

Court orders CAA to pay sacked whistleblower

What you need to know:

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The Uganda Civil Aviation Authority (UCAA) has been ordered to pay Shs26 million to a former employee who was unfairly dismissed after exposing a passenger smuggling 12 rhino horns through Entebbe International Airport.

The Industrial Division of the High Court ruled that Arnold Olweny Bonaventure was unlawfully terminated from UCAA and therefore deserved compensation in the form of general damages equivalent to one year's salary.

The court noted that Olweny was earning Shs2.1 million per month at the time of his termination, had already been paid notice pay, accumulated leave, and service gratuity, and had served the authority for seven years.



"Given that the claimant was earning Shs 2,163,150 per month at the time of his termination, was paid notice pay, accumulated leave, and service gratuity, and had served the respondent for seven years, we think the sum of Shs25,957,800, representing one year's pay, would adequately serve as general damages, and we so award it," the court ruled.

The award was, however, far below the Shs300 million Olweny had sought. In rejecting the higher claim, the court held that the amount prayed for was excessive and unsupported.

The court reasoned that awarding general damages exceeding Shs207 million, Olweny's total earnings over the entire period of his employment, would be unjustified in the absence of

aggravating circumstances. It further dismissed claims for future earnings, describing them as speculative.

"The contention that the claimant was deprived of seventy-two months' pay amounting to Shs50,965,776 as future salary is speculative. The Industrial Court has previously declined to grant prospective earnings as a remedy, and we would likewise decline to award damages on that basis," the court ruled.

According to court records, on August 18, 2017, Olweny, then a security assistant at Entebbe International Airport, became suspicious of a bag handled by a loader and later by a passenger. He alerted officials from the Uganda Wildlife Authority (UWA) and his supervisor, leading to a coordinated operation that uncovered 12 rhino horns concealed in the passenger's luggage and resulted in an arrest.

Despite his role as a whistleblower, Olweny was later implicated in the smuggling incident. He was arrested and, on August 31, 2017, suspended on half pay for allegedly facilitating the crime. Although he was charged in court, the Director of Public Prosecutions (DPP) later discharged him after reviewing security footage, confirming his status as a whistleblower.

Olweny was subsequently subjected to disciplinary proceedings before the UCAA Disciplinary Committee, which he objected to on grounds of bias. In January 2018, he received a termination letter dismissing him without a hearing. His appeal to the Managing Director on February 1, 2018, was rejected five days later.

He later filed a complaint of unlawful dismissal at the Entebbe Labour Office, seeking Shs300 million in compensation and demanding that UCAA clear his Shs30 salary loan.

While the Labour Officer ruled in his favour, the issue of compensation was referred to the Industrial Court for determination. The case was presided over by Justice Anthony Wabwire Musana. The court dismissed Olweny's other claims, citing a lack of sufficient evidence to support them.

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