



GUIDELINES FOR ELECTION OF NON UNIONIZED WORKERS' DELEGATES, 2020

EC/16

Date: **18th February, 2020**

1.0 Introduction

These guidelines shall apply to the election of non-unionized workers from Sub county to District/ City Level.

2.0 Laws applicable to the Elections of Workers' Councillors to District Local Government Councils:

- (a) The Constitution of the Republic of Uganda, 1995, (as amended);
- (b) The Electoral Commission Act, CAP 140, (as amended);
- (c) The Political Parties and Organizations Act, 2005, (as amended);
- (d) The Parliamentary Elections Act, 2005, (as amended);
- (e) The Local Governments Act, CAP 243, (as amended);
- (f) The Labour Unions Act, 2006, as (amended);
- (g) The Labour Unions (Election of Workers Representatives to District Councils) Regulations, 2016.

3.0 Definition

- i) "Worker"– means any person who performs services in exchange for remuneration, other than a person who performs services as an independent contractor or an apprentice who is engaged primarily for the purpose of receiving training in a trade or profession.
- ii) "Non-unionized Worker" - means any person who is not a member of any registered trade union but performs services in exchange for remuneration, other than a person who performs services as an independent contractor or an apprentice who is engaged primarily for the purpose of receiving training in a trade or profession.
- iii) "Unionized Worker" – means any person who is a member of any registered labour union in accordance with section 2 of the Labour Unions Act, 2006, as amended.

4.0 Mobilization of Non-Unionized Workers

- i) The Minister of Gender, Labour and Social Development shall appoint at least two days during which all non unionized workers shall be registered to participate in elections of Non Unionized Workers delegates at each Sub county/Town/Division
- ii) The Ministry of Gender Labour and Social Development will compile a Register for the willing Non Unionized Workers in each Sub county.
- iii) Non Unionized Workers appearing for registration shall be eligible voters whose voting particulars appear in the National Voters Register.
- iv) The Minister of Gender, Labour and Social Development shall then convene a meeting of all registered willing non unionized workers to assemble at each respective sub county, Town or Division.

- v) The compiled Register of non unionized workers shall be presented by the Ministry of Gender, Labour and Social Development to the Electoral Commission.
- vi) The Electoral Commission shall administer voter education to the assembled non unionized workers who shall form the Electoral College for election of the ten delegates in the respective sub county, Town or Division.
- vii) The Commission shall conduct elections of the ten delegates (at least three of whom shall be women) of non unionized workers for each sub county, Town or Division or District/City.

5.0 Display of the Non Unionized Workers Register

Display of the Register of Non Unionized Workers shall be conducted at a venue and period appointed by Electoral Commission in accordance with section 118(5) of the Local Government Act, Cap 243, as amended, in each Sub County/Town/Division.

6.0 Qualifications for nomination of Candidates for Non-Unionized Workers' Delegates

To qualify for nomination as a candidate for a workers' non unionized delegate, one must be:

- i) A non unionized worker as defined in 3.0 (ii) above of these guidelines;
- ii) A citizen of Uganda;
- iii) A registered voter on the National Voters Register;
- iv) Ordinarily resident in the sub county, Town, Division or City in which he/she seeks to be elected as a delegate.

N.B Academic qualifications are not a pre-requisite for one to be elected as a non unionized delegate.

7.0 Nomination of Candidates for Non Unionized Workers' delegates

- (i) The Electoral Commission shall publish in the gazette and local media nomination day(s), place(s) and the time(s) when Candidates for non unionized workers' delegates at each sub county, Town or Division shall be nominated.
- (ii) The nomination of a Candidate shall be made on a form provided by the Electoral Commission and submitted by the Candidate herself/himself to the Returning Officer or a person designated by her/him.
- (iii) A person shall not be nominated as a candidate unless he/she is a member of the non unionized workers Electoral College.
- (iv) A nomination paper shall be signed by the Candidate, proposed by one and seconded by another member of the workers' Electoral College of the relevant sub county, Town or Municipal Division in which the Candidate seeks to stand.
- (v) Where at the close of the nomination time, no person is duly nominated for election, the Returning Officer shall report to the Electoral Commission and the Commission shall fix another day for nominations;
- (vi) Where only one Candidate is duly nominated at the close of the nomination time, the person

nominated shall be declared elected unopposed for that office.

8.0 Mode of Election

- i) Election of all the ten non unionized workers delegates shall take place on the same day for nominations and campaigns.
- ii) Elections of non unionized workers' delegates shall be conducted by members of the assembled and registered non unionized workers lining up behind candidates of their choice from among their number.
- iii) Each eligible voter shall vote ten times to get ten delegates with the majority of votes (**three times for the three specific slots for women; and seven times for the general slots**).

9.0 Polling Procedure

- i) No person shall be allowed to vote if she/he is not a member of the respective Electoral College.
- ii) The polling station shall be the sub county, Town or Municipal Division headquarters or any public place easily accessible to all members of non unionized electorate
- iii) The Presiding Officer shall conduct polling by allowing the electorate to cast their votes by lining up behind candidates of their individual choice.
- iv) Polling shall not commence before 7:00 a.m. in the morning and shall not continue beyond 4:00 p.m. in the evening.
- v) Voting Day Program
 - 7.00 am - 8.00 am : Arrival of voters
 - 8.00 am - 8.30 am : Briefing, sensitization and Voter Education on voting Procedures by the Presiding Officers
 - 8.30 am – 9.00 am : Verification of voters by the Presiding Officers
 - 9.00 am – 10.00 am : Nominations
 - 10.00 am – 10.30 am : Campaigns
 - 10.30 am – 3.00 pm : Voting by the electorate lining up and counting of votes; and
 - 3.00 pm – 4.00 pm : Filling of Forms and Declaration of Results

10.0 Vote Counting and Declaration of Results

- i) The Presiding Officer together with the polling Assistant(s) and Constable shall count the voters lining up behind each candidate/candidate's Agent /Portrait/Symbol.
- ii) No Candidate shall be declared a winner unless he/she has obtained the majority of votes of the members present and voting or has been elected unopposed.
- iii) Presiding Officers shall thoroughly and correctly fill the relevant election forms and declare results after vote counting; He or she will submit results to the Returning Officer; copies of results may be given to Candidates or Agents.
- iv) The Presiding Officer shall declare the winning candidate at the completion of the counting process and where there is a complaint presented to him/her by a person entitled to vote at

that election and the Presiding Officer is satisfied that it is not a frivolous complaint, he/she may order for a recount of the votes before making the declaration.

11.0 Compilation of the District/City/Kampala Capital City Authority (KCCA) Register

Particulars of all elected delegates from each Sub county/Town/Division shall be compiled by the Returning Officer to generate a register for election of 10 District/City/KCCA Non Unionized Workers delegates.

11.1 Display of the District Non Unionised Workers Register

The compiled register shall be displayed on a day (s) and time appointed by the Commission.

12.0 Nominations and Campaigns

The Electoral Commission shall appoint a day(s) during which nominations, campaigns and polling shall be conducted.

- a) Aspiring candidates shall be members of the Electoral College and in possession of Qualifications stated in paragraph (6.0) of these guidelines.
- b) Campaigns by candidates shall take place after closure of nominations.

13.0 Polling


Polling shall be by secret ballot for all the ten (10) delegates at least three of whom shall be women.

Polling shall commence at 7.00am with at least five (5) eligible voters present.

Polling shall close at 4.00pm and shall be followed by vote counting and declaration of results.

14.0 Regional Electoral College Registers

The ten (10) elected non unionized workers delegates from each, of the Four traditional regions of Uganda shall form the electoral college for election of the respective Regional non unionized workers delegates during the regional conference.



Justice Byabakama Mugenyi Simon
CHAIRPERSON, ELECTORAL COMMISSION