



BURDEN AND STANDARD OF PROOF IN EMPLOYMENT DISPUTES

The Industrial Court in [Said Kiriggwajjo v Union Logistics Uganda Limited \(Labour Dispute Reference No. 211 of 2018\) \[2026\] UGIC 79 \(17 July 2026\)](#) provided crucial clarity on how the **burden** and **standard of proof** operate in termination and dismissal claims under the Employment Act Cap. 226.

Burden of Proof [Who proves what]

- Employee must prove the fact that a dismissal actually occurred **Section 69(6)**
- Employer must prove the reason for termination and justify its lawfulness under **Section 67**
- Therefore, an employee proves the fact while employer justifies the grounds.

Standard of Proof [How much proof is needed?]

- Cases are generally decided on a balance of probabilities but the threshold is slightly lower than in ordinary civil matters.
- Employer need not prove misconduct beyond reasonable doubt. Justifying the decision on the facts is sufficient.
- Under **Section 67(2)**, the employer only needs to prove they held a *genuine belief* that the reason for dismissal existed at the time. However, mere suspicion is not enough, the employer must demonstrate they had a **reasonable, fact-based foundation** for that belief.

Therefore, the employee's job is simply to prove they were fired. The employer's job is to prove they had a genuine, reasonably justified reason for doing it.

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