

THE VOCATIONAL TRAINING ACT, 1986

ARRANGEMENT OF SECTIONS

SECTIONS

PART I - PRELIMINARY

1. Short title and commencement.
2. Application.
- 2.(2) Exemption.
3. Interpretation.

PART II - ADMINISTRATION AND ESTABLISHMENT OF
NATIONAL VOCATIONAL TRAINING COUNCIL.

4. Appointment of Director and Assistant Directors of Vocational Training.
5. Duties of the Director.
6. Establishment of National Vocational Training Council and its composition.
7. Meetings of the Council and quorum.
8. Duties and functions of Council.
9. Training Committees.

PART III - PROVISIONS RELATING TO CONTRACT OF
APPRENTICESHIP AND INDENTURED
LEARNERSHIP.

10. Permission to employ apprentices or indentured learners.
11. Person who may bind himself as an apprentice or indentured learner.
12. Medical examination of apprentices and indentured learners.
13. Registration of contracts of apprenticeship or indentured learnership.
14. Transfer of contracts of apprenticeship or indentured learnership.
15. Termination of contracts.
16. Enticement of apprentices or indentured learners.
17. Probationary period.

SECTIONS

ARRANGEMENT OF SECTIONS

18. Apprentices or indentured learner retained after expiration of contract entitled to wage.
19. Suspension of apprentice or indentured learner.
20. Records to be kept by employers.
21. Limitations in regard to method of payment.
22. Certificate of apprenticeship and indentured learnership.

PART IV - TRAINING SCHEMES.

23. Director may make training scheme proposals.
24. Power of Minister to make training schemes.
25. Supervision of apprentices or indentured learner.

PART V - MISCELLANEOUS POWER OF DIRECTOR AND APPOINTMENT AND POWERS OF INSPECTORS.

26. Miscellaneous power of Director.
27. Appointment of inspectors.
28. Power of inspectors.

PART VI - REPEAL AND MISCELLANEOUS PROVISIONS.

29. Disclosure of information an offence.
 30. Regulations.
 31. Institution of proceedings.
 32. Penalties.
 33. Repeal and Consequential provisions. Cap.57.
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ACT NO. 17 OF 1986

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

9th February 1987.

AN ACT TO REPEAL AND REPLACE THE APPRENTICES
DECREE AND TO MAKE BETTER PROVISION FOR THE
REGULATION OF TRAINING OF APPRENTICES AND
OTHER PERSONS IN INDUSTRY

ENACTED BY THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

PART I
PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the Vocational
Training Act, 1986 and shall come into operation on
such date as the Minister may by notice published
in the Gazette appoint.

Application.

2.(1) Subject to the provisions of subsection
(2) of this section the provision of this Act,
shall not apply to the following :-

- (a) Persons in the Defence Forces of the
United Republic;
- (b) Members of the Police Force;
- (c) Members of the Special Department of
the Revolutionary Government of Zanzibar.

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Exemption.

(2) The Minister may by notice in the Gazette, exempt any public authority or category of public authorities or any person or category of persons from the operation of all or any of the provisions of this Act or of any regulation or order made thereunder or from any condition of apprenticeship or indentured learner ship contained in any scheme.

Interpretation.

3. In this Act, unless the context otherwise requires :-

, "apprentice" means a person who is bound by written contract to serve an employer for a determined period of not less than four years, or such lesser period of not less than four years, or such lesser period as the Council shall determine under subsection (2) of section 26 of this Act, with a view to acquiring knowledge of a trade in which the employer is reciprocally bound to instruct that person;

"Committee" means a Training Committee established under section 9 of this Act;

"Council" means the National Vocational Training Council established under section 6 of this Act;

"Director" means the Director of Vocational Training appointed under section 4 of this Act;

"indentured learner" means a person, other than an apprentice, who is bound by Written contract to serve an employer for a determined period of less than four years with a view to acquire knowledge of trade in which the employer is reciprocally bound to instruct the person;

"inspector" means an inspector appointed by the Minister under provisions of section 27 of this Act and includes the Director;

"knowledge" includes theory and practice of a trade;

"labour officer" means any person appointed to the public service as the Director of Labour, an Assistant Director of Labour a Principal Labour Officer, a senior Labour Officer or Labour Officer;

"Minister" means the Minister for the time being responsible for matters relating to labour;

"minor" means a person under the apparent age of fifteen years;

"Scheme" means a scheme regulating the training of apprentices or indentured learners in any trade or occupation made under section 24 of this Act;

"Special Departments" means Special Departments established under section 120 of the Zanzibar Constitution of 1984;

"trade" means a skilled occupation.

PART II

ADMINISTRATION AND ESTABLISHMENT OF NATIONAL VOCATIONAL TRAINING COUNCIL.

Appointment of
Director and
Assistant
Directors
of
Vocational
Training.

4.(1) The Minister shall appoint qualified and capable person in the public service to be the Director and may appoint such a number of qualified personnel of public officers to be Assistant Directors of Vocational Training as may be necessary for the purpose of this Act.

(2) Every Assistant Director of Vocational Training may, subject to the direction of the Director, perform any act or discharge any duty which may lawfully be performed or is required to be discharged by the Director under this Act.

Duties of
the
Director.

5. The Director shall have the following duties :-

- (a) to ensure guidance and training are directed to identifying and developing human capabilities for productive and satisfying working life and in conjunction with the different forms of education to improve the ability of individual;
- (b) to ensure comprehensive and co-ordinated policies and programme of vocational guidance and vocational training closely linked with employment and creation of employment;
- (c) to ensure that the vocational training system meet the need for vocational training throughout and aim at achieving full equality of the urban and rural population;
- (d) to perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership connected with this Act.

Establishment
of National
Vocational
Training
Council and
its
composition.

6.(1) There is hereby established a Council to be known as the National Vocational Training Council.

(2) The Council shall consist of a Chairman who shall be appointed by the President and the following members who shall be appointed by the Minister :-

- (a) Director, Labour Department;
- (b) Executive Secretary to the Permanent Planning Commission;
- (c) Director, Manpower Department;
- (d) Director of Higher Education;
- (e) A representative from JUWATA;
- (f) One member from the House of Representatives;
- (g) One member from the Parliament;

- (b) A representative from the Employer's Association of Zanzibar;
- (i) Four other members who are knowledgeable in the field of vocational training appointed by the Minister.
- (3) A Vice-Chairman shall be appointed by the members of the Council from among the members.
- (4) The Director or his representative shall act as Secretary to the Council who shall keep minutes of the proceedings of every meeting of the Council.
- (5) Chairman and other members of the Council shall hold office for a period of three years, the member may upon the expiration of such period be eligible for re-appointment.

Meetings of the Council and quorum.

7.(1) Subject to the regulations made under this Act and the directions of the Director, the Council shall meet at least once in every two months.

(2) In any meeting of the Council more than half of the members present shall constitute a quorum.

Duties and functions of Council.

8. Subject to the provisions of this Act the Council shall perform the following duties and functions :-

- (a) to arrange for special vocational training combined with productive work for young unemployed persons;
- (b) to arrange special education and technical upgrading courses for young persons and adults in employment to raise the level of their performance or improve their opportunity for advancement;

- (c) to ensure in providing children and young persons not yet in labour force with the basis for choosing a line of education or vocational training in the light of their abilities and interest;
- (d) to ensure apprentice or indentured learnership enter into productive employment including self-employment to promote and develop creativity with a view to increasing work effectiveness and to protect persons against unemployment from lack of demand for their skills and as well as against underemployment;
- (e) it shall at the request of the Director, and may of its own motion investigate and make recommendations to the Director on any matter connected with this Act;
- (f) it shall investigate any dispute or other matter arising out of a contract of apprenticeship or indentured learnership referred to it by the Director and shall endeavour to settle such dispute or other matter amicably;
- (g) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed;
- (h) it shall ensure an adequate supply of properly trained manpower at all levels in industry;
- (i) it shall secure the greatest possible improvement in the quality and efficiency of Vocational Training.

Training
Committees.

9.(1) The Council may establish the following Training Committee to exercise functions of the Council in relation to training :-

- (a) Training and skills identification;
- (b) Trade test;
- (c) Research, innovation and development;
- (d) Finance and Planning.

(2) Notwithstanding the provisions of subsection (1) of this section the Council may form any other Committee in relation to training or in exercising the functions of the Council.

(3) The members of the Training Committee of any other Committee formed under this section shall be appointed from among the members of the Council or from outside the Council or from both:

Provided that their number shall not exceed five and at least one of whom shall be a representative of Employer's Association and one from JUWATA.

(4) The Chairman and other members of a Committee shall hold office for such period not exceeding the term of office of the members of the Council and upon the expiration of such period a member shall be eligible for re-appointment.

(5) Subject to any general or specific directions which may be given in that behalf by the Council and subject further to the provisions of this Act and of any regulations made under this Act, a Committee may regulate its own proceedings.

(6) The Director or his representative shall act as the Secretary to any Committee established under this section.

(7) A Committee shall exercise on behalf of the Council such functions of the Council as the Council delegates to it in writing, and shall exercise those functions in consultation with the Director.

PART III

PROVISIONS RELATING TO CONTRACT OF APPRENTICESHIP
AND INDENTURED LEARNERSHIP.

Permission
to employ
apprentices
or
indentured
learners.

10.(1)(a) No person shall employ an apprentice or indenture learner without having first obtained the written permission of the Director so to do.

(b) The Director's permission shall specify the maximum number of apprentices or indentured learners who may be employed at any one time by the person to whom the permission is given.

(2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the number of apprentices or indentured learners proposed to be employed by him.

(3) Any person aggrieved by any decision of the Director under this section may appeal therefrom to the Minister, whose decision thereon shall be final.

(4) Any person who -

(a) employs an apprentice or indentured learner without first having obtained the written permission of the Director to employ apprentices or indentured learners; or

(b) having obtained the written permission of the Director to employ apprentices or indenture learners, employs at any one time a number of apprentices or indentured learners in excess of the maximum number specified in such written permission,

shall be guilty of an offence.

Person who
may bind
himself as
an
apprentice or
indentured
learner.

11.(1) Any person who -

- (a) has attained the apparent age of fifteen years; and
- (b) has completed any period of compulsory education required by law; and
- (c) has, in the case of a trade or occupation in respect of which a scheme has been made, the qualifications prescribed under that scheme; and
- (d) has been certified fit as provided in section 12 of this Act,

may, subject to the provisions of subsection (3) of this section, bind himself as an apprentice or as an indentured learner in any trade or occupation.

(2) No person who does not qualify therefor under the provisions of subsection (1) of this section shall bind himself as an apprentice or indentured learner.

(3) A person who is a minor shall not bind himself as an apprentice or indentured learner except with the consent of his parent or guardian or, if there is no parent or guardian, a labour officer.

(4) A minor who, with the consent provided for in subsection (3) binds himself as an apprentice or indentured learner shall be bound by the contract of apprenticeship or indentured learnership, as the case may be, throughout its currency notwithstanding that he may in the meantime have attained his majority.

Medical
examination
of
apprentices
and
indentured
learners.

12. Every person before entering into a contract of apprenticeship or indentured learnership shall be medically examined at the expense of the employer by a medical practitioner; and a medical certificate to the effect that such person is fit to be employed in the trade concerned shall be obtained by the employer.

Registration
of contracts
of
apprentice-
ship or
indentured
learnership.

13.(1) Every contract of apprenticeship or indentured learnership made after the commencement of this Act shall be in such form as may be prescribed, or, where no form has been prescribed, in a form approved by the Director.

(2) An employer who enters into a contract of apprenticeship or indentured learnership with any person shall, within fourteen days thereafter, lodge, in such manner as may be prescribed, with the Director for registration -

- (a) the contract of apprenticeship or indentured learnership;
- (b) a duplicate or copy thereof;
- (c) a further copy thereof for filing by the Director; and
- (d) the medical certificate obtained under section 12 of this Act.

(3) Any employer who fails to comply with the provisions of subsection (2) of this section shall be guilty of an offence.

(4) No contract of apprenticeship or indentured learnership made after the commencement of this Act shall be binding until it has been registered by the Director.

(5) The Director may refuse to register any contract of apprenticeship or indentured learnership if, in his opinion, it is not in the interest of the person who is the apprentice or indentured learner thereunder, or if it is not made in accordance with the provisions of a scheme; and he may, in coming to a decision under this subsection, have regard, in addition to any other circumstances, to such person's prospects of obtaining employment, at the expiration of such contract, in the trade or occupation in which he seeks to bind himself as apprentice or indentured learner.

(6) Any part dissatisfied with the refusal of the Director to register a contract may appeal to the Minister within thirty days of the date upon which the decision of the Director is communicated to him and the Minister's decision shall be final.

(7) In every case where the Director registers a contract under this Act, he shall -

- (a) endorse the particulars of registration thereon and on the duplicate or copy referred to in paragraph (b) of subsection (2) of this section and return the contract and the duplicate or copy thereof to the employer; and
- (b) file the copy referred to in paragraph (c) of subsection (2) of this section.

(8) The employer shall deliver the duplicate or copy of the contract which has been endorsed in accordance with subsection (7) of this section to the apprentice or indentured learner for him to keep.

Transfer of contracts of apprenticeship or indentured learnership.

14.(1) The rights and obligations of an employer under any contract of apprenticeship or indentured learnership may, with the consent of the apprentice or indentured learner thereunder and with the approval of the Director be transferred to another employer.

(2) The Director may withhold his approval under this section if, in his opinion, the transfer is not in the interest of the apprentice or indentured learner.

(3) Subject to the provisions of subsection (5) of this section, no transfer of the rights and obligations of an employer under any contract of apprenticeship or indentured learnership shall take effect until the instrument of transfer -

- (a) has been reduced to writing and has been signed by or on behalf of the employer transferring such rights and obligations

are being transferred and by the apprentice or indentured learner, as the case may be; and where such apprentice or indentured learner is a minor, has been signed also by his parent or guardian or, if he has no parent or guardian, has been signed by a labour officer; and

- (b) has been registered by the Director in the manner prescribed by subsection (4) of this section.

(4) The employer to whom the rights and obligations under a contract of apprenticeship or indentured learnership are being transferred shall, within one month of the date on which the instrument of transfer is signed by him, lodge, in such manner as may be prescribed, such instrument with the Director for registration, and any such employer who fails so to lodge such instrument shall be guilty of an offence.

(5)(a) Where, under any contract of apprenticeship or indentured learnership, an apprentice or indentured learner is employed by two or more persons in partnership, unless the apprentice or indentured learner otherwise elects, his contract of apprenticeship or indentured learnership shall not be terminated by reason only of the death or retirement of any partner if the business of the partnership is continued by the surviving or continuing partner or partners whether alone or jointly with another person or persons, and the rights and obligations of the employer under such contract shall be deemed to be transferred to the person or partners continuing the business.

(b) The person or partners continuing the business shall, within one month of the date of such death or retirement, lodge the contract, in the same manner as if it were an agreement to transfer, with the Director, who shall certify thereon that the

employer's rights and obligations under such contract have been transferred to such person or partnership under this subsection.

Termination
of
contracts.

15.(1) Without prejudice to the provisions of section 21 of this Act, any contract of apprenticeship or indentured learnership may be terminated -

- (a) by mutual agreement of the parties thereto, with, in the case of an apprentice or indentured learner who is a miner, the same consent as is requisite for binding himself as an apprentice or indentured learner; or
- (b) by the Director at the instance of any party thereto if he is satisfied that it is expedient so to do; or
- (c) by the Director at the instance of the Council.

(2) The employer shall give notice to the Director of the termination of any contract under paragraph (a) of subsection (1) of this section, and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.

(3) The Director shall not exercise the powers conferred upon him by paragraph (b) of subsection (1) of this section unless he has given both parties to the contract an opportunity to be heard by, or to make representations to him.

(4) The fact of termination shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.

(5)(a) Where a contract of apprenticeship of indentured learnership is terminated by the Director under this section, the Director may, after

consultation with the Council, make such direction with regard to the payment of any wages which would have been payable to the apprentice or indentured learner if the contract had not been terminated as he considers just, and any sum so directed to be paid may be recovered by the apprentice or indentured learner from the employer as a civil debt recoverable summarily.

(b) Any party dissatisfied with the action of the Director in terminating a contract of apprenticeship or indentured learnership or in directing the payment of any wages may appeal to the Minister within two months of the date upon which the decision of the Director is communicated to him.

(6) The decision of the Minister under paragraph (b) of subsection (5) of this section shall be final and shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.

(7) A contract terminated under this section shall be terminated for all purposes but without prejudice to any right of action which may have accrued before the date of such termination.

Enticement of apprentices or indentured learners.

16. Any person who induces or attempts to induce an apprentice or indentured learner to quit the service of his employer, or who employs a person who he knows is bound by a contract of apprenticeship or indentured learnership to any other person, shall be guilty of an offence and be liable on conviction to a fine not exceeding two thousand shillings.

Probationary period.

17.(1) Without prejudice to the provisions of section 19 of this Act, the first six months of every contract of apprenticeship or indentured learnership shall be a period of probation during or at the expiration of which the contract may be

terminated by either party; and any agreement to the contrary in relation to the first six months, whether expressed or implied, shall be null and void without, however, affecting the validity of any other part of the agreement of which it forms part.

(2) The employer shall give notice to the Director of the termination of any contract under subsection (1) of this section, and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.

Apprentices or indentured learner retained after expiration of contract entitled to wage.

18. If any person with whom any apprentice under this Act has been placed shall retain such apprentice or indentured learner in his service after the stipulated period of service has expired without any agreement between the parties for the payment of wages the apprentice shall be entitled to recover from the person so retaining him wages at the ordinary current rate payable for service similar to that performed by such apprentice or indentured learner.

Suspension of apprentice or indentured learner.

19.(1) If an employer is satisfied that an apprentice or indentured learner bound to him by contract under this Act has committed a serious breach of the terms of such contract or of any conditions of apprenticeship or indentured learnership applicable to such apprentice or indentured learner, he may forthwith suspend the apprentice or indentured learner.

(2) An employer who suspends an apprentice or indentured learner shall, within three days of the suspension, report the matter in writing to any inspector, who shall forthwith forward a copy of such report to the Director, and the Director shall then investigate the matter or cause an investigation to be carried out, and upon the conclusion of such investigation the Director may confirm or set aside the suspension or vary the term thereof.

(3) Whether or not a complaint has been lodged by the employer, the Director may order the suspension of an apprentice or indentured learner pending investigation, and, if he does so, he shall report his action to the Council.

(4) Where the Director sets aside the suspension of an apprentice or indentured learner the employer shall pay to the apprentice or indentured learner such wages as may have been withheld from him during the period of suspension.

(5) Any employer who fails to report the suspension of an apprentice or indentured learner in accordance with the provisions of this section shall be guilty of an offence.

Records to
be kept by
employers.

20.(1) Every employer who employs an apprentice or indentured learner shall keep in respect of every such apprentice or indentured learner records of the remuneration paid to, and of the time worked by, every such apprentice or indentured learner, and such other particulars as may be prescribed.

(2) Such records shall be kept in such form and manner as may be prescribed:

Provided that the Director may, after consultation with the Council, in writing signed by him, authorize the keeping of such records in some other form if the records so kept will in his opinion enable him to ascertain therefrom the required particulars.

(3) Every person who employs or has employed an apprentice or indentured learner shall retain any record made in accordance with this section for a period of three years after the date of the last entry in the record.

(4) Every employer who fails to keep the required record in the proper form and manner and every employer and former employer who fails

to retain any record made in accordance with this section for the required period shall be guilty of an offence.

Limitations of in regard to method of payment.

21. Notwithstanding the provisions of other law for the time being in force, any term of a contract of apprenticeship or indentured learnership which -

(a) provides that the whole or any part of the wages of an apprentice or indentured learner shall be based upon the quantity of work done; or

(b) requires an apprentice or indentured learner under seventeen years of age to work overtime,

shall be null and void.

Certificate of apprenticeship and indentured learnership.

22.(1) The employer of an apprentice or indentured learner shall, at the request of the apprentice or indentured learner, on the satisfactory completion of the contract of apprenticeship or indentured learnership, make out a certificate of apprenticeship or indentured learnership, as the case may be, in such form and manner as may be prescribed, submit the same to the Director for countersignature and, when countersigned, give it to the apprentice or indentured learner.

(2) If any employer fails to give such a certificate, then without prejudice to any penalty to which the employer may be liable in respect of such failure, it shall be lawful for the Director, having first made such enquiries as may be necessary and possible, to give such a certificate himself.

(3) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence.

(4) Any person who knowingly gives to an apprentice or indentured learner a certificate under this section which is untrue in any material particular shall be guilty of an offence.

PART IV.

TRAINING SCHEMES

Director may
make
training
scheme
proposals.

23.(1) Subject to the provisions of this section, the Director may, with the approval of the Council, submit to the Minister proposals hereinafter referred to as training scheme proposals prescribing conditions for regulating the training of apprentices or indentured learners in any trade or occupation.

(2) Training scheme proposals may, in respect of any trade or occupation to which they relate, specify -

- (a) the qualifications, including **age and** educational standard, required for apprentices or for indentured learners in that trade or occupation;
- (b) without prejudice to the provisions of subsection (2) of section 26 of this Act, the period of apprenticeship or indentured learnership (which shall not exceed seven years in the case of apprenticeship and shall be less than four years in the case of indentured learnership) applicable to that trade or occupation;
- (c) the practical training which employers shall provide for apprentices or indentured learners in their employ in that trade or occupation;
- (d) the theoretical training in that trade or occupation which shall be provided by or at the expense of employers for

their apprentices or indentured learners or which apprentices or indentured learners shall undergo, and the manner in which such training shall be provided or undergone;

- (e) the proficiency tests or examinations which apprentices or indentured learners in that trade or occupation shall be required to undergo from time to time;
- (f) the maximum number of ordinary working hours which apprentices or indentured learners in that trade or occupation may be required or permitted to work during any week or on any day, and the days on which the hours on any day before or after which and the intervals during which no apprentice or indentured learner in that trade may be required or permitted to work;
- (g) the maximum period of overtime which apprentices or indentured learners in that trade may be required or permitted to work on any day or during any specified period;
- (h) the minimum number of paid holidays to be allowed to apprentices or indentured learners in that trade or occupation during any year of their apprenticeship or indentured learnership;
- (i) the remuneration and other conditions which shall apply in respect of any period during which an apprentice or indentured learner in that trade is unable by reason of any condition of apprenticeship or indentured learnership or other specified circumstances to render service to his employer during ordinary working hours;
- (j) any other matter which in the opinion of the Director, after consultation with the Council, is necessary for the effective operation of the scheme.

(3) Training scheme proposals may provide that the conditions of apprenticeship or indentured learnership specified therein, or any of them, shall apply in respect of apprentices or indentured learners either generally or in any particular area.

(4) Different conditions of apprenticeship or indentured learnership may be specified in any training scheme proposals made under this section in respect of categories of employers or apprentices or indentured learners, and different specified trades or occupations; and in prescribing such different conditions the Director may, with the approval of the Council, apply any method of differentiation he may deem advisable.

(5) Before submitting any training scheme proposals to the Minister, the Director shall publish in the Gazette and in at least one local newspaper circulating in Zanzibar notice of the proposals, stating the place where copies of the proposals may be obtained and the period, not being less than fourteen days within which a written representation with respect to the proposals may be made to the Director, and the Director shall, in consultation with the Council, consider any written representations made to him within that period and may then, with the approval of the Council, submit the proposals to the Minister either without amendment or with such amendments as may be approved by the Council having regard to the representations:

Provided that if no representations with respect to the proposals are made within the said period the Director shall submit the proposals to the Minister.

24.(1) Where the Minister receives training scheme proposals in pursuance of section 23 and he is of the opinion that it is expedient to give effect to such proposals either with or without modifications, he may, subject to the provisions of this section, make an order making a scheme.

Power of
Minister to
make
training
schemes.

(2) Before making a scheme under subsection (1) of this section, the Minister shall publish in the Gazette a notice of his intention to make such a scheme and every such notice shall set forth the conditions of the scheme intended to be made and shall specify the time within which any objection to the proposed making of the scheme or to any of the proposed conditions of the scheme shall be sent to the Minister.

(3) Every objection shall be in writing and shall state -

(a) the grounds of objection;

(b) the omissions, additions or modifications asked for,

and the Minister shall consider any such objection made by ~~them~~ or on behalf of any person appearing to him to be affected, being an objection sent to the Minister within the time specified in the notice, but shall not be bound to consider any other objection.

(4) After considering the objections which the Minister is required by subsection (3) of this section to consider, the Minister may -

(a) proceed to make an order making a scheme as proposed by him in the notice or subject to such modifications as he may think fit:

Provided that no scheme shall revoke or vary any term of any contract of apprenticeship or indentured learnership registered before the date of the making of such scheme; or

(b) abandon the intention to make the proposed scheme and make no order for making the scheme.

(5) Every order making a scheme shall be published in the Gazette and in at least one local newspaper circulating in Zanzibar, and the order

shall come into operation on the date on which it is so published in the Gazette or on such later date as may be specified therein.

(6) A scheme may be amended by a subsequent scheme or by an order made by the Minister on the advice of the Director after consultation with the Council.

Supervision of
apprentices
or indentured
learner.

25.(1) Every employer of apprentices or indentured learners shall appoint by name, from among his employees -

- (a) a person responsible for supervising generally the training of apprentices or indentured learners under the provisions of this Act and of any relevant scheme; and
- (b) at every premises or worksite where apprentices or indentured learners are regularly employed for a period of not less than three months, and apprentice or indentured learner master, who shall be responsible for day to day guidance of the apprentices or indentured learners in matters concerning their trade or occupation.

(2) The Director may, by notice in writing to an employer, disapprove the appointment of any apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and such notice may specify the nature of the training which the Director requires the apprentice or indentured learner master to undertake before his appointment may be reapproved.

(3) Where twenty-five or more apprentices or indentured learners or apprentices and indentured learners are employed at any one premises to work-site, the apprentice or indentured learner master shall devote the whole of his time during normal working hours to apprentice or indentured learner guidance; and where the number of apprentices

or indentured learners or apprentices and indentured learners is less than twenty-five the apprentice or indentured learner master shall devote that proportion of his time to apprentice or indentured learner guidance as the number of apprentices or indentured learners or apprentices and indentured learners employed bears to twenty-five.

(4) An employer who fails to make any appointment required by subsection (1) of this section, or who fails to ensure that the provisions of subsection (3) of this section are observed shall be guilty of an offence.

PART V

MISCELLANEOUS POWER OF DIRECTOR AND APPOINTMENT
AND POWERS OF INSPECTORS.

Miscellaneous
power of
Director,

26.(1) If an apprentice or indentured learner is absent from work for a period of thirty days or more, or for a number of periods amounting in the aggregate to thirty days or more, the Director may, if he considers it expedient, order that the term of his contract of apprenticeship or indentured learnership be extended by the number of days on which he is absent, and the contract shall stand extended accordingly.

(2) Where it is proved to the satisfaction of the Council that a person has undergone previous technical training relevant to the trade or occupation in which he desires to be apprenticed, the Council may authorize the Director to reduce the period of apprenticeship to be served by such person to such lesser period as it shall determine.

(3) The Director shall have all the power of an inspector under this Act.

Appointment
of
inspectors.

27. The Minister may appoint any labour officer, or any person appointed to the public service as an Inspector of Factories, an Industrial Training Officer or a Labour Inspector, to be an inspector for all or any of the purposes of this Act.

Power of
inspectors.

28.(1) Any inspector may -

- (a) at any reasonable time enter any premises in which he has reasonable cause to believe that an apprentice or indentured learner is or has within the previous six months been employed and take with him any interpreter or other assistant or a police officer;
- (b) examine, with respect to matters under this Act, every person whom he finds on premises entered under the provisions of paragraph (a) of this subsection or whom he has reasonable cause to believe to be or to have been within the preceding six months employed on such premises, and to require every such person to be so examined;
- (c) require any apprentice or indentured learner to appear before him at a time and place fixed by the inspector and then and there question that apprentice or indentured learner;
- (d) require the production or delivery up of any of the records required to be kept under this Act or any regulations made thereunder, and of any document relating thereto or relating with respect to matters under this Act, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice or indentured learner;
- (e) examine and make extracts from and copies of any such documents produced or delivered up.

(2) Any person who -

- (a) refuses or fails to comply to the best of his ability with any requirement made by an inspector under this section; or

25/....

(b) hinders an inspector in the exercise of his powers under this section, shall be guilty of an offence:

Provided that no person shall be required under this section to answer any question or to give any information tending to incriminate himself.

(3) Any inspector exercising or seeking to exercise any of the powers specified in subsection (1) of this section shall, on being required to do so, produce written evidence of his appointment.

PART VI

REPEAL AND MISCELLANEOUS PROVISIONS

Disclosure of information an offence.

29. Any member of the Council or any public officer who discloses to any person, except for the purposes of the performance of his duties or the exercise of his powers under this Act, any information in relation to the financial affairs or plant or equipment of any person, which information was acquired in the performance of his duties or the exercise of his powers under this Act, shall be guilty of an offence:

Provided that nothing in this section shall apply to the disclosure of information made for the purposes of any criminal proceedings which may be taken whether by virtue of this act or otherwise or for the purposes of a report of any such proceedings.

Regulations

30.(1) The Minister may make regulations generally for carrying into effect the provisions and the purposes of this Act and without prejudice to the generality of the foregoing, may make regulations prescribing -

- (a) the tenure of office of the members of the Council, the quorum and procedure at meetings of the Council and such other matters as the Minister may deem expedient to prescribe for or in relation to the Council and the members thereof;

- (b) the form of any contract of apprenticeship or indentured learnership and the matters for which provision shall be made in such contract;
- (c) the manner in which educational standards or birth may be proved;
- (d) the nature of returns which employers may from time to time be required to furnish to the Director and the period within which those returns shall be so furnished;
- (e) the procedure for the registration and transfer of contracts of apprenticeship or indentured learnership and for the notification of the expiration or termination of such contracts;
- (f) the form and manner in which certificates of apprenticeship or indentured learnership are to be issued by employers;
- (g) the procedure on an appeal to the Minister under this Act;
- (h) all or any matters which by this Act are required or permitted to be prescribed.

(2) Different regulations may be made under subsection (1) of this section in respect of different categories of employers or apprentices or indentured learners and of different trades or occupations and in making such regulations the Minister may apply any method of differentiation he may deem advisable.

Institution
of
proceedings.

31. Any inspector may institute proceedings in respect of any offence under this Act or any regulations made thereunder and may appear and prosecute in such proceedings.

Penalties.

32. Any person who commits an offence under this Act in respect of which no penalty is specially provided shall be liable on conviction to a fine

not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Repeal and
Consequential
provisions.
Cap.57.

33.(1) The Apprentices Decree is hereby repealed.

(2) Notwithstanding the repeal of the Apprentices Decree by subsection (1) of this section every contract of apprenticeship existing immediately before the commencement of this Act shall continue in force and be reduced to writing and executed and registered in accordance with the procedure laid down in section 13 of this Act within four months of the date of commencement of this Act.

Passed in the House of Representatives
on the 16th day of December, 1986.



SALIM MZEE

ACTING CLERK OF THE HOUSE
OF REPRESENTATIVES.

SHERIA YA KUFUTA NA KUENZISHA UPYA
SHERIA YA WANAFUNZI WA KAZI (APPRENTICES) NA
KUWEKA MASHARTI BORA ZAIDI KUHUSIANA NA
MAFUNZO KWA WANAFUNZI WA
KAZI WATU WENGINE VIWANDANI.

KIFUNGU:

SEHEMU YA KWANZA

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi ya Sheria.
3. Ufafamuzi.

SEHEMU YA PILI

4. Uteuzi wa Mkurugenzi na Msaidizi wa Mafunzo ya Amali.
5. Kazi za Mkurugenzi.
6. Uanzishwaji wa Baraza la Taifa la Mafunzo na Wajumbe wote.
7. Mikutano ya Baraza.
8. Kazi za Baraza.
9. Kamati ya Mafunzo.

SEHEMU YA TATU.

10. Ruhusa ya kuajiri wanafunzi wa kazi na wanafunzi wanaobanwa na mikataba.
11. Mtu anayeweza kujifunga (bind) kama ni mwanafunzi wa kazi au mwanafunzi anayebanwa na Mikataba.
12. Uangalizi wa afya kwa wanafunzi wa kazi.
13. Kumbukumbu ya mikataba ya wanafunzi wa kazi.
14. Uhamisho wa Mikataba ya wanafunzi wa kazi.
15. Kuvunjwa kwa mikataba.
16. Kumshawishi mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba.
17. Kipindi cha majaribio.
18. Mwanafunzi wa kazi aliyebanwa na mkataba kupata mshahara baada ya kumaliza mkataba.
19. Kusimamishwa mwanafunzi wa kazi au yule aliyetilishwa mkataba.
20. Waajiri kuweka kumbukumbu.
21. Mipaka kuhusu utaratibu wa malipo.

KIFUNGU:

22. Stashahada ya kumaliza muda wa uanafunzi.

SEHEMU YA NNE

23. Mkurugenzi anaweza kufanya mapendekezo ya mipango ya mafunzo.
24. Uwezo wa Waziri kufanya mpango wa mafunzo.
25. Usimamiwaji wa mwanafunzi wa mfanyakazi wa mkataba.

SEHEMU YA TANO.

26. Uwezo wa Mkurugenzi.
27. Uteuzi wa Wakaguzi.
28. Uwezo wa Mkaguzi.

SEHEMU YA SITA

29. Kutoa maelezo ni kosa.
30. Kamuni.
31. Kufungua mashtaka.
32. Adabu.
33. Kufutwa kwa Cap. 57

SHERIA NAMBA 17.....

NAKUBALI

Idris Abdul Sahil

IDRIS ABDULWAKIL

RAIS WA ZANZIBAR

NA MWENYEKITI WA

BARAZA LA MAPINDUZI.

9 Februari 1987.

SHERIA YA KUFUTA NA KUENZISHA UPYA
SHERIA YA WANAFUNZI WA KAZI (APPRENTICES) NA
KUWEKA MASHARTI BORA ZAIDI KUHUJIANA NA
MAFUNZO KWA WANAFUNZI WA
KAZI NA WATU WENGINE VIWANDANI.

IMEITUNGWA na Baraza la Wawakilishi la Zanzibar.

SEHEMU YA KWANZA

Jina na
tarehe ya
kuanza
kutumika.

1. Sheria hii itajulikana kuwa ni Sheria ya Mafunzo ya
Amali (Vocational Training) 1986 na itaanza kutumika tarehe
ambayo Waziri ataitangaza katika Gazeti Rasmi la Serikali.

Matumizi ya
sheria hii.

2. (1) Pamoja na masharti yaliyomo kwenye kijifungu cha (2)
cha kifungu hiki, Sheria hii haitowahusu wafuatao:-

- (a) Askari wa Jeshi la Ulinzi la Jamhuri ya
Muungano;
- (b) Askari wa Jeshi la Polisi;
- (c) Askari wa Idara Maalum za Serikali ya
Mapinduzi ya Zanzibar.

Kusameheka
na masharti ya
sheria hii.

(2) Waziri kwa kutoa Tangazo kwenye Gazeti anaweza
kukisamehe Chombo au Vyombo vyovyote vya Serikali
au mtu ye yote au kikundi fulani cha watu kutokana
na vifungu au baadhi ya vifungu vya sheria hii au
kutokana na kamuni au amri iliyotolewa chini ya
Sheria hii au kutokana na masharti ye yote ya
uanafunzi wa kazi au mkataba wa kujifunza uliomo
kwenye mpango wa mafunzo (scheme) yoyote.

Ufafanuzi

3. Katika sheria hii, isipokuwa kama itaelezwa vyenginevyo:-

"Mwanafunzi wa kazi (apprentice)" maana yake ni mtu anaefungwa kwa mkataba kufanya kazi chini ya muajiri kwa kipindi fulani kisichopungua miaka mime au chini ya muda huo kama itakavyoamuliwa na Baraza kufuatana na maelezo kwenye kifungu cha 26(2) cha sheria hii kwa madhumuni ya kupata elimu ya biashara ambayo muajiri atalazimika kumfundisha mwanafunzi huyo,

"Kamati" maana yake ni Kamati ya mafunzo iliyoanzishwa chini ya kifungu cha 9 cha Sheria hii;

"Baraza" maana yake ni Baraza la Taifa la Mafunzo ya Amali lililoanzishwa chini ya kifungu cha 6 cha Sheria hii;

"Mkurugenzi" maana yake ni Mkurugenzi wa Mafunzo ya Amali aliyeteuliwa chini ya kifungu cha 4 cha Sheria hii;

"Mwanafunzi aliyetilishwa mkataba (indentured learner)" maana yake ni mtu ambaye si mwanafunzi wa Kazi, ambaye anabanwa (bound) na mkataba amtumikie muajiri wake kwa kipindi kisichozi miaka mime kwa nia ya kupata ujuzi ambao muajiri atawajibika amfunze;

"Mkaguzi" maana yake ni mkaguzi aliyeteuliwa na Waziri chini ya kifungu cha 27 cha Sheria hii na inajumuisha Mkurugenzi;

"Ujuzi" ni pamoja na nadharia na vitendo katika kazi;

"Ofisa wa kazi" maana yake ni mtu aliyeteuliwa kufanya kazi za Serikali kama ni Mkurugenzi wa Kazi, Msaidizi Mkurugenzi wa Kazi, Ofisa wa Kazi Mwandamizi (Principal Labour Officer), Ofisa Mkuu wa Kazi au Ofisa wa Kazi;

"Waziri" maana yake ni Waziri anaohusika na mambo ya kazi;

"Mtoto" maana yake ni mtu mwenye umri usiotimia miaka kumi na tano;

"M. pango" maana yake ni mpango ulioainishwa kwenye kifungu cha 24 wa kuongoza mafunzo ya wanafunzi wa kazi au wanafunzi waliotilishwa mikataba katika kazi yoyote;

"Idara Maalum" maana yake ni Idara Maalum zilizoanzishwa chini ya kifungu cha 120 cha Katiba ya Zanzibar ya mwaka 1984;

"Kazi" maana yake ni kazi inayohitaji ujuzi (skill).¹

SEHEMU YA PILI

UANZISHWAJI NA UTAWALA WA BARAZA
LA TAIFA LA MAFUNZO YA AMALI.

Uteuzi wa
Mkurugenzi na
Msaidizi
Mkurugenzi wa
Mafunzo ya
Amali.¹

4. (1) Waziri atamteua mfanyakazi wa Serikali mwenye uwezo na sifa zinazokubalika kuwa Mkurugenzi na kuteua idadi ya wanafunzi wengine wa Serikali wenye sifa zinazokubalika kuwa wasaidizi Wakurugenzi wa Mafunzo ya Amali kwa mujibu wa Maelezo ya Sheria hii.¹

(2) Kila Msaidizi Mkurugenzi wa Mafunzo ya Amali, baada ya kufuata muongozo wa Mkurugenzi, atafanya kitendo chochote au kazi yoyote ambayo kisheria inaweza kufanywa na Mkurugenzi kwa mujibu wa maelezo ya sheria hii.¹

Kazi za
Mkurugenzi.¹

5. Mkurugenzi atawajibika kufanya kazi zifuatazo:-

- (a) Kuhakikisha muongozo na mafunzo yanaelekezwa kwenye kutambua na kuendeleza vipawa vya binadamu kwa ajili ya usalishaji na utoshelezaji wa mahitaji mahitaji ya mfanyakazi na kwa madhumuni ya kuinua kiwango chake cha elimu ili kupata ufanisi zaidi kazini;

- (b) Kuhakikisha kuwepo kwa sera na utaratibu kamili wa usimamizi wa mafunzo ya kazi utakao ainishwa na uajiri pamoja na kubuni nafasi za kazi (creation of employment);
- (c) Kuhakikisha kwamba mafunzo ya amali yanakidhi haja kwa wanafunzi wote na yanalenga katika kupata usawa baina ya wananchi wa Mijini na Mashamba;
- (d) Kutenda kazi nyengine zihusuzo wanafunzi wa mafunzo ya amali na wale waliofungwa na mikataba kwa mujibu wa maelezo ya sheria hii.

Uanzishwaji wa
Baraza la
Taifa la
Mafunzo ya Amali
na Wajumbe wote.

6. (1) Panaanzishwa Baraza litakalojulikana kuwa ni Baraza la Taifa la Mafunzo ya Amali.

(2) Baraza litakuwa na Mwenyekiti ataeteuliwa na Rais, pamoja na Wajumbe wafuatao ambao watateuliwa na Waziri:-

- (a) Mkurugenzi wa Idara ya kazi
- (b) Muwakilishi mmoja kutoka Tume ya Mipango
- (c) Muwakilishi kutoka Utumishi kutoka Serikalini
- (d) Mjumbe mmoja kutoka elimu ya juu
- (e) Mjumbe mmoja kutoka Juwata
- (f) Mjumbe mmoja kutoka Baraza la Wawakilishi
- (g) Mmoja kutoka Mbunge wa Muungano
- (h) Mmoja kutoka Jumuiya ya Waajiri
- (i) Wajumbe wanne ambao ni mafundi Zanzibar ambao watateuliwa na Waziri.

(3) Msaidizi Mwenyekiti atateuliwa na Wajumbe wa Baraza kutoka na miongoni mwao.

(4) Mkurugenzi au Mwakilishi wake atakuwa ni Katibu wa Baraza ambaye ndiye atakaewajibika kuweka kumbukumbu za mikutano na shughuli zote za Baraza.

(5) Mwenyekiti na Wajumbe watahika nyadhifa zao kwa kipindi cha miaka mitatu na wanaweza kuteuliwa tena kwa kipindi chengine.

Mikutano ya
Baraza.

7. (1) Kufuatana na masharti ya Kamuni zitakazotungwa ohini ya Sheria hii na kufuatana na miongozo ya Mkurugenzi, Baraza litakutana angalau mara moja katika kila miezi miwili.

(2) Mikutano wowote wa Baraza utafanyika iwapo zaidi ya nusu ya Wajumbe wote wamehudhuria.

Kazi za
Baraza.

8. Pamoja na masharti ya sheria hii, Baraza litawajibika kufanya kazi zifuatazo:-

- (a) Kupanga mafunzo maalum ya amali yatakayokwenda sambamba na kazi za uzalishaji kwa vijana wasiokuwa na kazi;
- (b) Kupanga utaratibu wa kuinua viwango vya elimu na ufundi kwa vijana wadogo na watu wazima waliomo makazini kwa madhumuni ya kuongeza ujuzi wao katika utendaji kazi na kuwapa nafasi zaidi za kujiendeleza;
- (c) Kuwapa misingi ya uelekeo na hamu ya kazi vijana na watu ambao bado hawajaajiriwa kwa nia ya kuwapa nafasi ya kuchaguwa aina ya elimu au mafunzo ya amali kulingana na uwezo na hamu zao;
- (d) Kuhakikisha kwamba mafunzo ya kazi yanalenga katika kazi za uzalishaji ikiwa ni pamoja na kazi za binafsi kwa nia ya kuamsha na kuendeleza ugunduzi (creativity) katika kupata ufanisi kazini pamoja na kuwalinda watu dhidi ya ukosefu wa kazi unaotokana na kutokuwepo haja ya wafanyakazi wa fani hiyo au kwamba wafanyakazi wa fani hiyo wamekuwa wengi kupita kiasi;
- (e) Baraza linaweza au baada ya kuombwa na Mkurugenzi kufanya uchunguzi na kutoa mapendekezo yake kwa Mkurugenzi kuhusiana na suala lolote ohini ya sheria hii;

- (f) litachunguza mzozo au jambo lolote litakalozuka kutokana na mkataba wa mwanafunzi wa kazi au mwanafunzi anayebanwa na mkataba huo baada ya kuletewa mzozo huo na Mkurugenzi na Baraza litawajibika kutatua mzozo huo kihaki;
- (g) lifafanya kazi nyengine kuhusiana na wanafunzi wa kazi na wanafunzi waliobanwa na mkataba kama itavyojiri;
- (h) litahakikisha kupatikana kwa wafanyakazi waliofunzwa vizuri katika viwango vyote kila wanapohitajika;
- (i) litahakikisha kupatikana kwa viwango vya juu kabisa na ufanisi katika mafunzo ya Amali.

Kamati ya
Mafunzo.

9. (1) Baraza linaweza kuanzisha Kamati za Mafunzo zifuatazo kwa madhumuni ya kufanya kazi za Baraza kuhusiana na mafunzo:-

- (a) Mafunzo na Uchambuzi wa ustadi;
- (b) Majaribio ya kazi;
- (c) Utafiti, Ugunduzi na Maendeleo;
- (d) Mipango na Fedha.

(2) Mbali na yale yaliyoelezwa kwenye kijifungu kidogo cha (1) cha kifungu hiki Baraza linaweza kuunda Kamati nyengine yeyote kuhusiana na mafunzo au shughuli nyengine za Baraza.

(3) Wajumbe wa Kamati za Mafunzo au Wajumbe wa Kamati nyengine zilizoundwa ohini ya kifungu hiki watateuliwa toka miongoni mwa Wajumbe wa Baraza au nje yake au sehemu zote mbili:
Isipokuwa jumla ya Wajumbe hao haitozidi watano angalau Mjumbe mmoja awe Mwakilishi toka Muungano wa Waajiri na mmoja toka JUWATA.

(4) Mwenyekiti na Wajumbe wengine wa Kamati watahika nyadhifa zao kwa kipindi kisichozidi kipindi cha Wajumbe wa Baraza na wanaweza kuteuliwa tena kwa kipindi chengine.

(5) Kulingana na masharti ya miongozo ama ya jumla au maalum itakayotolewa na Baraza, na kwa mujibu wa masharti ya sheria hii au kanuni zozote zitakazotungwa chini ya sheria hii, Kamati itapanga utaratibu wake wenyewe wa kuendesha shughuli zake.

(6) Mkurugenzi au Mwakilishi wake atakuwa ni Katibu wa Kamati yeyote itakayoundwa chini ya kifungu hiki.

(7) Kamati itafanya shughuli zake kwa niaba ya Baraza kama itakavyopewa uwezo wa aina hiyo na Baraza lenyewe kwa maandishi, na itafanya shughuli hizo kwa kushauriana na Mkurugenzi.

SEHEMU YA TATU.

MAELEZO KUHUSU MIKATABA YA WANAFUNZI

WA KAZI NA WANAFUNZI WANAObANWA NA

MIKATABA.

Ruhusa ya
kuajiri
wanafunzi
wa kazi na
wanafunzi
wanaobanwa
na mikataba.

10. (1) (a) Hakuna mtu atakae mwajiri mwanafunzi wa kazi au mwanafunzi aliyebanwa na mikataba kabla hajaruhusiwa kimaandishi na Mkurugenzi kufanya hivyo.

(b) Ruhusa ya Mkurugenzi itaainisha idadi ya jum kabisa ya wanafunzi ambao wanaweza kuajiri kwa wakati mmoja na mtu huyo aliyepewa ruhusa hiyo.

(2) Hakuna ruhusa itakayotolewa chini ya kifungu hiki isipokuwa muombaji amtoshe Mkurugenzi kwamba kazi yake itatoa nafasi nzuri ya mafunzo kwa idadi ya wanafunzi wanaopendekeza kuwaajiri.

(3) Mtu ye yote ambaye hakuridhika na uamuzi wa Mkurugenzi chini ya kifungu hiki anaweza kukata rufaa kwa Waziri ambaye uamuzi wake utakuwa ni wa mwisho.

(4) Mtu ye yote ambaye :-

- (a) amejiri mwanafunzi wa kazi au mwanafunzi aliyebanwa na mkataba kabla ya kupata ruhusa ya maandishi toka kwa Mkurugenzi; au
- (b) baada ya kupata ruhusa ya kuajiri idadi fulani ya wanafunzi wa kazi au wanafunzi wanaobanwa na mkataba, akaajiri zaidi ya idadi ile aliyoruhusiwa kwa maandishi, atakuwa ni mkosa.

Mtu anayeweza kujifunga (bind) kama ni mwanafunzi wa kazi au mwanafunzi anayebanwa na Mkataba.

11. (1) Mtu ye yote ambaye-

- (a) ametimia umri wa miaka kumi na tano;
- (b) amemaliza elimu ya lazima kwa mujibu wa sheria
- (c) kuhusiana na kazi ambayo mpango umewekwa, anazo sifa kwa mujibu wa mpango huo; na
- (d) amethibitishwa kuwa afya yake vizuri kwa mujibu wa kifungu cha 12 anaweza kufuatana na masharti ya kifungu kidogo cha (3) cha kifungu hiki akajifunga mwenyewe kama ni mwanafunzi wa kazi au mwanafunzi anayebanwa na mkataba katika shughuli yoyote.

(2) Hakuna mtu ambaye hana sifa zilizoelezwa chini ya kifungu kidogo cha (1) cha kifungu hiki atakayejifunga mwenyewe kama mwanafunzi wa kazi au aliyebanwa na mkataba.

(3) Mtu ambaye ni mtoto mdogo hatojifunga kuwa mwanafunzi wa kazi au mwanafunzi anayebanwa na mkataba isipokuwa kwa idhini ya wazazi wake na iwapo hana wazazi wala walezi bali lazima ipatikane idhini ya afisa wa kazi.

(4) Mtoto ambaye, baadaya kupata idhini kwa mujibu wa maelezo ya kifungu kidogo cha (3) cha kifungu hiki, amejifunga mwenyewe kama mwanafunzi wa kazi au aliyebanzwa na mkataba, basi atabarwa na mkataba huo kwa wakati wote hata kama katika kipindi hicho atakuwa mtu mzima.

Uangalizi wa afya kwa wanafunzi wa kazi.

12. Kila mtu kabla ya kuingia katika mkataba wa Uanafunzi wa kazi itabidi aangaliwe afya yake na daktari ambaye baadaye atatoa cheti kuthibitisha kwamba mtu huyo anafaa/hafai kuaajiriwa kwa kazi inayohusika.

Kumbukumbu ya mikataba ya wanafunzi wa kazi.

13. (1) Kila mkataba wa kazi au mkataba unaombana mwanafunzi wa kazi ulioingiwa baada ya kuanza kutumika kwa sheria hii, utakuwa katika umbile maalum litakalowekwa na iwapo hakuna umbile hilo basi utakuwa na umbo litakalokubaliwa na Mkurugenzi.

(2) Muajiri anayeingia kwenye mkataba wa uanafunzi wa kazi na mtu ye yote atalazimika, katika kipindi kisichozidi siku kumi na nne, kupeleka kwa Mkurugenzi ili kuandikisha -

- (a) Mkataba wa uanafunzi wa kazi au wa mtu anayebanwa na mkataba wa mujifunza;
- (b) nakla ya mkataba huo;
- (c) nakla nyengine zaidi ili itive kwenye jalada la Mkurugenzi;
- (d) karatasi ya hospitali iliyopatikana kwa mujibu wa kifungu cha 12.

(3) Muajiri yoyote atakaekwenda kinyume na maelezo ya kifungu kidogo cha (2) cha kifungu hiki atakuwa na makosa.

(4) Hakuna mkataba wa uanafunzi wa kazi ulioingiwa baada ya kuanza kutumika sheria hii utakaokuwa na nguvu za Kisheria isipokuwa uandikishwe (registered) na Mkurugenzi.

(5) Mkurugenzi anaweza kukataa kuandikisha mkataba wowote wa uanafunzi wa kazi iwapo ataona kuwa hauna maslahi kwa mwanafunzi wa kazi au yule aliyetilishwa mkataba huo, au iwapo

mkataba huo haukufanywa kwa mujibu wa mpango; na katika kufikia uamuzi huo anaweza, mbali na sababu nyengine yoyote, kutilia maanani uwezekano wa mwanafunzi huyo kupata nafasi ya kazi baada ya kumalizika mkataba huo katika kazi ambayo anakusudia mkataba huo umfunge.

(6) Mtu yeyote ambaye hakuridhika na uamuzi wa Mkurugenzi kukataa kuandikisha mkataba huo anaweza kukata rufaa kwa Waziri katika muda usiozidi siku thalathini tokea siku Mkurugenzi alipotoa uamuzi wake, na uamuzi wa Waziri utakuwa ni wa mwisho.

(7) Katika kila kesi ambapo Mkurugenzi ameuandikisha mkataba chini ya Sheria hii, atafanya yafuatayo -

- (a) atatia masuala yote ya uandikishaji kwenye mkataba huo na nakla yake kama ulivyoolezwa kwenye aya ya (b) ya kijifungu kidogo cha (2) cha kifungu hiki, na kuurudisha mkataba huo na nakala yake kwa muajiri; na
- (b) atatia kwenye jalada nakla iliyoelezwa kwenye aya ya (c) ya kijifungu kidogo cha (2) cha kifungu hiki.

(8) Muajiri atatoa nakla moja ya mkatana iliyo-thibitishwa (endorsed) kwa mujibu wa kijifungu kidogo cha (7) cha kifungu hiki na kumpa mwanafunzi wa kazi au mwanafunzi aliyebanwa na mkataba wa kazi.

Uhamisho
wa Mikataba
ya uanafunzi
wa kazi.

14. (1) Haki na majukumu ya muajiri chini ya mkataba wowote wa uanafunzi wa kazi zinaweza kuhamishiwa kwa muajiri mwengine kwa makubaliano na mwanafunzi mwenyewe na baada ya kuidhinishwa na Mkurugenzi.

(2) Mkurugenzi anaweza kukataa kuidhinisha uhamisho huo iwapo ataona hautakuwa na maslahi kwa mwanafunzi wa kazi au mwanafunzi aliyetilishwa na mkataba huo.

(3) Kwa kufuatana na masharti yaliopo kwenye kijifungu kidogo cha (5) cha kifungu hiki, hakuna uhamisho wahaki na majukumu ya muajiri utakaokuwa umetimia mpaka nyaraka za uhamisho -

- (a) ziwekwe katika maandishi na zitiwe sahihi na/au kwa niaba ya muajiri anayetoa uhamisho huo pamoja na sahihi ya mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba; na iwapo mwanafunzi huyo wa kazi ni mtoto mdogo, basi pale nyaraka hizo zinapotiwa sahihi na wazazi au mlezi na kama hana wazazi wale mlezi, pale nyaraka hizo zinapotiwa sahihi na ofisa wa kazi; na
- (b) mpaka nyaraka hizo zilandikishwe na Mkurugenzi kwa mujibu wa maelezo ya kijifungu kidogo cha (4) cha kifungu hiki.

(4) Yule muajiri ambaye haki na majukumu chini ya mkataba wa uanafunzi wa kazi yanapelekwa kwake atalazimika, katika kipindi kisichozidi mwezi mmoja tokea atie sahihi nyaraka hizo za uhamisho, apeleke nyaraka hizo kwa Mkurugenzi ili zilandikishwe. Muajiri ye yote atakaewacha kupeleka nyaraka hizo kuandikishwa basi atakuwa na makosa.

(5) (a) Pale mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba anapojiriwa na watu wawili au zaidi katika usia (partnership), isipokuwa kama ataamua mwenyewe, mkataba wake hautamalizika kwa kifo au kustaafu kwa mtu mmoja au zaidi kwenye usia huo iwapo bado usia wenyewe umaendelea, na haki na majukumu chini ya mkataba huo zitahesabiwa kwenda kwa wale watu (partners) wanaoendelea na usia huo.

- (b) Yule mtu au watu ambao wanaendelea na usia huo watalazimika, katika kipindi kisichozidi mwezi mmoja tokea kufa riki au kustaafu huko, kupeleka mkataba huo kwa Mkurugenzi kama kwamba mwanafunzi wa kazi anataka kuhamishwa (transferred) na Mkurugenzi atathibitisha kwa kuweka sahihi kwamba haki na majukumu yote ya muajiri yanawekwa kwa wanachama wa usia huo waliobaki.

Kuvunjwa
kwa
mikataba.

15. (1) Bila ya kuathiri maelezo ya kifungu cha 21 cha Sheria hii, kila mkataba wa uanafunzi wa kazi anaweza kuvunjwa -

- (a) kwa makubaliano yapande zote, na iwapo mwanafunzi wa kazi au wanafunzi anayebanwa na mkataba huo ni mtoto mdogo basi lazima ipatikane idhini kamili inayotakiwa kabla ya mtoto huyo haijaingia kwenye mkataba wa kazi; au
- (b) na Mkurugenzi kutokana na matakwa ya upande wowote na iwapo ataridhika kwamba ni vyema auvunje mkataba huo; na
- (c) na Mkurugenzi baada ya kutakiwa kufanya hivyo na Baraza.

(2) Muajiri atatoa notisi kwa Mkurugenzi kuhusu kuvunjwa kwa mkataba wowote chini ya aya ya (a) ya kijifungu kidogo cha (1) cha kifungu hiki, na muajiri yoyote atakaeshindwa kutoa notisi ya namna hiyo katika kipindi cha mwezi mmoja atakuwa na makosa.

(3) Mkurugenzi hatotumia uwezo wake aliopewa chini ya aya (b) ya kifungu kidogo cha (1) cha kifungu hiki mpaka kwanza azipe pande zote mbili kwenye mkataba huo nafasi za kujieleza ama kwa mdomo au maandishi.

(4) Mkurugenzi atasaini katika nakla ya mkataba wa uanafunzi wa kazi ulioandikishwa kwamba mkataba huo sasa umevunjwa.

(5) (a) Pale mkataba wa uanafunzi wa kazi unapovunjwa na Mkurugenzi chini ya kifungu hiki, Mkurugenzi anaweza, baada ya kushauriana na Baraza, kutoa muongozi kuhusu ulipaji wa mishahara yoyote kwa wanafunzi wa kazi au wale wanapbanwa na mikataba ya kazi ambayo kama si kuvunjwa kwa mkataba huo ingebidi walipwe.

(b) Mtu ye yote ambae hakuridhika na kitendo cha Mkurugenzi kuvunja mkataba wa wanafunzi wa kazi au kuhusu kuugawanya mishahara yao anaweza kukata rufaa kwa Waziri katika kipindi kisichozidi miezi miwili tokea aupate uamuzi wa Mkurugenzi.

(6) Uamuzi wa Waziri chini ya aya (b) ya kifungu kidogo cha (5) cha kifungu hiki utakuwa ni wa mwisho na utathibitishwa na Mkurugenzi katika nakala ya mkataba wa uanafunzi ulioandikishwa.

(7) Mkataba utakaovunjwa chini ya kifungu hiki utahesabiwa hivyo kwa madhumuni yote lakini hiyo haitaathiri madai ya haki yaliokuwepo kabla ya tarehe ya kuvunjwa kwa mkataba huo.

16. Mtu ye yote atakaemshawishi au atakaejaribu kumshawishi mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kukimbia kazi toka kwa muajiri wake, au ambae amemwajiri mtu akijuwa kuwa mtu huyo ni mwanafunzi wa kazi au amebanwa na mkataba, atakuwa na makosa na likithibiti atatozwa faini isiyozidi shilingi elfu mbili.

17. (1) Bila ya kuathiri maelezo ya kifungu cha 19 cha sheria hii, kipindi cha miezi sita ya mwanzo ya kila mkataba wa mwanafunzi wa kazi kitahesabiwa kuwa ni cha majaribio ambapo katika kipindi hicho upande wowote unaweza kuamua kuvunja mkataba huo; na makubaliano yoyote yatakayokuwa kinyume na maelezo hayo yatakuwa hayafai hata kama yatakuwa ni sehemu ya mkataba wa kazi.

(2) Muajiri atatoa notisi kwa Mkurugenzi kuhusu kuvunjwa kwa mkataba wowote chini ya kifungu kidogo cha (1) cha kifungu hiki, na muajiri yeyote atakaewacha kufanya hivyo katika kipindi cha mwezi tokea kuvunjika mkataba huo basi atakuwa ni mkosa.

18. Iwapo mtu ye yote ambaye amepewa dhamana ya mwanafunzi wa kazi au anaebanwa na mkataba akaendelea kufaidika na huduma zao bila ya kuwepo makubaliano yoyote basi mwanafunzi hao watastahiki kupata kutoka kwa mtu huyo mishahara ambayo wafanyakazi wanaotoa huduma kama hiyo wanapata.

Kumshawishi
mwanafunzi
wa kazi au
mwanafunzi
aliyetilishwa.

Mwanafunzi wa
kazi aliyebanwa
na mkataba kupata
mishahara baada
ya kumaliza
mkataba.

Kusimamishwa
mwanafunzi
wa kazi au
yule aliye-
tilishwa
mkataba.

19.(1) Iwapo muajiri ametoshaka kwamba mwanafunzi wa kazi au aliyetilishwa mkataba chini ya sheria hii amefanya kitendo kikubwa cha kuvunja masharti ya mkatabahuo au masharti yoyote ya uanafunzi wa kazi yamuhusuyo mwanafunzi huyo, anaweza kumsimamisha (suspend) kazi mwanafunzi huyo.

(2) Muajiri anaemsimamisha mwanafunzi wa kazi au yule aliyetilishwa mkataba atalazimika kutoa ripoti, katika muda usiozidi siku tatu, kwa mkaguzi ambaye nae atapeleka nakla ya ripoti hiyo kwa Mkurugenzi. Baadaye Mkurugenzi atachunguza au ataamuru kuchunguzwa shauri hilo na baada ya kwisha uchunguzi huo atathibitisha au atafuta usimamishwaji huo au atabadilisha masharti ya mkataba.

(3) Iwapo malalamiko ya muajiri yamepelekwa au la, Mkurugenzi anaweza kuamuru kusimamishwa mwanafunzi wa kazi au yule aliyetilishwa mkataba, wakisubiri uchunguzi umalizike, na iwapo atafanya hivyo atawajibika aripoti kwa Baraza.

(4) Pale Mkurugenzi anapofuta amri ya kumsimamisha mwanafunzi wa kazi au aliyetilishwa mkataba, muajiri atawajibika kumlipa mwanafunzi huyo mishahara yake yote aliyoikosa wakati alipokuwa amesimamishwa.

(5) Muajiri yeyote ataewacha kuripoti kusimamishwa kwa mwanafunzi wa kazi au aliyebarwa na mkataba kama ilivyo-elezwa kwenye kifungu hiki atakuwa ni mkosa.

Wajajiri
kuweka
kumbukumbu.

20.(1) Kila muajiri alieajiri mwanafunzi wa kazi au aliyetilishwa mkataba atawajibika kuweka kumbukumbu ya kila mwanafunzi kuhusu malipo, masaa ya kazi pamoja na mambo mengine kama itakavyoelezwa na kwamba kumbukumbu hizo zitawekwa katika mfumo na utaratibu utakaoamriwa.

(2) Kila mtu anaeajiri au alieajiri mwanafunzi wa kazi au aliyetilishwa mkataba atahifadhi kumbukumbu zilizowekwa kwa mujibu wa maelezo ya kifungu hiki kwa kipindi cha miaka mitatu tokea tarehe ya mwisho ya kuandika kitu (last entry) kwenye kumbukumbu hizo.

(3) Kila muajiri atakaeshindwa kuweka kumbukumbu nzuri katika mfumo na utaratibu unaotakiwa, na kila muajiri au aliyekuwa muajiri atakaeshindwa kuweka kumbukumbu kwa kipindi kinachotakiwa kwa mujibu wa maelezo ya kifungu hiki atakuwa na makosa.

Mipaka kuhusu utaratibu wa malipo.

21. Bila ya kuathiri maelezo ya Sheria nyengine yeyote inayotumika, masharti yoyote ya mkataba wa mwanafunzi wa kazi au yule aliyetilishwa mkataba ambayo -

- (a) yanaeleza kwamba mshahara wote au sehemu yake utalipwa kulingana na kiwango cha kazi atakachofanya; au
- (b) yanayomtaka mwanafunzi wa kazi au yule aliyetilishwa mkataba ambaye umri wake ni chini ya miaka kumi na saba kufanya kazi baada ya saa za kazi (Overtime)

Stashahada ya kumaliza muda wa uanafunzi.

22.(1) Muajiri wa kila mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba baada ya kuombwa na mwanafunzi, atalazimika, iwapo mwanafunzi huyo amemaliza vizuri mkataba wake wa uanafunzi ampe mwanafunzi huyo stashahada itakayokuwa na umbile maalum Muajiri ataipeleka stashahada hiyo kwa Mkurugenzi ambaye atatia sahihi yake na muajiri atampa mwanafunzi huyo aliyehitimu.

(2) Iwapo muajiri ye yote ameshindwa kutoa stashahada ya aina hiyo, basi bila ya kuathiri adhabu nyengine ye yote anayoweza kutiwa, itakuwa ni halali kwa Mkurugenzi baada ya kuulizia mambo hayo, kutoa stashahada hiyo yeye mwenyewe.

(3) Mtu ye yote atakaekwenda kinyume na maelezo ya kijifungu kidogo cha (1) cha kifungu hiki atakuwa na makosa.

(4) Mtu ye yote atakaempa stashahada ya uwongo mwanafunzi wa kazi au yule anaebanwa na mkataba akijuwa kwamba stashahada hiyo ni ya uwongo atakuwa na makosa.

SEHEMU YA NNE

MPANGO WA MAFUNZO.

23.(1) Pamoja na masharti yaliyomo katika kifungu hiki, Mkurugenzi anaweza baada ya kukubaliana na Baraza kuwasilisha kwa Waziri mapendekezo (ambayo humu yatajulikana kama

mapendekezo ya mpango wa mafunzo) yatayo nadhimu mafunzo ya Mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba katika kazi yoyote.

(2) Mapendekezo ya mpango wa mafunzo kuhusiana na kazi yatahusu na kufafanua -

- (a) shuruti, ikiwa ni pamoja na umri, kiwango cha elimu kinachotakiwa kwa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba katika kazi hiyo;
- (b) Bila ya kuathiri masharti ya kififungu cha (2) cha kifungu cha 26 cha Sheria hii muda wa mafunzo ambao hautozidi miaka saba kwa mwanafunzi wa kazi na kwa mwanafunzi aliyetilishwa mkataba utakuwa chini ya miaka minne katika kazi wanayojifunza;
- (c) Mafunzo ya vitendo ambayo yatatolewa na muajiri kwa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba katika mafunzo ya kazi walioajiriwa;
- (d) mafunzi ya nadharia ambayo yatatolewa na au kugharamiwa na muajiri kwa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba na namna mafunzo hayo yatavyotolewa au kufundishwa;
- (e) mitihani ya kupima maaarifa (ustadi) au mitihani katika kazi ambayo mara kwa mara itatakiwa kufanywa na mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba;
- (f) masaa ya kazi ya kawaida katika wiki au siku yoyote ambayo mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba atatakiwa au ataruhusika kufanya kazi, pamoja na siku yoyote kabla au baada katika kipindi ambacho hupata kuwepo katika kazi mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba anaweza kutakiwa au kuruhusiwa kufanya kazi;

- (g) muda wa mwisho baada ya saa za kazi au mwanafunzi aliyetilishwa mkataba atatakiwa au kuruhusiwa kufanya kazi katika siku ye yote au katika kipindi chochote kilichoainishwa;
- (h) kiwango cha siku za mapumziko katika kazi atazoruhusiwa mwanafunzi aliyetilishwa mkataba katika mwaka wowote wa masomo yao;
- (i) malipo kuhusiana na kipindi ambacho mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kutokana na sababu za mafunzo hatoweza kutoa huduma kwa mwajiri wake katika masaa ya kawaida ya kazi;
- (j) mambo yoyote ambayo Mkurugenzi baada ya kushauriana na Baraza ataona ni muhimu katika utekelezaji bora wa mpango wa mafunzo.
- (3) Mapendekezo ya mpango wa mafunzo yanaweza kuweka masharti ya mafunzo ambayo yataelezea au kutumika kwa jumla au hali maalum kuhusiana na mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba.
- (4) Masharti tofauti yanaweza kuwekwa katika mapendekezo ya mpango wa mafunzo yatayofanywa chini ya kifungu hiki kuhusiana na makundi ya waajiri au wanafunzi wa kazi au wanafunzi waliotilishwa mkataba, pia kuweka masharti tofauti kwa kazi tofauti, katika kuweka masharti Mkurugenzi baada ya kuthibitishwa na Baraza anaweza kutumia njia zozote ambazo ataona zinafaa katika kutafautisha masharti hayo.
- (5) Kabla kuwasilishwa mapendekezo yoyote ya mpango wa mafunzo kwa Waziri, Mkurugenzi atachapisha tangazo la mapendekezo hayo katika Gazeti Rasmi la Serikali na katika Gazeti jengine ambale linapatikana Zanzibar na kuelezea pahala ambapo nakala za mapendekezo hayo zitapoweza kupatikana na katika muda usiopungua siku kumi na nne kupeleka kwa Mkurugenzi maelezo kwa maandishi kuhusiana na mapendekezo hayo. Mkurugenzi kwa kushauriana na Baraza atazingatia maelezo

Isipokuwa Mkurugenzi atapeleka kwa Waziri mapendekezo iwapo hakuna maelezo yaliyotumwa katika muda uliowekwa kuhusiana na mapendekezo ya mpango wa Mafunzo.

Uwezo wa
Waziri
kufanya
Mpango wa
Mafunzo.

24.(1) Pale ambapo Waziri atastakbadhi mpango wa Mafunzo kwa mujibu wa kifungu cha 23 cha Sheria hii na akihisia kuwa inafaa kutekeleza mapendekezo hayo na pamoja na marekebisho au bila marekebisho anaweza kwa kufuatana na masharti ya kifungu hiki kutoa amri ya kufanya mpango wa masomo.

(2) Kabla ya kufanywa mpango wa masomo chini ya kijifungu cha kwanza cha kifungu hiki, Waziri atatoa tangazo katika Gazeti Rasmi la Serikali kuonyesha nia yake ya kufanya mpango wa mafunzo na kuweka masharti ya mpango unaokusudiwa kufanywa pia kuweko muda ambao hoja kuhusiana na mpango wa mafunzo au masharti yake hoja hize zitatumwa kwa Waziri.

(3) Kila hoja itakuwa kwa maandishi na itaeleza -

(a) sababu za kutowafiki;

(b) kuondoa, nyongeza au marekebisho yanayotakiwa;

na Waziri atakiria hoja yao yote itayofanywa na kupelekwa kwa Waziri na au kwa hiaba ya mtu yeyote ambaye anahisi inamhusu katika muda ytaopangwa katika Tangazo lakini tu Waziri hatolazimika (bound) kuzingatia hoja yoyote.

(4) Baada ya kuzingatia hoja ambazo zimefikishwa kwa Waziri kuzingatiwa chini ya kifungu cha (3) cha kifungu hiki, Waziri anaweza -

(a) kuendelea kutoa tangazo la mpango uliopendekezwa na yeye pamoja na marekebisho ambayo anahisi yanafaa isipokuwa hakuna mpango ambao utaondoa au kubadilisha makubaliano ya mkataba uliofikiwa na kusajiliwa baina ya mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kabla ya tarehe ya kupanga mpango au;

(b) kutupilia mbali nia ya kufanya mpango uliopendekezwa na badala yake kutotoa tangazo la kufanya mpango wa masomo.

(5) Kila Tangazo la kufanya mpango wa masomo litachapishwa katika Gazeti Rasmi la Serikali na katika angalau gazeti moja ambalo linapatikana Zanzibar. Tangazo hilo litaanza kutumika tarehe ambayo litachapishwa katika Gazeti Rasmi au tarehe ambayo itaainishwa katika Tangazo hilo.

(6) Mpango unawezaukafanyiwa marekebisho na mpango mwingine au kwa tangazo ambalo litalotangazwa na Waziri baada ya ushauri wa Mkurugenzi baada ya kushauriana na Baraza.

25.(1) Kila muajiri wa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba atateua kwa jina mmoja kati ya waajiriwa wake.

(a) mtu atayekuwa dhamana wa usimamizi wa mafunzo ya mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kwa jumla kwa mujibu wa masharti ya sheria hii na mpango wowote unaohusika; na

(b) katika eneo au sehemu ya kazi ambapo mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba watakuwa kwa kawaida wakishughulikia katika kipindi kisichopungua miezi mitatu, Mwalimu wa wanafunzi wa kazi au wanafunzi waliotilishwa mkataba atakuwa dhamana wa kuongoza shughuli za kazi au ufundi wa siku hadi siku.

(2) Mkurugenzi anaweza, kwa kutoa Tangazola maandishi kwa muajiri kukataa uteuzi wa Mwalimu wa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba ambaye atahisi na kumudu shughuli zake kwa madhumuni ya Sheria hii, pia kwa Tangazo hilo anaweza kuainisha aina ya mafunzo ambayo Mkurugenzi atamtaka Mwalimu wa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kupata kabla ya kuteuliwa kwake hakujathibitishwa tena.

(3) Pale ambapo idadi ya wanafunzi wa kazi au wanafunzi waliotilishwa mkataba au wanafunzi wa kazi na wanafunzi waliotilishwa mkataba itakuwa ishirini na tano au zaidi katika sehemu moja ya kazi. Mwalim wa wanafunzi wa kazi au wanafunzi waliotilishwa mkataba katika sehemu hiyo atatumia muda wake wote wa kawaida wa masaa ya kazi kwa kutoa mwongozo kwa wanafunzi wa kazi au wanafunzi waliotilishwa mkataba, pale ambapo idadi ya

wanafunzi wa kazi wanafunzi waliotilishwa mkataba au kwa pamoja wanafunzi wa kazi na wanafunzi waliotilishwa mkataba itapungua ishirini na tano mwalimu wa wanafunzi wa kazi au wanafunzi waliotilishwa mkataba atatumia muda wake katika kutoa mwongozo kulingana na idadi ya wanafunzi wa kazi au wanafunzi waliotilishwa mkataba au kwa pamoja wanafunzi wa kazi na wanafunzi waliotilishwa mkataba walioajiriwa.

(4) Muajiri ye yote ambaye hatofanya uteuzi unaohitajika kufanywa chini ya kijifungu (1) cha kifungu hiki au ambaye hatohakikisha kwamba masharti ya kijifungu cha (3) cha kifungu hiki atakuwa mkosa.

SEHEMU YA TANO

UWEZO WA MKURUGENZI NA

UTEUZI NA UWEZO WA WAKAGUZI.

Uwezo wa
Mkurugenzi.

26.(1) Iwapo mwanafunzi wa kazi au mwanafunzi aliye-tilishwa mkataba hatokuwepo kazini kwa muda wa siku thalathini au zaidi au kwa vipindi ambavyo kwa pamoja vinafikia idadi ya siku thalathini au zaidi Mkurugenzi anaweza akiona inafaa, kuamuru muda wake wa mafunzo uongezwe kwa idadi ya siku ambazo hakuwepo kazini, na mkataba wako utaongezwa muda kama itavyoamriwa.

(2) Iwapo itatihabitika na kutoshelezeka kwa Baraza kwamba mtu aliwahi kupata mafunzo yanayohusika katika kazi au mafunzo katika fani anayotaka kujifunza, Baraza linaweza kuamuru Mkurugenzi kumpunguzia mtu huyo muda wa kujifunza kwa kipindi ambacho kitaamuliwa.

(3) Mkurugenzi atakuwa na uwezo wote ambao atakuwa nao Mkaguzi chini ya Sheria hii.

Uteuzi wa
Wakaguzi

27. Waziri anaweza kuteua Afisa wa kazi au mtu ye yote aliyeteuliwa katika huduma za Serikali kama Mkaguzi wa Viwanda au Afisa wa Mafunzo ya Viwandani au Mkaguzi wa kazi kuwa Mkaguzi kwa madhumuni yote au yoyote ya Sheria hii.

Uwezo wa
Mkaguzi.

28.(1) Mkaguzi ye yote anaweza -

- (a) kuingia ndani ya jengo akifuatana na Afisa wa Polisi katika wakati muafaka ambalo atakuwa na sababu maalum kuamini kwamba mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba anaeajiriwa au ameshaaajiriwa katika kipindi cha miezi sita iliyopita;
 - (b) kukagua mambo yanayohusiana na Sheria hii, iwapo atamuona mtu ye yote katika jengo ambaye ameingizwa chini ya aya (a) ya kifungu hiki au ambaye atakuwa na sababu maalum ambazo zitamfanya kuamini kwamba huyo amejiriwa au ameshaaajiriwa katika sehemu hiyo katika kipindi cha miezi sita iliyopita. Pia anaweza kumtaka mtu huyo kuchunguzwa;
 - (c) kumtaka mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba kufika mbele yake wakati na pahala ambapo patapangwa na mkaguzi kwa madhumuni ya kumsaili mwanafunzi wakazi au mwanafunzi aliyetilishwa mkataba;
 - (d) kutaka kumbukumbu na hati zote zilizowekwa chini ya sheria hii au kanuni zilizofanywa chini ya Sheria hiikutolewa au kuwasilishwa, na shughuli zozote ambazo Mkaguzi atakuwa na sababu maalum za kuamini mtu huyo ni au alikuwa muajiri wa mwanafunzi wa kazi au mwanafunzi aliyetilishwa mkataba katika kipindi cha miezi sita iliyopita.
 - (e) kuangalia na kutoa nakala kutokana na zilizotolewa au kuwasilishwa.
- (2) Mtu yeyote ambaye -
- (a) atakataa au kutotii kwa uwezo wake wote matakwa ya Mkaguzi chini ya kifungu hiki, au
 - (b) atamzuia Mkaguzi katika kutekeleza kazi zake chini ya kifungu hiki, atakuwa mkosa.

Isipokuwa mtu ye yote hatotakiwa chini ya kifungu hiki kujibu maswali yoyote ambayo au kutoa maelezo yoyote ambayo yataamletea kujitia hatiani.

(3) Mkaguzi yeyote anayetokeleza au anayetaka kutekeleza uwezo aliopewa chini ya kifungu (1) cha kifungu hiki atatakiwa kutoa ushahidi wa maandishi wa uteuzi wake.

SEHEMU YA SITA

KUFUTWA KWA SHERIA NA VIFUNGU VYA

MCHANGANYIKO

Kutoa
maelezo
ni kosa.

29. Mjumbe yeyote wa Baraza au Afisa wa Serikali ambaye atatoa kwa mtu ye yote, isipokuwa kwa madhumuni ya kutekeleza kazi zake kwa kutekeleza uwezo aliopewa chini ya Sheria hii maelezo yoyote yanayohusiana na mambo ya fedha au kiwanda au kifaa cha mtu ye yote, maelezo hayo yakiwa yamepatikana katika utekelezaji wa kazi zake au katika kutekeleza uwezo aliopewa chini ya Sheria hii, atakuwa ninkosa.

Isipokuwa kifungu hiki hakitohusu maelezo ambayo yatatolewa kwa madhumuni ya uendesaji wa mashitaka ya jinai ambayo yatatolewa kuhusiana na Sheria hii au vyenginevyo au kwa madhumuni ya ripoti ya uendesaji wa mashitaka hayo.

Kanuni.

30.(1) Waziri anaweza kuweka Kanuni kwa ajili ya utekelezaji wa masharti na madhumuni ya Sheria hii na bila ya kuathiri uwezo wa jumla wa kufanya Kanuni, anaweza kufanya Kanuni kufafanua -

- (a) muda kushika ofisi kwa Wajumbe wa Baraza, "Quorum" pamoja na taratibu za mikutano ya Baraza namambo mengine ambayo Waziri ataona yanafaa kufafanuliwa au kuhusu Baraza pamoja na Wajumbe wake;
- (b) sampuli ya mkataba wowote wa uanafunzi wa kazi au wa kuandikishwa mkataba na mambo ambayo masharti yatawekwa kwenye mkataba huo.
- (c) taratibu ambazo viwango vya elimu au uzawa (birth) utavyoweza kuthibitishwa;
- (d) namna ya uwasilishaji wa maelezo ambayo mwajiri atatakiwa mara kwa mara kuwasilishwa;

- (e) taratibu kusajili na uhamishaji wa mikataba ya uanafunzi wa kazi na uanafunzi wa kutilishwa mkataba na kwa ajili ya kutoa taarifa ya kumaliza muda au kuvunjwa kwa mikataba hiyo ;
- (f) aina na taratibu ambazo zitatumika katika kutoa vyeti vya uanafunzi wa kazi na uanafunzi wa kutilishwa mkataba ambavyo vitatolewa na waajiri;
- (g) taratibu za kukata rufaa kwa Waziri chini ya Sheria hii;
- (h) mambo yote au jambo lolote ambalo Sheria hii inataka lifafamuliwe au inaruhusu kufafamuliwa.

(2) Kanuni tofauti zinaweza kuwekwa chini ya kijifungu (1) cha kifungu hiki kwa makundi tofauti ya waajiri au wanafunzi wa kazi au wanafunzi wa kutilishwa mkataba na kwa fani na kazi tofauti. Katika kufanya hivyo Waziri atatumia njia tofauti ambazo atahisi ni za busara.

Kufungua
Mashtaka.

31. Mkaguzi ye yote anaweza kufungua mashtaka kuhusiana na kosa lolote chini ya Sheria hii au Kanuni zozote zilizowekwa chini ya Sheria hii pia anaweza kuendesha mashtaka katika kesi hiyo.

Adabu.

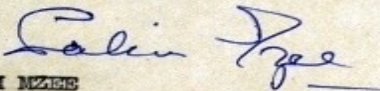
32. Mtu ye yote ambae anafanya kosa chini ya Sheria hii na adabu yake kosa hilo haikuainishwa, iwapo kosa litathibiti atalipa faini isiyozidi shilingi elfu kumi au kifungo kwa muda usiozidi miaka mitatu au kifungo pamoja na faini.

Kufutwa kwa
Cap. 57

33.(1) Sheria ya "Apprentices" inafutwa.

(2) Bila ya kujali kufutwa kwa Sheria ya "Apprentices" na kifungu (1) cha Sheria, mkataba kila mkataba ambao ulikuwepo mara kabla ya kuanza kutumika Sheria hii utaendelea kutumika na kuandikwa, kutekelezwa na kusajiliwa kwa mujibu wa taratibu zilizowekwa katika kifungu cha 13 cha Sheria hii katika muda wa miezi minne kuanzia tarehe ya kuanza kutumika kwa Sheria hii.

Imepitishwa Na Baraza la Wawakilishi tarehe
1986.


SALIM MZEE
KAIMU KATIBU WA
BARAZA LA WAWAKILISHI
ZANZIBAR.