the court on why the court should modify the Award of the labour officer to more than what it was. There is no justification shown in the submission of the respondent to award him general damages of 100,000,000/=; aggravated damages of 100,000,000/= severance of 5,000,000/=; additional compensation of 750,000/=; punitive damages of 50,000,000/= and gratuity of 3,000,000/=.

Accordingly, in the absence of the appellant's submissions in support of the grounds of appeal, and in the absence of justification by the respondent to award him more than what the labour officer awarded the appeal is hereby dismissed and the decision and Orders of the labour officer upheld.

DELIVERED & SIGNED BY:

1. Hon. Chief Judge Ruhinda Asaph Ntengye

PANELISTS

1. Ms. Adrine Namara

2. Ms. Susan Nabirye

3. Mr. Michael Matovu

Dated: 05/11/2021