



THE LABOUR ACT, 1997

ARRANGEMENT OF SECTIONS

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ACT NO. 3 OF 1997

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

8th January 1998

AN ACT TO REGULATE THE RELATIONS BETWEEN
EMPLOYERS AND EMPLOYEES IN THE PRIVATE
SECTOR AND TO PROVIDE FOR OTHER MATTERS
CONNECTED THEREWITH

ENACTED by the House of Representatives of
Zanzibar.

PART I
PRELIMINARY PROVISIONS

- Short title and commencement. 1. This Act may be cited as the Labour Act, 1997 and shall come into operation on such date as the Minister may appoint in the Gazette.
- Interpretation. 2. In this Act unless the context otherwise requires:-
- "Applicant" means any person who is not employed but he seeks to be employed;
- "Board" means Labour Advisory Board;
- "contract of service" means any contract whether in writing or oral between the employer on one part and the employee on the other part, whereby the employee agrees in return for remuneration to work for the employer;



"Commissioner" means the Labour Commissioner which includes the Deputy Commissioner;

"Citizen" means any person who is a citizen of Tanzania;

"child" means a person under the age of 17;

"Conciliation Board" means a Conciliation Board prescribed by this Act, and the Zanzibar Industrial Court Act, 1994;

"dismissal" means the action taken by an employer to terminate the contract of service of an employee who committed a major disciplinary or criminal offence in accordance with this Act, or from the order of the court.

"dependent relative" means a member of an employee's family who resides with and substantially depends on that employee for his livelihood;

"Doctor" means a Medical Officer who is qualified and recognised by the Government as a doctor and includes any officer authorised by the doctor to do the work;

"disabled person" means a person who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

"employer's association" means the association registered to represent the employers and to defend the rights and obligations of employers;

"employer" means any person who enters into the contract of service to employ any person or group of persons, a corporation or company and whether originated inside or



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outside the country, for the payment of salary.

"employee" means a person who has entered into or works under or seeks to work under or (where the employment has ceased) was working under a contract of service;

"Factory" means any premises with machinery on which, or within the precincts of which persons are employed in the making, altering, repairing, cleaning, breaking up or adopting for sale of any article for the purpose of gain;

"Family" means a wife and/or husband and children by blood or otherwise;

"foreigner" means any person who is not a citizen of Tanzania;

"Labour Commission" means a government institution responsible for the labour matters in a private sector which includes Labour Office in Pemba, Regional Labour Offices and District Labour Offices;

"Labour Officer" means a person with the right and obligations as more specifically described by this Act, and includes the Commissioner, Deputy Commissioner, Labour Officer in Pemba, and Regional and District Labour Officers;

"Labour Inspector" means any person with the right and obligations as more specifically described by this Act;

"Minister" means the Minister for the time being responsible for private sector labour matters;

"night" means any time between seven o'clock in the evening and six o'clock morning;



"Private Sector" means economic, business or services sector whereby more than half of its assets and or management is owned by individuals;

"resign" means the termination of contract of service by the employee before the expiry of term of contract of service or before the attainment of retiring age;

"Retirement" means the action taken by an employer to terminate the contract of service of his employee who completed his term of service or who attained the retiring age;

"specified areas" means areas which shall be specified by the Minister in the regulations;

"Trade union" means workers' organisation, registered to represent the workers and to defend the rights and obligations of workers;

"Termination of service" means the action taken by an employer to terminate the contract of service of his employee prior to the date mentioned in the contract completed or before the attainment of retiring age according to law, by the wish of the employer or sickness;

"temporary service" means a kind of service whereby the number of service hours are lesser than the ordinary hours of the service at the working place;

"Parties" means (unless the context otherwise requires) the parties to the contract of service;

"working place" means any place where work is performed by the employer and his employee;



"women" means any category of a female gender without considering her age;

"young person" means a person, other than a child, who is under the age of 21;

Application
of the Act.

3.(1) Unless the context otherwise requires, the provisions of this or any other Act, this Act shall apply to all labour matters in the private sector.

(2) Unless otherwise provided under the provisions of this or any Act, this Act shall not apply to the following persons:-

- (a) employees under the government service or its parastatal organization;
- (b) a member of the Tanzania military forces; a member of Police forces; and a member of special department of Revolutionary Government of Zanzibar;
- (c) seamen of all categories except foreign seamen in relation to the labour permit.

(3) The Minister may, by order published in the gazette, extend or limit the application of this Act to any category of persons included in its provisions by this section.

PART II
ADMINISTRATION AND JURISDICTION

Labour
Commission.

4.(1) There shall be a Labour Commission which shall administer the provisions of this Act and all matters in the private sector.

(2) The Labour Commission shall comprise of the following:-



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- (a) the Commissioner who shall have the responsibility of the implementation of the affairs of the Commission;
- (b) Deputy Commissioner who shall be the chief assistant of the Commissioner;
- (c) the Labour Officer, Pemba who shall coordinate all the Commission's work in Pemba;
- (d) the Regional Labour Officers who shall coordinate all the Commission's work in the Regions;
- (e) the District Labour Officers who shall coordinate all the Commission's work in the Districts;
- (f) Labour Officers, Labour Inspectors and other persons who shall be appointed to work under the officers specified under paragraph (a) (b) and (c) of this subsection.

Administrative. 5.(1) For the purpose of this Act, the Minister shall be the chief supervisor, and the Commissioner shall be chief executive of the functions of the Commission.

(2) The Commissioner may delegate in writing to any properly appointed officer of the Commission the exercise of any of his powers under this Act.

Appointment of officers.

6.(1) The appointment of the Labour Commissioner and Deputy Labour Commissioner shall be made by the President as he may deem necessary for the administration of this Act.

(2) The Minister shall appoint Labour Officers and Labour Inspectors for the purpose of the better implementation of this Act.

(3) Labour Officers and Labour Inspectors shall be given special identity cards as prescribed by the Minister in the regulations.



The powers
and functions
of the
Commissioner.

7. The Commissioner shall have the following powers and functions:-

- (a) shall be the chief executive who shall ensure the implementation of this Act;
- (b) may among other things, give direction to the Labour Officers and Labour Inspectors for the better implementation of this Act;
- (c) shall ensure that, copies of this Act and other labour laws are available in the places of work;
- (d) shall post the Labour Officers and Labour Inspectors in Regions and Districts as he may deem necessary;
- (e) shall prepare inspections reports and forward to the employers and secretaries of the employees trade union branches in the place of work;
- (f) may require from any employer to produce, in writing or in any other manner, labour register, and any documents or records whether periodical or for any interval or otherwise as he may deem necessary, relating to the employee salary scale, conditions of service and other matters connected with the employment of such employees, as he deems necessary;
- (g) may summon any employer or any person who he believes will provide adequate information relating to the relationship between the employer and employees;
- (h) may summon any employer or any other person for any of the following reasons:-



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- (i) when he believes that there is a breach of the law or contract of service;
- (ii) when he wants to inquire into any labour dispute or any other thing relating to the employer and the employee.

The powers and functions of Deputy Labour Commissioner.

8.(1) The Deputy Labour Commissioner shall have full responsibility and obligation of administering the implementation of this Act under the supervision of the Commissioner.

(2) The Commissioner shall have the power to set aside all or any part or to amend the directive, function or any order issued by the Deputy Labour Commissioner or Labour Officer.

Duties of Labour Officers.

9. The Labour Officers shall have the following duties:-

- (a) to attest the contracts of services;
- (b) to prosecute and defend criminal and civil cases in the courts on behalf of the Labour Commission;
- (c) to deal with the labour disputes and to find the appropriate solution in accordance with the law;
- (d) to participate in the Conciliation Boards;
- (e) to supervise or and to do labour inspection;
- (f) to give directions and or expert opinion whether in writing or by words, whether to the employer or employee, either in the place of work or relating to the place of work;
- (g) to provide education connected with the labour affairs or labour laws either to the employer or employee;



- (h) to do any other act or thing under this Act as directed by the Commissioner.

Duties of
Labour
Inspectors.

10. The Labour Inspectors shall have the following duties:-

- (a) to make Labour Inspections and to ensure that the Labour Laws are properly observed and to insist and defend the good relations in the place of work;
- (b) to follow up claims of the employees in the place of work;
- (c) to give directions to the employers and employees on the better implementation of labour laws;
- (d) to ensure that foreign employees who are working in the country possess proper working permits;
- (e) to do any other act or thing under this Act as directed by the Commissioner or Labour Officer.

The powers of
Labour
Officers and
Labour
Inspectors.

11. Labour Officers and Inspectors shall have the following powers:-

- (a) at all reasonable times of the day or night, to enter, inspect, examine and enquire into anything relating to labour affairs at any place of work or used by the employees to work, residence, rest or any other reason if that place used by employee for the purposes of work or it is in the vicinity of work;
- (b) at any reasonable time require any employer to produce any document or records relating to the employment of employees together with any information relating to their employment and record of their



payment and contribution relating to them.

The powers of doctor.

12. A Doctor or any person authorised by him in writing, for the purpose of this Act, shall have the same power as the inspector mentioned under section 11 of this Act together with all or any of the following matters:-

- (a) to require any employee, who in his opinion is sick and for whom the conditions prevailing at any place of work/employment are not conducive to the state of his health to return to the place of his first appointment or to proceed to hospital, and require the employer at his own expense to send such person to the place of his first appointment if it is out of Zanzibar or to a hospital, as the case may be;
- (b) to prohibit the use of any kind of food served by the employer to his employees if in his opinion that food is not suitable for human consumption;
- (c) to order the provision of nourishing food for his employees, and to insist on changing the same from time to time;
- (d) to order that building used as residence of employees should not be used for such work at business commonly found at the place of work, if in his opinion the condition of building can not sustain the present pressure of work; and to order the repair of such buildings as he may specify;
- (e) to inspect drugs and preventive equipments provided for by the employer for use at the place of work by the employees.



Power to
institute
proceedings.

13.(1) The Commissioner, a Labour Officer or Inspector shall have the power to institute proceedings before any court of law in respect of any failure to comply with lawful directives given under the Labour Act or any contravention of any provision of this Act or any other labour laws.

(2) The Commissioner, a Labour Officer or Inspector shall have powers to institute or appear in a civil suit on behalf of the employees against any employer for any matter, claim or occupancy which relates to the work or working conditions, whether such suit instituted by employee or employees or by order of the court in a criminal case.

(3) In his capacity, the Commissioner, Labour Officer or Inspector may institute a criminal case against the employer who fails to comply with this Act, either to defend the employee or employees for the claims when he feels that justice is not done.

(4) There shall not be any court fees for any suit instituted under this section.

The power of
employer
and
employee
to sue.

14. Where any dispute or misunderstanding arises in relation to a contract of service, any party to the contract may institute a civil suit before the Industrial Court.

Powers of the
Industrial
court.

15.(1) The court shall have jurisdiction to hear any civil suit whether such suit is initiated inside or outside the country.

(2) At any time and after filing a suit and after filing an affidavit that the defendant is intending to leave the country, the court may issue a warrant of arrest and cause him to be detained, or otherwise to provide security equivalent to the said suit as the court may think fit.

(3) Section 185 of the Criminal Procedure Decree, Cap. 14 shall not apply to any provision of this Act.



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Trade
Unions.

16.(1) Every employer is required to permit the activities of trade union at the place of work.

(2) The trade unions may conduct the following activities at the place of work:-

- (a) to establish branches of trade unions;
- (b) to conduct lawful meetings of branch members and meeting with employees at any reasonable time accepted by the employer.

(3) Every employer shall make available a suitable office to be used as a branch of trade union at the place of work.

(4) Employees shall be free to join trade unions in accordance with the constitution of trade unions, and the employer is not required to use any kind of intimidation in discouraging the employees to join the same.

(5) Every employer is required to permit the employees to enter into any agreement which they require from the terms and conditions of work.

(6) Without prejudice to the provisions of subsection (1), (2), (3) and (4) of this section trade unions shall not establish branches in the Zanzibar Free Economic Zones, provided that the employees of those areas shall be free to be members of trade unions.

(7) Employees of Free Economic Zones who are members of trade unions may have their offices in the premises of Free Economic Zones Authority.

(8) Other activities of the trade unions shall be done in collaboration and corporation with the Free Economic Zones Authority.



The functions of Trade Unions at the place of work.

17. The trade unions branch management at the place of work, among other things, shall have the following functions:-

- (a) to advise the employer on matters relating to preservation of tranquility and other working procedures;
- (b) to meet with the employer at a specified time at least once per year to discuss the ways of improving the efficiency and profit;
- (c) to consider and advise the employer on better security and welfare conditions of the employees;
- (d) to assign one member of branch leadership to participate in any inspection done at the place of work or any authority empowered to visit at the place of work and to provide information of the working conditions thereof;
- (e) to investigate and to provide adequate information to any authority relating to any contravention of the law done at the place of work;
- (f) to consider and advise an employer on the regulations made by the employer at the place of work;
- (g) to advise the employer on his intention to reduce the number of employees and provide a better method of implementing the same;
- (h) in general, to assist in developing good relations between the employer and employee at the place of work under the provisions of the law;
- (i) to defend an employee to whom administrative action taken against him is contrary to law;



(j) to participate in collective agreement.

Employer's Associations.

18. Any lawful employer's association shall have powers to enter, enquire or meet with employees leader or employer at the place of work at any reasonable time.

Offences and penalties.

19. (1) any employer who refuses or fails to comply with the directive/order of the Commissioner under section 7(f) of this Act is guilty of an offence and shall be liable on conviction to a fine not less than one thousand and six hundred United States Dollars.

(2) When, any person who has been summoned under the provisions of section 7 of this Act fails to attend at a time and place specified or refuses to answer questions/queries put forward by the Commissioner or any authorized officer or refuses or fails to produce documents required by the Commissioner, shall be guilty of an offence, and shall be liable upon conviction to a fine not less than two thousand United States Dollars.

(3) Any employer or any person who obstructs or prevents any function of the trade unions in the place of work or obstructs in any way any meeting of trade unions without reasonable ground or contravenes any provision of this Act relating to the functions of the trade unions at the place of work, shall be guilty of an offence and shall be liable on conviction to a fine of not less than two thousand United States Dollars.

(4) Any employer or any person who obstructs or prevents or participate in any manner whatsoever and causes a leader or leaders of trade unions not to perform their duties, shall be guilty of an offence and shall be liable on conviction to a fine of not less than one thousand and two hundred United States Dollars.



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(5) Any employer who fails to comply with the provision of section 12 of this Act shall be guilty of an offence and shall be liable on conviction to a fine of not less than two thousand United States Dollars.

(6) Any person who contravenes any section under this part for which no penalty is expressly provided shall be liable upon conviction to a fine of not less than one thousand and six hundred United State Dollars.

(7) The property and assets of any employer or person who defaults to pay fine imposed against him under this section shall be attached and sold to recover the sum equivalent to the fine so imposed.

PART THREE
EMPLOYMENT PROCEDURE

Registration of
Employers. 20.(1) Every employer shall, before recruiting any employee obtain registration from the Commissioner.

(2) The Commissioner shall keep employers' register which shall be in the form as prescribed by the Minister in the regulations.

(3) Upon being registered the employer shall be granted a certificate of registration which shall be evidence that he has been so registered.

(4) The certificate of registration granted under sub-section (3) of this section shall be valid for one year, upon expiry of which the employer shall apply for renewal.

(5) Every employer applying for registration shall pay prescribed fees for certificate of registration of which the rates applicable shall be declared by the Minister in the Gazette, from time to time.

Registration
of
Employees. 21.(1) Any person who intends to seek employment in private sector shall register in a nearby Labour office as a potential recruit.



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(2) There shall be a register kept for that purpose in every Labour Office which shall be in the form prescribed by the Minister.

(3) The Minister may, if he deems it appropriate, prescribe fees payable by potential recruits.

Applicant for registration to give correct information.

22.(1) Any person (employer or potential recruit) shall give correct information to the registration officer.

(2) Registration officer may refuse to register or cancel registration of any person upon being satisfied that the said person has made false statement.

Registration of vacant posts.

23.(1) There shall be a register for vacant posts which shall be kept by the Commissioner in the manner and form he deems fit.

(2) Every employer shall apply to the Commissioner for registration of all vacant posts available in his establishment.

(3) The Commissioner or any officer authorised by him in that behalf shall have the power to refuse registration of any vacant post if:-

- (a) information given in relation to such post is not sufficient;
- (b) qualification required for the said post are not compatible with or relevant to the said vacant post;
- (c) a dispute on termination of contract is still pending between the employer and the holder of the said post;
- (d) for any other cause that the Commissioner has reason to believe that the said vacant post is fictitious and has been so created



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for tribal, religious, regional discrimination or any other discriminatory motive.

(4) The employer may appeal to the Minister against the decision of the Commissioner made under subsection (3) of this section.

(5) The decision of the Minister shall be final.

(6) The Commissioner or authorised officer shall, within fourteen days, inform the applicant of the acceptance or refusal of his application; upon expiry of fourteen days without any reply being made it shall be deemed that the Commissioner has accepted the application and he shall therefor register the said position.

(7) No employer shall be permitted to employ any person unless the vacant post is registered.

(8) No employer shall cancel any vacant post without the permission of the Commissioner.

Procedure for filling vacant post.

24.(1) Every employer shall observe the following procedure in filling vacant posts:-

- (a) the employer shall submit an application in writing to the Commissioner or the nearby Labour Officer stating reason for the intended employment, number of registered vacant posts, qualification and number of recruits required;
- (b) the Commissioner or the Labour Officer shall consider the application and appoint, from the list of registered recruits, qualified persons for the posts so applied;



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- (c) the Commissioner or the Labour Officer shall submit the list of eligible recruits to enable the employer to select appropriate persons to fill the posts;
- (d) the employer shall appoint persons to fill the vacant posts from the list submitted to him by the Commissioner or Labour Officer as aforesaid and shall return to the Commissioner or Labour Officer a report of persons he has selected;
- (e) the employer shall employ persons he has selected in accordance with this Act.

(2) The Commissioner or Labour Officer shall advertise the vacant post, through the media he deems appropriate, if he has not obtained eligible candidate to fill the post in his own list.

Failure by
the
Commissioner
or Labour
Officer to
submit
list in time.

25. (1) In the event one month elapses from the date the Commissioner or Labour Officer received an application from the employer to fill vacant posts without submitting to the said employer the list of eligible recruits he shall give permission to the employer in writing to look for eligible candidate on his own.

(2) The employer so permitted by the Commissioner shall observe the following conditions:-

- (a) shall look for Tanzanian candidates giving first priority to Zanzibaris;
- (b) shall employ such persons in accordance with the number and qualifications stated in his application;
- (c) shall submit to the Commissioner or Labour Officer stating among other things, list of persons he has selected, their addresses and qualifications;



(3) The Commissioner or Labour Officer shall register those persons in the register of recruits for record purposes,

Foreign
employment.

26.(1) No employer shall be permitted to employ foreign national except in the following cases:-

- (a) where no Tanzanian with the required qualification is available for the post;
- (b) where the vacant position is a management position for which the employer is allowed to employ a person of his choice under the provisions of Investment Protection Act.

(2) There shall be work permit for foreign employees which shall be issued by the Commissioner.

(3) Work permit shall, except for persons exempted under this Act, be issued upon payment of prescribed fees payable in United States currency or local currency equivalent to the amount fixed in United States Dollars in such rates as the Minister by notice in the Gazette shall prescribe.

(4) Every foreign employee shall in every material time hold only one work permit for one place of employment only.

(5) The employer shall report to the Commissioner on expiry or termination of every employment contract within fourteen days from the date of such expiry or termination as the case may be.

Extended work
permit.

27.(1) There shall be extended work permit which shall be valid for between six to twelve months.

(2) Extended work permit may be renewed by the Commissioner for not more than one year at a time upon application being made by the employer and the employee and upon being satisfied that it is necessary to do so; but



in any case a total period for a foreign employee to work in the country shall not exceed four years, except for the investors and employees in the management and expatriate positions mentioned under section 18(2) of the Investment Promotion Act, 1986.

(3) Notwithstanding the foregoing provisions the Minister may order work permit to be issued for additional period not exceeding two years.

(4) Extended work permit shall be issued to foreign investors, employees in management or expatriate positions whose engagements shall be proved to require extended work permit and such other persons as may be prescribed in the regulations.

Short-term
work-permit.

28.(1) There shall be short-term work permits which shall be valid for less than six months.

(2) Short-term work permits shall be issued to foreign investors who applied for such permits and other foreigners engaged in short-term employment and such other categories of foreigners prescribed in the regulations.

(3) Short-term work permits shall not be renewed except for foreign investors.

Exemptions
from
payment of
work-permit
fees.

29.(1) Individual investors whose shareholding in the project-company operating under the provisions of the Investment Protection Act and Free Economic Zones Act is not less than half shall be exempted from payment of work permit fees.

(2) The Minister may exempt from payment of work permit fees any foreign employee engaged by non-governmental charitable organisation.

Power of the
Commissioner
to refuse
issuing of
work-permit.

30.(1) The Commissioner may refuse to issue work permit to any foreigner in the following circumstances:-



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- (a) where the applicant purports to be a foreign investor but fails to prove that he is such an investor;
- (b) where the applicant is a mere employee and the Commissioner is satisfied that such position may be filled by a citizen;
- (c) where it is proved that the applicant is employed by another establishment without the Commissioner being informed of the termination or expiry of his previous employment contract;
- (d) where the Commissioner is satisfied that the applicants' qualifications are not compatible with the position to which the permit is applied for;
- (e) where the Commissioner is of the opinion that the establishment seeking to employ such a foreigner is incapable of paying his salary and other subsistence;
- (f) in such other circumstances that the Commissioner has every reason to believe that grant of work-permit to the applicant is prejudicial to public interest.

(2) The Commissioner shall inform the applicant in writing of such refusal and grounds for the same.

(3) The applicant may, within thirty days of receiving notice of refusal, appeal to the Minister against such decision.

Power of the Commissioner to cancel work permit.

31. The Commissioner shall at any time have the power to cancel work permit issued to any foreign employee in the event of any or all of the following:-



- (a) where the holder of a work permit has shifted from the establishment in respect of which the permit was applied and proceeded to another establishment without prior approval of the Commissioner;
- (b) where the employment contract is terminated or expires before the expiry of the Work permit;
- (c) where it is found that the applicant obtained the work permit through fraudulent means.

Minister to
make
regulations.

32. The Minister may make regulations for the better carrying out of this part and in those regulations may provide for any of the following:-

- (a) type of application forms for employers registration, form of their certificate of registration and their respective fees;
- (b) application forms for filling vacant posts;
- (c) procedure and conditions for the application and issue of work permits;
- (d) forms of various categories of work permit and their respective fees;
- (e) forms for application of work permit and their respective fees;
- (f) conditions and procedure for notice to be made by the employer on vacant positions in his establishment.

Offences and
penalties.

33.(1) Any employer who, conducts any employment activities, and in particular, employs persons without being registered under section 20 of this Act, shall be guilty of an offence and upon conviction shall be liable to a fine of not less than the sum equivalent to two thousand United States Dollars.



(2) Any employer who employs any person not registered under section 21 of this Act shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to five hundred United States Dollars.

(3) Any employer who employs any person to fill a vacant post which is not registered shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to five hundred United States Dollars.

(4) Any employer who cancels any vacant post without the approval of the Commissioner shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to five hundred United States Dollars.

(5) Any employer who employs any person or persons contrary to sections 21 and 24 shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to one thousand and two hundred United States Dollars.

(6) Any foreigner who works or is employed without the permission of the Commissioner shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to one thousand and five hundred United States Dollars.

(7) Any employer who employs or permits any foreigner who is not holding a work permit to work in his establishment shall be guilty of an offence and shall, upon conviction be liable to a fine of not less than the sum equivalent to two thousand United States Dollars.

(8) Any foreigner found to use work permit in another establishment different from the establishment in respect of which such work permit was issued without special permission of the Commissioner shall be guilty of an offence and shall, upon conviction, be



liable to a fine of not less than the sum equivalent to eight hundred United States Dollars.

(9) Any employer who fails to report to the Commissioner on termination or expiry of employment contract as provided for under section 26(5) of this Act shall be guilty of an offence and, shall upon conviction, be liable to a fine of not less than the equivalent of eight hundred United States Dollars.

(10) The property and assets of any employer or person who defaults to pay fine imposed against him under this section shall be attached and sold to recover the sum equivalent to the fine so imposed.

PART FOUR
CONTRACTS OF SERVICE

Contracts of
service.

34. There shall be the following types of contracts of service:-

- (a) a permanent contract which shall be terminated when the employee attains the normal retirement age, which for the purpose of this Act shall be 60 years for men and 55 years for women respectively;
- (b) a temporary contract:
 - (i) the period of service which may be stipulated or implied in any temporary contract of service shall be between the period of six months and three years;
 - (ii) the Commissioner may extend the term of the said contract for another term not exceeding one year.
 - (iii) the Minister shall, by regulation, specify special categories of service and employees who in his opinion are allowed to work under the



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terms of temporary contract of service.

- (c) a part-time contract of service where the Minister shall have power to make regulations governing the working procedure of part-time services;
- (d) a daily-paid contract:-
 - (i) a daily-paid contract of service shall be terminated soon after the expiration of a working day or one month from the date of employment as the nature of the service or need of the employer may determine.
 - (ii) an employer shall as his requirement may determine to enter into any type of written contract with the daily-paid employee who has worked to the said employer for a continuous term of more than three months if the employer still needs the service of the employer.

Written contract.

35. (1) The types of contracts referred to in section 34(a), (b) and (c) shall:-

- (a) be in writing;
- (b) be in three copies, one to be issued to the employee, one shall be retained by the employer and the last copy shall be submitted to the Commission for Labour;
- (c) shall clearly specify the following particulars of employment:-
 - (i) the full names of the employer and employee;



- (ii) where the contract of service is a contract for a fixed term, it shall specify the effective date of the contract, nature of the work or project or special program which the employee is required to undertake;
- (iv) the permanent contract shall specify probation period which in any case shall not exceed six months;
- (v) the place where the employee's duties are to be performed;
- (vi) the wages and any allowances which the employee is entitled to receive;
- (vii) the working hours;
- (viii) any other information or requirement as expressly or impliedly provided by this Act or Regulations made thereunder.

(2) Every contract of service entered into between the employer and employee shall be attested by the Labour Officer.

(3) There shall be affixed in every contract of service an employee's passport-size photograph.

Attestation
of written
contract.

36.(1) No contract other than oral contract shall be valid unless it is attested by the Labour Officer.

(2) The Labour Officer shall not approve a written contract unless he is satisfied that:



- (a) an employee has understood and agreed to all the terms and conditions of the contract;
- (b) the terms and conditions of the contract are not in any way inconsistent with the provisions of this Act;
- (c) an employer is capable of performing his obligations under the contract and abiding by the provisions of this Act;
- (d) the medical examination report certifies that a person so examined is fit and capable for the job he is employed to do.

(3) The Labour Officer may, if he is not satisfied by any of the things referred to in sub-section (2), withhold his approval and shall assign reasons thereto.

(4) A contract which has not been attested in accordance with subsection (3) of this section shall be void and the employer subject to the directions provided for by the Labour Officer, shall rectify the same.

(5) When a contract and notice for attestation has been sent to the Labour Officer and the Labour Officer has not given or withheld his attestation for a period of more than thirty days the contract shall be valid and the Labour Officer shall be obliged to attest the same.

(6) There shall be issued special form to be completed by the employer and the Labour Officer concerning the attestation of contract of service.

(7) Every attested contract shall have the following:-

- (a) the signature and seal of the employer;



- (b) the signature of an employee; and
- (c) the signature and seal of the Labour Officer.

Fees for
attestation
of contract.

37.(1) Any employer shall pay all prescribed fees for every contract which has been attested by the Labour Officer.

(2) The fees referred to under sub-section (1) of this section shall be prescribed by regulations made under this Act.

Medical
Examination.

38.(1) Any employee who enters into a written contract of service shall, in accordance with the procedure made by the Ministry of Health, undergo a medical examination at his own expense.

(2) On the attestation of a contract of service any employee shall produce to the Labour Officer, a medical examination report referred to in sub-section (1) of this section.

(3) The Labour Officer shall not attest any contract of service if the employee fails to produce a medical examination report stating that he is fit and capable to be employed in the service so required.

Transfer of
contract.

39.(1) No written contract of service shall be transferred from one employer to another without the consent of the employee and endorsement of the Labour Officer.

(2) The Labour Officer, before giving his consent to the transfer referred to in sub-section (1) of this section, shall ascertain that the employee has freely consented to the transfer and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake.

(3) Where an employee consents to be transferred his contract of service shall be transferred to the transferee and all rights and obligations between the employee and the transferee shall continue to apply as if they



had been rights between the employee and the transferor.

(4) Where the employee refuses to be transferred, such refusal shall be deemed to have terminated the contract and the employer shall pay the employee all his benefits which he is entitled to receive under the contract.

(5) No contract of service shall be transferred from one employer to another unless the trade or business is also transferred in whole or part.

(6) When a trade or business is transferred following a dispute or any other event which resulted into the employer leaving the country without making payment to his employees in respect of their contractual benefits and or any other accrued remunerations, the transferee shall be bound to pay all employees who have refused to be transferred their contractual benefits and consequently shall be responsible for all contractual benefits of all employees who gave their consent to the transfer.

Notice of
Transfer of
Trade or
business.

40. (1) No trade or business shall be transferred from one employer to another until the expiration of one month next after notice in writing has been delivered to or left at the office of the Commissioner stating:-

- (a) the full names of the employers;
- (b) the names of the involved enterprises;
- (c) the full address of the employer;
- (d) a copy of an agreement of transfer of business or trade.

(2) Upon receiving such notice the Commissioner shall ask the Labour Officer to supervise the payment of employees contractual benefits and gratuities under the contract.



Transfer of
Government
Project or
business to
Private
Enterprise.

41.(1) When the government's trade or business is transferred to a private enterprise by way of lease or sale the contract of service shall be transferred from the government to the transferee.

(2) When such trade or business is transferred all employees thereof shall be entitled to receive their contractual benefits from the government.

(3) When the transferee employs persons in his trade or business shall give first priority to the employees who were in the governments' business or trade which has been transferred to such transferee.

Termination of
a written
contract.

42.(1) A written contract of service shall be terminated in the following instances:-

- (a) expiry of the terms of the contract -
 - (i) where the employee attains the normal retirement age;
 - (ii) where the contract of service, being a contract for a fixed term or part-time, ends with the expiry of the specified term;
- (b) in case the employee dies before attaining the normal retirement age or before the expiry of the specified terms of the contract;
- (c) where it is certified by a Doctor that the employee is incapable and unfit for work;
- (d) where the employee is expelled from work following, or as a consequence of, grossly unreasonable conduct on the part of the employee towards the employer;
- (e) where the employee refuses to be transferred from one employer to another;



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- (f) Where the enterprise ceases to operate for a period not exceeding three months;
- (g) Where the employer is bankrupt and the enterprise ceases to operate for a period of one month from the date of the occurrence of the employer's bankruptcy;

Employee trained at employer's expense.

43. (1) An employee in a contract required to be in writing who pursues his studies for a period of not less than three months at the expense of his employer shall work for such employer for a period of not less than two years from the date he shall have completed his studies.

(2) If the employee contravenes the provisions of subsection (1) of this section he shall be bound to pay all expenses which his employer shall have incurred for his studies.

Employment outside Tanzania.

44. (1) Any citizen who intends to seek employment out of Tanzania shall register in the office of the Commissioner in accordance with this Act.

(2) Any employer who intend to employ a citizen in any employment which is out of Tanzania shall communicate with the Commissioner for the issuance of the list of names so registered in accordance with subsection (1) of this section for the same.

(3) A contract of service for any employment which is performed out of Tanzania shall be in accordance with the law of that particular country.

(4) A contract of service for any employment to be performed out of Tanzania shall have the following particulars:-

- (a) the full name of the employer and the employees who are intended to be employed;



- (b) the nature of the work the employee is engaged to work abroad;
- (c) the specific period of employment;
- (d) the wages and allowances which the employee is entitled to receive;
- (e) the employee's accommodation and other benefits;
- (f) the employee's normal hours of work per day and or week;
- (g) provision relating to the employee's medical services;
- (h) provision relating to the termination of contract and terminal contractual benefits;
- (i) the number of day's annual leave to which the employee is entitled and his entitlement to pay during such leave.

(5) The employer shall be responsible for all employee's travelling expenses from Zanzibar to the country the employee is supposed to work and vice versa.

(6) The employee shall undergo a medical examination in Zanzibar at the expense of the employee himself save that the employer may require that the employee be further medically examined by a qualified medical practitioner abroad, provided that in such a case the employer shall be responsible for any fees payable in connection with the said medical examination;

Provided further that should the employee be found unfit to continue with his employment, he shall be sent back to Zanzibar at the expense of the employer.



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(7) A contract of service entered into between the employer and employee(s) shall before the employee(s) departure from Zanzibar, be presented to the Labour Officer for attention.

(8) The employer shall in writing, guarantee to the Labour Commissioner the safety of his employee(s) while abroad.

Oral
Contract.

45.(1) A daily paid contract of service shall not be in writing.

(2) The period of service in any contract not required to be in writing shall in no case exceed three months provided that the parties may enter into any form of written contract of service when the maximum period of service in the oral contract expires if the employer still requires the services of the employee.

(3) The Minister shall have the power to make regulations specifying categories of daily paid works.

(4) It is an offence to employ any person as a daily paid worker in any employment which is permanent in nature.

Contract with
foreigner.

46.(1) A contract of service in any employment with a foreigner who is to be employed in Zanzibar shall:-

- (a) be in writing;
- (b) be attested by the Labour Officer in accordance with the provision of this Act;
- (c) specify;
 - (i) the full names of the employer and employee;
 - (ii) the full address of the employee and the name of the country the employee is coming from;



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- (iii) the nationality of the employee;
- (iv) the qualification and title of the engaged and the nature of the work he is engaged to do;
- (v) the duration of the contract which shall not be inconsistent with the provisions of this Act;
- (vi) the probation period if necessary;
- (vii) the place where the employee's duties are to be performed;
- (viii) the wages and allowances the employee is entitled to receive;
- (ix) the name of the enterprises or company the employee is engaged to work;
- (x) liability when the employee dies in service of his employer;
- (xi) any other thing which shall be specified in the regulations;
- (xii) the retirement benefits which shall not be less than the amount provided for by this Act, to which the employee is entitled to receive.

(2) The contract referred to in subsection (1) of this section shall not be valid unless it has been presented for attestation to the Labour Officer.

(3) No contract of service with a foreigner shall be valid without the attestation of the Labour Officer.



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(4) The employer and employee shall be bound to the terms and conditions of such contract.

Termination
of contract
with a
foreigner.

47.(1) The contract of service with a foreigner shall be terminated in the following instances:-

- (a) when the terms of the contract of service expire and the employer does not offer to re-employ the employee or in respect of a renewed contract the renewal period and the period provided for by this Act expires;
- (b) where the employee dies during the period of employment;
- (c) where employer dies and the enterprise ceases to operate for one month from the date of the employer's death;
- (d) where the employer is bankrupt and unable to pay wages and other benefits and consequently the enterprise ceases to operate for one month from the date of employer's bankruptcy.

Register of
employees.

48.(1) Every employer shall keep a register of employees, remuneration book, Inspection report book and employee's personal file and such other documents as may be prescribed and retain those documents for a period of three years from the date the contract of service expires.

- (2) Every employer shall:-
 - (a) enter in the register of employees the name and age of every employee and the nature and condition of the work he performs;
 - (b) enter in the remuneration book the days on which an employee has worked and the remuneration paid to him;



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(c) on payment of remuneration to an employee:-

(i) cause the employee to affix his signature or thumbprint in the remuneration book; and

(ii) issue to the employee a pay slip which shall be in such form as may be prescribed in the regulations.

(3) The employer shall, on request:-

(a) produce to the labour Inspector or Officer any document kept by him under subsection (1) of this section;

(b) initial any entry made in the inspection report book by the Labour Inspector or Officer;

(c) submit to the Commissioner such particulars as may be required.

Keeping of documents.

49.(1) An employer shall give to the employee labour cards of the following particulars of employment:-

(a) the full name, address and signature of the employer;

(b) the full name, village, shehia and signature of the employee;

(c) the nature of the work and the place where the employee's duties are to be performed;

(d) the number of days the employee is supposed to work provided that each card shall be for a period not exceeding 30 days;

(e) the date on which employment under the contract begins;



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- (f) the wages which the employee is entitled to receive per day or week;
- (g) the signature of the Inspector or Labour Officer;
- (h) a place for marking employee's attendance.

(2) The payment of wages shall be made in the following procedures:-

- (a) the employee's daily wages shall be paid in instalment as agreed by both parties provided that such period shall not exceed one month;
- (b) every employer shall provide the employee with work in accordance with the contract, during the period for which the contract is binding. If the employer fails to provide work he shall pay to the employee, in respect of everyday on which the employer shall so fail, wages at the same rate as if the employee had performed that day's work;
- (c) no employee shall be entitled to receive wages in respect of any period when he is absent from work without authorisation or good cause.

Attestation of oral contract.

50. An employer shall produce to the Labour Officer or Inspector records in respect of employees in contract not required to be in writing.

Termination of oral contract.

51. An oral contract of service shall only be terminated in the following instances:-

- (a) when the date on which employment under the contract expires;
- (b) when the employee is expelled from work following his disciplinary or criminal offence;



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- (c) when the employee dies during the period of employment;
- (d) when a Doctor certifies that the employee is physically incapable for work;
- (e) when the employee without reasonable cause absents himself from work for six consecutive days;
- (f) when the enterprise or project ceases to operate for a period not exceeding three months.

Collective
Agreement.

52. One or more employers or employer's Association may make arrangement with one or more trade unions relating to any of the following:-

- (a) the normal working hours in special places such as hotel, restaurants, special industries, shift works and other places as the Minister may by regulations specify;
- (b) the rate of overtime pay applicable to the employees for special places;
- (c) the accommodation arrangements and fees payable by or to different categories of employees in special places;
- (d) the meals arrangement and the price payable by or to different categories of employee's in special places;
- (e) the transport arrangements from residence to place of work and the fee payable by or to different categories of employees in special places of work;
- (f) the minimum wages of employees;
- (g) the payment of bonus and any other benefits;



(h) any other thing which the employer and the employee may deem necessary.

(2) Any Collective Agreement shall not in any way contravene the provisions of this Act.

(3) The rates which shall be stipulated in Collective Agreement shall not be less than such rates stipulated in the contract of service entered into between the employer and employee or rates prescribed by this Act.

(4) No Collective Agreement shall be operative or binding on the parties thereto unless it is registered by the Industrial Court.

(5) A registered Collective Agreement shall be binding on the parties thereto.

(6) All employees who are privy to the Collective Agreement shall be officially notified by their employers for the same.

(7) Where any Collective Agreement is readied between the trade unions and employer's Association, the parties thereto shall supervise the performance of the same.

(8) No Collective Agreement shall be used for any other purposes other than those so agreed by the parties thereto.

Procedure of preparing collective Agreement.

53.(1) One or more employers or employer's Association or trade union may prepare a draft proposal of a collective Agreement intended to be used by employees or a group of employees of an establishment and submit copies of the same to the employer's Association, trade union and Labour Officer who upon receiving them shall make a finding as to whether the said proposal does not contravene the provisions of this Act.

(2) Upon receiving a copy of the said proposal, the Labour Officer shall, within thirty days from the date of receiving it hold a meeting with the employer or Employers Association and the representative of the



employees and shall thereupon consider the received proposal. The Labour Officer shall participate in the discussion as a witness.

(3) If an Agreement is reached between the parties as to the terms and conditions of the proposed collective Agreement, they shall, in the presence of four witnesses, Labour Officer inclusive, and one from the employer, one from the employee and one from the trade union, sign the collective Agreement.

(4) Upon being signed the collective Agreement shall be submitted to the Commissioner who shall consider and submit the same to the Industrial Court for registration in accordance with the provisions of this Act.

Procedure for filing a suit.

54.(1) If the registered collective Agreement contravenes the provisions of sections 52 and 53 of this Act any party thereof shall be entitled to file a suit before the Industrial Court.

(2) The Industrial Court shall have jurisdiction to hear and determine any suit referred to it under the provision of this Act.

Probation period.

55.(1) Any employee in a contract required to be in writing shall be on a probation period for a period not exceeding six months from the date he was so employed.

(2) The probation period shall be regarded as any other normal working days.

(3) The employer shall in writing confirm such employee soon after or before the expiry of the probation period if satisfied by his competence or may terminate his contract of service if such employee is incompetent to carry out his duties under the contract of service; provided that if probation period expires without any confirmation being made it shall be deemed that the employee has been so confirmed.



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(4) Such employee shall abide by all labour laws and regulations and disciplinary penalty may be imposed on him in accordance with the provisions of this Act for any disciplinary act which shall have been committed by such employee.

(5) Such employee shall properly carry out his duties under the contract of service.

(6) On the commencement of a probation period an employer shall provide such employee with a job description.

Procedure for terminating a contract of any employee under a probation period.

56.(1) An employer may terminate a contract of service of an employee under a probation period in the following instances.

- (a) when an employee commits a major disciplinary offence and the employee has exhausted all disciplinary measures provided for under this Act;
- (b) If an employee is not competent to carry out his duties under the contract of service provided that such termination shall be in accordance with the Schedule to this Act and provided further that the employee is given one month for improving himself.

(2) A contract of service of any employee who commits major disciplinary offence shall be terminated in accordance with the provisions of this Act and such employee shall not be entitled to receive any contractual benefit whatsoever.

(3) In the event a contract of service is terminated due to the employee's lack of competence the employer shall:-



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- (a) give a one month notice in writing to such employee stating his intention or a month's salary after such notice;
- (b) pay such employee his due salary in respect of the period of days he has worked.

(4) The following shall not constitute good cause for terminating a contract of service of an employee in a probation period:-

- (a) pregnancy or breast feeding;
- (b) absence from work due to employee's sickness.

Offence and Penalties.

57.(1) Any employer who contravenes the provisions of section 39 and 40 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the sum equivalent to five hundred United States Dollars.

(2) An employer who contravenes the provisions of section 42 of this Act shall be guilty of an offence and shall be liable on conviction to pay such employee the sum equal to six months earnings.

(3) The property and assets of any employer who defaults to pay compensation imposed against him under sub-section (2) of this section shall be attached and sold to recover the sum equivalent to the compensation so imposed.

(4) An employee who intends to terminate his contract of service shall give three months notice in writing to his employer or pay to the employer his one month salary. If he fails to do so shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the sum equivalent to four hundred United States Dollars.



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(5) Any person who contravenes the provisions of sub-section (5) of section 45 of this Act shall be guilty of an offence and shall be liable upon conviction to pay a fine of not less than the sum equivalent to four hundred United States Dollars.

(6) Any person who contravenes the provisions of sub-section (4) of section 46 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the sum equivalent to six hundred United States Dollars.

(7) Any person who employs a foreigner under a contract of service not attested by the Labour Officer shall be guilty of an offence and shall be liable upon conviction to a fine not less than the sum equivalent to eight hundred United States Dollars.

(8) Any person who contravenes the provisions of sections 53 and 56 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the sum equivalent to eight hundred United States Dollars.

(9) Any employer who employs any person in any employment to which the contract of service is required to be in writing and without such contract, shall be guilty of an offence and shall be liable upon conviction to a fine of the sum equivalent to one thousands United States Dollars.

(10) Any person who employs any other person to do any work pursuant to a contract of service entered into by such person before such person has been certified by medical examination to be physically fit to do such work as required by sub-section (1) of section 38 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine not less than the sum equivalent to five hundred United States Dollars.



(11) The property or assets of any employer who, defaults to pay fine imposed on him under this section shall be attached and sold to recover the sum equivalent to the fine so imposed.

PART FIVE
RIGHTS, AND DUTIES IN EMPLOYMENT

Entitlement to wages. 58.(1) An employee in a contract required to be in writing shall be entitled to receive wages from his employer for a period not exceeding one calendar month.

(2) No part of the remuneration earned by or payable to the employee shall be deducted by the employer without good cause.

(3) The following deductions from the remuneration due to an employee are allowed notwithstanding the provisions of sub-section (2) of this section:-

- (a) an amount in respect of subscription payable to the social security fund.
- (b) deduction by way of reasonable rent or other reasonable charges for accommodation, and food provided by the employer for the employee as agreed under the collective Agreement.
- (c) any other deduction agreed in writing by both parties to the contract of service.

Standard of wages. 59.(1) The Minister may by regulation provide for the payment of minimum wages and rates of such other wages in respect of employment in particular places or otherwise as he deems fit when he is satisfied that the existing wages in such places are very low; Provided that an employer shall be entitled to pay his employees wages exceeding the prescribed rates.

(2) The Minister shall by order published in the Gazette prescribe the rates referred to in subsection (1) of this section.



(3) The following procedure shall be observed in preparing the minimum wages and rates of such other wages:-

- (a) the Commissioner shall prepare or cause to be prepared a proposal of minimum wages and rates of such wages when he deems appropriate and required to do so;
- (b) the Commissioner shall submit such proposal to the Labour Advisory Board established under section 102 of this Act and a copy to the Minister;
- (c) the Labour Advisory Board shall consider such proposal referred to it and shall proceed to decide whether or not to accept or order some amendments as it deems appropriate;
- (d) upon being approved by the Labour Advisory Board, the Commissioner shall submit the draft proposal to the Minister and the proposed amendments as the case may be;
- (e) if the proposal is refused by the Labour Advisory Board, the Commissioner, shall in writing inform the Minister the reasons for such refusal;
- (f) the Minister shall have the power to determine the minimum wages and rates of such other wages as he may deem appropriate after considering argument of the Labour Advisory Board and criteria used by the Commissioner in such proposal.

(4) The employees concerned shall be entitled to receive their prescribed wages from the date such rate of wages shall be prescribed by the Minister in the Gazette.



Provision of
medicine
and medical
treatment.

60. Every employer shall, at his own expense provide for his employee's medical facilities in the following instances:-

- (a) if personal injury does not arise out of and in the course of employment, but such disease is attributed to employee's negligence, such as misconduct, the employer shall be responsible for the fifty per cent expenses of medical attendance on such employee for a period not exceeding three months;
- (b) if personal injury arises out of and in the course of employment, the employer shall be responsible for all expenses of medical attendance on such employee until such employee recovers;
- (c) an employee shall also be entitled to such compensation as provided for by the Workmen's Compensation Act, 1986.

Employer to
provide
transport.

61.(1) Every employer shall at his own expense provide his employees under oral contract or contract required to be in writing with means of transport to and from the place of employment.

(2) Such transport may be provided in the manner agreed by the parties provided that the standard of services shall not be less than the standard prescribed by the Minister in the regulations.

(3) Notwithstanding the provisions of subsection (1) and (2) of this section, every employer shall provide his employees who are employed in shift work between 9.00pm and 5.00am with transport to and from the place of employment.



(4) The Minister may by regulations prescribe a number of trips to and from the place of work.

Privileges
and rights
of
accommodation
of meals.

62. (1) There shall be imputed into every contract of service whether in writing or evidenced by a labour card or oral, an obligation on the part of employer to cause the employee to be properly housed if the place of employment is at such a distance from the employees's home as to render it impossible for him to conveniently return to his home upon the conclusion of a day's work.

(2) Accommodation standard for different categories of employees shall be specified in the contract of service.

(3) An employer may provide his employee whose place of abode is not very far from place of employment, with accommodation; provided that such intention shall be provided for under the contract of service.

(4) The employer may pay meal allowance to any employee referred to in subsection (5) of this section.

(5) Any person who is employed to work in hotel, restaurant and such like place shall be entitled to be provided with meals at the expense of his employer.

(6) The collective Agreement shall provide for the standard of meals referred to in subsection (5) of this section.

(7) The employer shall provide uniforms, special protective clothes and other protective equipments to categories of employees as it shall be specified in the regulations.

(8) The clothes and protective equipments referred to in subsection (7) of this section shall be the property of the employer who at his own expense shall be responsible for the safety and cleanliness of the same and the employees who use them.



(9) The employer shall make sure that his employees when performing their duties use the clothes and equipments referred to in subsection (7) of this section.

Length of
working day
and week.

63.(1) In all establishments the normal working hours shall not exceed eight hours per day and forty two hours per week.

(2) An employer and employee may by contract agree on their own normal working hours provided that such period shall not exceed ten hours per day or forty eight hours per week.

(3) When persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty two hours in any one week provided that the average of that period shall not exceed ten hours in any one day or forty eight hours in any one week.

(4) In any establishment where the normal working hours are at least eight hours or more per day, a one hour break shall be granted each day to the employees provided that this provision shall not apply to the employees in particular services to be specified by the regulations.

(5) The employer shall grant a one hour break to his employees referred to in subsection (4) of this section.

Overtime
Work.

64.(1) If there is no written Agreement between the employer and the employee as to the number of over time hours which may be worked, hours worked in excess of forty two hours in any one week shall be regarded as overtime hours for the purpose of this part.

(2) The number of overtime hours which may be worked shall not exceed the limitations established by subsections (1) and (2) of section 63 of this Act.



(3) Where overtime hours are worked, the employee shall be entitled to an overtime pay in the following manner:-

- (a) in respect of weekdays, the employee shall be paid not less than double the rate payable per hour for work on a working day (monthly salary x overtime hours x $2/30$ x 8);
- (b) in respect of holidays and public holidays, the employee shall be paid not less than double and half the rate payable per hour for work on a day that is not public holiday provided that such payment shall be for eight hours monthly salary x overtime hours x $2.5/30$ x 8.
- (c) in respect of any overtime hours worked in excess of eight hours referred to in sub-section (3)(b), of this section the employee shall be paid not less than three times the rate payable per hour for work on working day.

Regulation of working time and overtime rate.

65.(1) The Minister may by regulation make provisions for the maximum number of working hours and rest days in respect of employment in particular occupations provided that such maximum number shall not exceed the limitation established by sub-sections (1) and (2) of section 63 of this Act.

(2) The Minister may by regulation make provision for the payment of overtime rates of pay in particular occupations.

Weekly rest.

66.(1) An employee shall not be required to work for his employer for more than six consecutive days without a day's rest.

(2) The employer shall give his employee a day's rest which for the purposes of this section shall mean a period of rest comprising at least twenty four consecutive hours.



(3) The Minister may by regulation exclude persons holding high managerial positions from the operation of sub-sections (1) and (2) of this section.

(4) The Commissioner may grant temporary exemption from the provisions of this section in order to prevent the loss of perishable goods.

(5) Every employer shall keep a register for the purpose of recording his employee's resting days and shall produce it to the Labour Officer or Inspector if required.

Public
Holidays.

67.(1) An employee shall be entitled to a day's holiday with full pay at the expense of the employer on every public holiday during his employment.

(2) The Minister shall by order published in the Gazette specify the days which shall be considered as public holidays for the purpose of this section.

Annual
leave.

68.(1) Every employee shall, once in every calendar year, be entitled to a leave with full pay at the expense of his employer, at the rate of seven days in respect of each period of full four months of service, to be taken at such time during such calendar year as may be agreed between the parties provided that an employee who is under probation period shall not be entitled to annual leave.

(2) The employee who is on his annual leave shall be entitled to travel to any place of his choice provided that he gives address to his employer of the place where he intends to travel to.

(3) An employer and employee may by contract agree in the presence of a representative of a particular trade union to



forego the employee's annual leave for compensation on the part of the employee of the sum equivalent to one months salary payable to such employee; Provided that no more than one annual leave shall be forgone within three years in respect of the same employee.

(4) An employer may, when he deems necessary, delay annual leave of his employee provided that such delay shall not exceed two years.

(5) An employer shall in writing notify his employee the reasons for such delay.

(6) An employee whose annual leave has been delayed shall be granted his annual leave for the whole period of such delay.

(7) An annual leave which has been delayed shall not be forgone for compensation.

(8) An employee who is on his annual leave shall be entitled to a full pay.

Employee's
travelling
expenses.

69.(1) An employer shall once in every three years provide his employee and his family of two children below the age of eighteen years the sum of money equivalent to the transport fares for the return tickets within Tanzania.

(2) An employer shall provide such service by using reliable means of transport for the safety of the employee and his family.

(3) A collective Agreement may provide for the payment of transport fare referred to in subsection (1) of this section.

(4) The employer may provide his employee with transport fare for the return tickets out of Tanzania provided that such intention shall be provided for in a particular agreement between the employer and employee.



(5) No transport fare referred to in sub-sections (1) to (4) of this section shall be granted to any employee who is not travelling.

Temporary
emergency
leave.

70. Notwithstanding the provisions of section 68 of this Act, every employer shall be entitled to a temporary emergency leave with full pay in the following instances:-

- (a) in case of the death of her father, mother, son, or daughter for a period not less than three days;
- (b) in case of the death of her husband for a period of not less than seven days;
- (c) in case of the death of his sister, brother or half sister or half brother, for a period of not less than two days;
- (d) if the employee wants to get married, for a period of not less than three days;
- (e) in case of the marriage of his son, daughter for a period of not less than two days;
- (f) in case of the death of his father or mother in law for a period of not less than two days.

Sick leave.

71.(1) If a doctor certifies that an employee has contracted a permanent disease arising out and in the course of employment or otherwise and is incapable of work because of such disease the employer shall grant such employee a sick leave.

(2) An employee who has contracted disease not arising out of, nor in the course of employment, shall be entitled to a sick leave as follows:-

- (a) a temporary leave on full pay for a period not exceeding sixty days;



- (b) if a doctor certifies that the employee is still incapable for work, after the expiration of the first sixty days, the employer shall grant the employee another sick leave for a period not exceeding ninety days other than the first sixty days provided that the employee shall be paid half of his wages;
- (c) if the period referred to in paragraphs (a) and (b) of sub-section (2) of this section elapses and the doctor certifies that the sick employee is still incapable of work the employer may grant the said employee a leave without pay for a period not exceeding sixty days;
- (d) if leave without pay referred to in sub-section (2)(c) expires and a doctor certifies that the sick employee is still incapable of work, the employer may cause the employee's retirement from office.

(3) The employer may in consultation with the leadership of the trade Union's branch at the place of work decide on the matter referred to in sub-section (2)(b), (c) and (d) of this section.

(4) If a doctor certifies that an employee has contracted disease following personal injury arising out of and in the course of employment the employer shall grant such employee a sick leave as follows:-

- (a) a sick leave on full pay for a period not exceeding six months;
- (b) if upon expiry of six months a doctor certifies that a sick employee is incapable of work, the employer shall grant such employee another sick leave for a period not exceeding three months provided that the employee shall be paid half of his wages;



- (c) if the period referred to in sub-section 4(a) and (b) of this section expires and a doctor certifies that the employee is still incapable for work, the employer may grant the sick employee a leave without pay for a period not exceeding three months;
- (d) If leave without pay referred to in sub-section (4)(c) of this section expires and a doctor certifies that a sick employee is still incapable of work, the employer may terminate the contract of service in accordance with the provisions of this Act.

(5) In consultation with the leadership of the trade union's branch of the place of work the employer may decide on matters referred to in sub-section 4 (b), (c) and (d) of this section.

(6) An employer and the trade Union concerned in the collective Agreement may agree on some other privileges of sick leave.

Leave without pay.

72.(1) An employer may grant his employee leave without pay for a period not exceeding three months on the following conditions:-

- (a) In case a female employee giving birth before the completion of three years referred to in sub-section (4) of section 115 of this Act;
- (b) when an employer is dully served with reliable information that employee's son, daughter, father, mother or dependant is sick and that the employee wants to take care of any one of them;
- (c) when an employee wants to accompany his wife or husband as the case may be, who is travelling out of Unguja or Pemba on leave;



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- (d) without prejudice to the provisions of section 77 of this Act when the employee wants to attend funeral or mourning ceremony of his relative out of Unguja or Pemba;
- (e) without prejudice to the provisions of section 70(b) of this Act an employer shall grant leave without pay to his employee who has applied for such leave following the death of her husband.

(2) When an enterprise ceases to operate following shortage of raw materials, low season in respect of hotel or any other reason thereof the employer may with permission from the Commissioner grant one or more employees leave without pay for a period not exceeding six months.

(3) Upon being satisfied that retaining the employees may affect the income of the employees or the employer or endanger the safety of the employees, the Commissioner may approve the leave without pay referred to in subsection (2) of this section.

(4) The Commissioner shall have the power to refuse approval of such leave if he is not satisfied by any reason referred to in sub-section (2) of this section.

(5) The employer may appeal to the Minister against the decision of the Commissioner made under sub-section (4) of this section and the decision of the Minister shall be final.

(6) Upon approval being given to a leave without pay the employer shall in writing give notice to his employee on such approval, the duration and the reasons thereof.

(7) The period under which an employee was on leave without pay shall not be calculated when computing the employer's contractual terminal benefits.



(8) Every employer shall observe the following procedures in granting leave without pay in accordance with subsection (2) of this section:-

- (a) the employer shall communicate in writing with the branch leadership level of the trade union concerned, stating reasons for the intended leave in a period of not less than three months before the intended date of granting such leave;
- (b) the employer shall in a period of three months before the intended date of granting leave without pay submit an application in writing to the Commissioner stating reasons for the intended leave and the written comment of the trade union branch leadership on such leave;
- (c) the trade union branch leadership shall in a period not exceeding one month from the date of receiving the communication, submit its reply to the employer giving their comments on granting such leave. A copy of the said reply shall be sent to the Commissioner;
- (d) the Commissioner shall consider the application and in a period of one month from the date he received that application shall give or withhold his approval after considering the reasons adduced by the employer and the trade union, provided that the copy of the decision of the Commissioner shall be delivered to the employer and trade union branch leadership;
- (e) within thirty days of delivery of Commissioner's decision, any party aggrieved by such decision may appeal to the Minister who shall hear and determine the appeal within



30 days from the date on which the appeal was submitted to the Minister;

- (f) in the event one month elapses from the date the Commissioner received an application from the employer to grant leave without pay without giving reply the employer shall have the right to grant the said leave without pay;
- (g) in the event one month elapses from the date the Minister received an appeal from the aggrieved party against the decision of the Commissioner without giving his decision, the decision of the Commissioner shall be binding on both parties.

(9). Where harm or damage results from the force majeure, the employer shall do the following:

- (a) the employer shall grant the employees concerned leave without pay for a period not exceeding one month;
- (b) in not later than two weeks from the date such event occurred, the employer shall give notice in writing to the Commissioner and trade union branch leadership stating the nature of the event, the way he is trying to solve it and the proposed period of the intended leave without pay to be granted to the employees.

(10) Upon receiving such notice the Commissioner shall observe the following procedure:-

- (a) the Commissioner shall carefully consider the notice submitted before him by the employer;



(b) the Commissioner shall give or withhold his approval to the intended leave without pay;

(c) the Commissioner shall give or withhold his approval within two weeks from the date such notice was given to him provided that the period for leave without pay shall not exceed six months.

(11) The leave without pay granted in accordance with subsection (9)(a) of this section shall include such leave granted by the Commissioner.

Steps to be taken by employer when leave without pay ceases.

73.(1) When leave without pay granted in accordance with sub-sections (2) and (9) of section 72 ceases the employer shall:

(a) reinstate the employees concerned; or

(b) terminate the contract of service in accordance with the provisions of this Act;

(2) No employer shall be entitled to exercise powers conferred on him under sub-section (1) of this section unless a notice in writing stating his intention thereof has been submitted to the Commissioner one month before the expiry of such leave without pay.

(3) In the event the employer fails to give notice referred to in sub-section (2) of this section, the contract of service of such employees shall terminate. Consequently the employer shall pay to such employees their contractual benefits in accordance with the provisions of this Act.

Right of the deceased employee.

74.(1) In the case of any employee in a contract dying during the period of his employment and a doctor certifies in writing that the death was occasioned by reasons arising out of or in the course of the deceased employment, his employer shall:-



- (a) be responsible for burial expenses of the deceased employee; and
- (b) compensate the deceased heir in accordance with the provisions of the Workman's Compensation Act, 1986; and
- (c) pay to the deceased heirs any other contractual benefits accruing to the deceased employee.

(2) In the case of an employee in a contract required to be in writing dying during the period of his employment but the deceased death is not occasioned by any reason arising out of or in the course of, his employment, the employer shall:-

- (a) be responsible for not less than one third of the deceased burial expenses; and
- (b) pay to the deceased heirs any other contractual benefits accruing to the deceased employee in accordance with the provisions of this Act.

(3) Subject to the provisions of sub-sections (1) and (2) of this section, an employer and a particular trade union branch leadership shall have the power to make provisions in collective Agreement for the rates or any other payment in relation to the employee's death.

Travelling allowances.

75. (1) An employee who is required by his employer to travel within or out of Unguja, Pemba or Tanzania shall so travel at the expense of the employer.

(2) The expenses referred to in sub-section (1) of this section shall include travelling fare for the return journey, meals and accommodation expenses.

(3) Rates of expenses referred to in sub-section (1) and (2) of this section shall be a matter for agreement between the employer and employee.



(4) The employer shall provide his employee who is travelling abroad with outfit allowance.

Certificate
of service.

76.(1) Where a contract is terminated by the expiry of the term for which it was made, an employee shall be entitled to receive from the employer a certificate of service of the following particulars of employment:-

- (a) the names and addresses of the employer and employee;
- (b) the length of the employee's period of continuous employment with the employer ;
- (c) the capacity in which the employee was employed prior to termination;
- (d) employee's working capacity;
- (e) the effective date of contract of service;
- (f) the reason or reasons for the termination of the employee's employment.

(2) The certificate of service issued under sub-section (1) of this section shall be written in English or Kiswahili and shall be signed and sealed by the employer.

Repatriation.

77.(1) Every employee who is a party to a contract required to be in writing and who has been brought to the place of employment by the employer from out of Unguja or Pemba shall have the right to be repatriated at the expense of the employer to his place of first appointment in the following cases:-

- (a) on the expiry of the period of service stipulated in the contract;
- (b) on the termination of the contract by the employer before the expiry of the period of service stipulated in the contract;



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- (c) on the termination of the contract by reason of inability of the employee to fulfil the contract owing to sickness or accident;
- (d) on the termination of the contract by any reason stipulated in this Act save that a termination of the contract by the employee for reasons other than those stipulated in this Act.

(2) Where the family of the employee has been brought to the place of employment by the employer, the family shall be repatriated at the expense of the employer whenever the employee is repatriated or in the event of his death.

(3) The expenses of repatriation referred to in sub-sections (1) and (2) of this section shall include:-

- (a) travelling meals and subsistence expenses during the journey;
- (b) meals and accommodation expenses for a period not exceeding two weeks between the date of expiry and the date of repatriation.

(4) The employer shall not be liable for subsistence expenses or rations in respect of any period during which the repatriation of the employee has been delayed by the employee's own choice.

Exemption of obligation to repatriate.

78.(1) The Commissioner may exempt the employer from liability for repatriation expenses in the following cases:-

- (a) when he is satisfied that:-
 - (i) the employee, by a declaration in writing has signed that he does not wish to exercise his right to repatriation,



(ii) the employee has been settled at his request or with his consent at or near the place of employment;

(b) when the Commissioner is satisfied that the employee by his own choice has failed to exercise his right to repatriation before the expiry of three months from the date of expiry or termination of the contract.

Offences
and
Penalties.

79.(1) An employer who fails to provide employee with such clothes or equipment referred to in sub-section (5) of section 66 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine not less than the equivalent amount of two hundred United States Dollars.

(2) An employer who fails to provide the Labour Officer or Inspector with registers referred to in sub-section (5) of section 66 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine not less than the equivalent amount of four hundred United States Dollars.

(3) An employer who pays the wages below the rates prescribed by the Minister, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than equivalent amount of four hundred United States Dollars.

(4) An employer who fails to repatriate his employee in accordance with the provisions of section 77 of this Act, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the equivalent amount of seven hundred United States Dollars.

(5) An employer who contravenes the provisions of section 71 of this Act, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the equivalent amount of one thousand United States Dollars.



(6) The property or assets of any employer who defaults to pay fine imposed on him under this section shall be attached and sold to recover the sum equivalent to the fine imposed.

PART SIX
DISCIPLINARY MEASURES AND PENALTIES

Disciplinary penalties.

80.(1) Any employer shall be entitled to impose a disciplinary penalty on any employee for negligence or failure to carry out his duties under the contract of service; Provided that the employer is not allowed to dismiss him.

(2) Disciplinary penalties which an employer is entitled to impose on any employee who breaches the conditions of employment shall be as follows:-

- (a) written warning;
- (b) reprimand;
- (c) fine;
- (d) demotion; and
- (e) suspension from work.

(3) An employer shall be entitled to impose a disciplinary penalty only when it is reasonable for him to do so in the particular circumstances, and the question of what is reasonable shall be decided by considering:-

- (a) the nature of the neglect, failure or alleged failure on the part of the employee, the penalty imposed by the employer before, and the previous conduct of the employee;
- (b) the contents of the Disciplinary Measures as set out in the Schedule to this Act.

Disciplinary rules.

81.(1) Every employer is required to make disciplinary rules which shall govern the conditions of employment at the place of work,



which may differ from one place to another depending on the size and the nature of that institution.

(2) The said rules shall be written in a simple language which all employees, their associations or representatives may easily understand.

(3) The rules shall not show any kind of discrimination and shall apply to all employees without regard to tribe, nationality, color, gender, marriage status, religious or political inclination.

(4) Any employee who contravenes any disciplinary rule, may be given oral warning, by the employer and if he fails to comply with, other disciplinary penalties shall be taken in accordance with procedures set out in the Schedule to this Act.

(5) An employer is required to produce many copies of the rules and be available to employees and their associations at all hours at their place of work.

(6) The disciplinary rules shall specify the following matters:-

- (a) the categories of employees concerned;
- (b) the circumstances in which the rules shall apply;
- (c) the contents of the rules, which shall be in a simple and clear language which can be easily understood;
- (d) the penalties which may be imposed in case of contravention of any such rules.

Suspension.

82.(1) The employer may suspend an employee who has breached any of the disciplinary rules without pay for a period not exceeding two weeks.



(2) The employer may suspend an employee for the purpose of conducting an inquiry into the offence or offences committed, and the employer shall prove his intention to dismiss him.

(3) Where an employer decides to suspend his employee, he is required to give him a written notice on the offence or offences committed and the action taken and shall give him seven days to defend himself.

(4) An employer is required to consult trade union branch leadership at the place of work within seven days from first date of suspension.

(5) Within the seven days from the date of suspension the trade union branch leadership at the place of work may meet or write to the employer in order to explain its stand on the suspended employee.

(6) Within fourteen days of suspension, the employer is required to prove the offence or offences, consider the opinion of trade union branch leadership; and to decide whether to continue with his service or to dismiss him.

Procedure of imposing penalties.

83.(1) An employee who commits an offence or suspected to commit a disciplinary offence shall be notified in writing about his offence and the disciplinary penalty which shall be taken.

(2) An employee shall be given seven days to defend himself before his employer.

(3) If within the period of seven days, the employee fails to give explanation or his explanation was unsatisfactory to the employer, the employer may impose disciplinary penalties in accordance with the Schedule to this Act.



(4) An employer shall be required to inform the trade union branch leadership at the place of work on the offence and disciplinary action taken against the employee.

(5) If the employee is not satisfied with the disciplinary action imposed on him by the employer, the employee may, within a period of fourteen days of imposition of the penalty, make a written complaint to the Commissioner.

(6) After receiving the complaint made by the employee, the Labour Officer shall investigate such complaint and shall communicate with the employer concerned, employee concerned and the leadership of the trade union branch at the place of work.

(7) The Labour Officer shall have the powers to set aside or amend the said penalty depending on the weight and circumstances of such offence.

(8) The Labour Officer shall communicate in writing with the employer and employee on his decision, and the employer shall be bound by it.

Dismissal.

84.(1) Subject to the provisions of this Act, a dismissal may be made in the following circumstances:-

- (a) where the contract of service is terminated by the employer without notice, or within less notice than that to which the employee is entitled by any statutory provision or contractual term; (such dismissal shall be termed "summary dismissal").
- (b) where the contract of service is terminated by the employee, with or without notice, or the employee fails to attend work for the six consecutive days of work without notice to or permission of the employer;



- (c) where the employee fails to return to his work six days after completing his leave without notice to or special permission of the employer.

(2) Any employee who has been dismissed shall not be entitled to any terminal benefit or gratuity.

Procedure for dismissal.

85. (1) No employer shall have the right to dismiss any employee without proving the reasons for such dismissal, as prescribed in this Act.

(2) When the employer is intending to dismiss his employee for offence or offences committed, or for further committal of disciplinary offence, he shall observe the following procedure:-

- (a) the employer may suspend him in accordance with the provisions of section 82 of this Act;
- (b) when, within the period of fourteen days, the employee has failed to give explanation or his explanation is unsatisfactory or the trade union branch leadership at the place of work has failed to defend the suspected employee, the employer may take action to dismiss that employee;
- (c) the employer who dismisses his employee is required to notify him in writing on his dismissal action, reasons for dismissal, and the date on which that action shall take effect;
- (d) the employer is required to inform officially the trade union branch leadership at the place of work within seven days from the date of such dismissal, and to explain the reasons for dismissal and the date to which that action has taken effect.



Criminal offences outside the place of work.

86.(1) The employee who commits or suspected to have committed a criminal offence outside the place of work, may be dealt with in the following manner:-

- (a) at the time the criminal proceedings commence at the court, the employer may give him leave without pay until the day of judgement;
- (b) when the employee is convicted and sentenced for a term of less than six months, the employer may give him leave without pay for the whole period of his imprisonment or may dismiss him and give him his benefits;
- (c) when the employee is convicted and sentenced for a term of six months or more, the employer shall dismiss him and give him his benefits in accordance with the provisions of this Act.

Stealing within the work.

87(1) The employee who is suspected to steal the property of his employer or his colleague or a customer, may be dealt with in the following manner:-

- (a) the employer may suspend him from work in accordance with the procedures under this Act;
- (b) the employer shall inform, in writing a Labour Officer of the instance and the action taken within seven days from the occurrence of such theft.

(2) In case in his statement, the employee admits that he has stolen or the employer has reasonable proof of it he may take action to dismiss him and to inform him about such proof; and a copy to the Labour Officer and leadership of trade union branch at the place of work.



(3) In case the employee did not admit or the employer has no proof of that theft, he may initiate criminal proceedings and the employee shall be suspended for a period not exceeding three months from the date of such occurrence, and the employer is obliged to pay him half salary.

(4) When, within the period of three months, the court convicted such employee, the employer shall have the right to dismiss him and shall not be entitled to any benefits and half salary.

(5) When the suspected employee is acquitted, the employer shall do one of the following:-

(a) shall re-instate him to his work so as to continue with his contract of service; or

(b) shall terminate his contract of service and give him his benefits in accordance with the provisions of this Act.

(6) If three months expire, and the criminal proceedings are not completed, the employer shall pay him half salary, and from that date the said employee shall be considered on a leave without pay.

(7) Where, after the three months period, the employee has been convicted, he shall be dismissed forthwith.

(8) Where, within the period after three months, the employee is acquitted, the employer shall pay back the half salary of three months and thereafter shall decide in accordance with the provision of subsection (5) of this section.

Other criminal offences relating to the work.

88. An employee who commits criminal offences, other than theft, shall be liable to the penalties as set out in the Schedule to this Act.



Leaders of
Trade Unions
at the place
of work.

89. An employer who is intending to take any disciplinary action against the employee who is an officer of trade union branch shall first be entitled to communicate in writing with the Labour Officer.

The procedures
of presenting
complaint by
dismissed
employees.

90. (1) Where an employee complains of unjustified dismissal, may, within three months of the date of dismissal, present a written complaint to the Commissioner in Unguja or Labour Officer in charge in Pemba.

(2) The Commissioner or Labour Officer in charge in Pemba, as the case may be, shall present such complaint, within one month after receiving of such complaint, to a Conciliation Board.

(3) The Conciliation Board, within one month of receiving such complaint, shall decide on the same, and shall inform the Commissioner or Labour Officer in charge in Pemba about the criteria used and the consensus reached.

(4) The Commissioner or Labour Officer in charge in Pemba shall communicate with the employer and the employee concerned on the decision of the Conciliation Board.

(5) The employer or employee (complainant) or their representatives, or their witnesses but not their advocates, may be summoned to give their evidence before the Conciliation Board.

(6) The decision of the Conciliation Board shall be a decree and shall be binding to all parties and shall be executed within three months of the date when such decree is issued.

(7) Where the Conciliation Board decides that the dismissal of the employee was unreasonable, may make order for:-

- (a) the employee to be paid the whole of his salary entitled to receive for



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the period when he was out of contract of service;

(b) (i) the employee to be re-instated to continue with his contract of service;

(ii) the employer to terminate the service contract and to pay him all his benefits in accordance with the provisions of this Act.

(8) The Conciliation Board shall give its decision within the period of three months from the date of receiving the complaint.

(9) Where, the Conciliation Board fails to give its decision, the Commissioner shall present the complaint to the Industrial court.

The procedure of complaining for other labour disputes.

91. (1) A party to the contract of service which believes that there is an infringement of this Act or any other labour law, may present his written complaint to the Commissioner.

(2) The Commissioner shall appoint a Labour Officer to deal with it, where his decision shall be a "decree" which shall be binding to the party concerned.

(3) Where, the Labour Officer fails to resolve the dispute, he shall inform the Commissioner who shall present to the Conciliation Board to be dealt with; the decision of the Conciliation Board shall be a decree which shall be binding to the party concerned.

(4) Where the Conciliation Board fails to resolve the dispute, it shall inform the Commissioner who shall forward the same to the Industrial court.



(5) Where, any party is not satisfied with the decision of the Conciliation Board, may appeal to the Industrial court.

The powers of the Commissioner to decide where to present dispute.

92. Where the Commissioner receives a complaint from any party to the contract of service as mentioned in section 91 of this Act, he may decide whether to follow the procedure mentioned in section 91 of this Act or to forward the same to the Industrial court.

Offences and penalties.

93.(1) Any employer who imposes disciplinary penalty on his employee without a reasonable cause, may be charged, for an offence and shall be liable on conviction to a fine of not less than five hundred United States Dollars.

(2) Any employer who shall dismiss his employee contrary to the provisions of this Act, shall be guilty of an offence and shall be liable upon conviction to a fine of not less than seven hundred United States Dollars.

(3) The property and assets of the employer who defaults fine imposed under this section shall be attached and sold to recover the amount so imposed.

PART SEVEN
RETIREMENT, TERMINATION OF SERVICE, DISMISSAL
AND TERMINAL BENEFITS

Procedure for termination of service.

94.(1) The employee in permanent terms of service upon becoming due for retirement the following procedure shall be followed:-

(a) the employer shall furnish three months notice to the said employee of an impending intention to retire him or three months salary in lieu of notice;



- (b) the employer shall furnish three months notice to the Department of provident or social security fund to which the employee is a subscriber;
- (c) the employer shall upon retiring the said employee pay all terminal benefits due under this Act except pension which shall be dealt with under and by the relevant pension fund Authority;
- (d) the employer shall contact the nearby Labour Officer and the relevant trade union branch office in order to ensure that justice is done in the retirement exercise.

(2) The employee contracted under permanent terms of service may be terminated before retirement under any of the following circumstances:-

- (a) where the employee contracts disease or sustains injury which the doctor certifies that he cannot continue with his employment;
- (b) where the establishment ceases its operations for the purpose of winding up its business;
- (c) where the employer declares redundancy and is so authorised under this Act.

(3) The employee contracted under written agreement whose service is terminated for any reason other than illness the following procedure shall be followed:-

- (a) the employer shall give the said employee three months notice or three months salary in lieu of such notice;
- (b) the employer shall furnish three months notice to provident or social security fund before termination of such employee;



(c) the employer shall pay all terminal benefits due under this Act after consultation with the nearby Labour Officer and a representative of the relevant trade union branch.

(4) The employee under permanent terms of service upon attaining the retirement age, or employee under fixed term of service upon expiry of the fixed term, shall be retired and paid all terminal benefits.

(5) Where upon retirement, the employer still requires the service of the said retired worker the employer shall employ him under fixed term of service in accordance with the provisions of this Act.

Procedure of terminating service.

95. (1) employee under written contract of service shall, upon having the intention of voluntarily terminating his service before retirement or before the expiry of the term fixed in the contract, except the employee terminating service on medical grounds as provided under this Act, follow the following procedure:-

(a) shall furnish the employer with a three months notice of his intention to terminate his service or three months salary in lieu of notice;

(b) shall furnish a written notice to the trade union branch of the place of work (if any) one month before the date of termination.

(2) The employee who terminates his service in accordance with subsection (1) of this section shall not be entitled to gratuity but shall be entitled to such proportion of his contribution to the provident fund.

(3) The employer shall furnish information and records relating to the contribution of the said employee to the provident fund.



Dismissal.

96. The employee who is found guilty of gross misconduct or of serious criminal offence before expiry of the term fixed in his contract of employment may be dismissed and shall, upon such dismissal, not be entitled to any terminal benefits except such proportion of his contribution to the provident fund.

Terminal benefits.

97.(1) Any employee retired after his term of service or after attaining retiring age shall be entitled to the following terminal benefits:-

- (a) the employer shall pay gratuity which shall be computed on last paid salary of the employee multiplied by a number of months of service multiplied further by 0.15; or
- (b) the employee shall be paid terminal benefits by the provident fund where the employee and his employer have contributed and such benefits shall be so paid by the provident fund in accordance with the procedure provided by the relevant law;
- (c) payments made under paragraphs (a) and (b) of this subsection shall be exempt from any tax.

(2) The employee who is retired from service on medical grounds shall be entitled to terminal benefits in the manner provided under subsection (1) of this section.

(3) The employee retired on account of injury sustained in the course of employment shall be entitled to terminal benefits in accordance with subsection (1) of this section and in addition thereof he shall be entitled to due compensation payable under Workmen's Compensation Act, 1986.

(4) Terminal benefits to the employee who dies before the expiry of his term of service shall be made in accordance with the provisions of this Act and shall be paid to his estate.



(5) Terminal benefits to the deceased employee who died in the course of his employment shall be made in accordance with the provisions of this Act and shall in addition thereof be paid due compensation under Workmen's Compensation Act, 1986 and shall be paid to his estate.

(6) The employee who is terminated from service before expiry of the term fixed in the contract on account of his refusal to be transferred from one employer to another shall be entitled to terminal benefits under the provisions of this Act.

Additional conditions for termination, and dismissal.

98. The employer is prohibited from retiring, terminating or dismissing the employee contrary to the provisions of this Act and in particular it is prohibited to terminate employee for the following grounds:-

- (a) affiliation of the employee to the lawful trade union, society or public affairs.
- (b) the employee's action of filing suit, petition or proceedings against the employer for reasonable allegation that such employer has contravened labour laws.
- (c) ethnic, color, religion, sex, marriage, family responsibility, pregnancy or political affiliation.
- (d) absence from duty by reason of maternity leave.

Redundancy.

99.(1) The employer shall not terminate contract of employment of any employee on grounds of redundancy without complying with the provisions of this Act.

(2) The employer may be allowed to declare redundancy upon proof of the following:-



- (a) that the number of employees in his establishment is excessive to the extent of causing inefficiency;
- (b) that he intends to cancel some of the posts for reasons provided under paragraph (a) of this subsection;
- (c) that the performance of the employee subject to redundancy is inadequate and that his skill does not fit the technology introduced in the establishment;
- (d) that consultation has been made with the relevant trade union branch.

(3) Where the employer intends to declare redundancy the following procedure shall be followed:-

- (a) the employer shall discuss the matter with the relevant trade union within three months and the trade union branch leadership shall deliberate on the matter and give its recommendations to the employer and to the Commissioner;
- (b) the employer shall within one month from the date of the agreement submit to the Commissioner the agreement signed by representatives of both parties and the reasons for redundancy, number of redundant employees and the date of effecting the exercise;
- (c) upon receiving such report the Commissioner shall within one month of receiving the same, submit it to the Minister with his recommendations;
- (d) the Minister shall consider the agreement and the report submitted to him by the Commissioner and shall within one month of receiving the report give his decision.



(4) The Labour Officer may be invited at the discussion conducted between the employer and the trade union branch leadership to witness the proceedings and decision made after such discussion.

(5) Upon the expiry of two months from the date the employer submitted his report to the Commissioner without any reply the employer shall have the right to terminate redundant employees.

(6) The employee who is terminated on grounds of redundancy shall be entitled to the following benefits:-

- (a) three months notice or three months salary in lieu of the said notice; and
- (b) compensation equivalent to six months salary; and
- (c) gratuity in accordance with the provisions of the law relating to gratuity; and
- (d) all the arrears, over-time allowances, leave benefits and all other dues and claims that may be outstanding against the employer.

(7) The Minister may refuse to approve redundancy if he is not satisfied with the grounds of the exercise and may give the following directives:-

- (a) to declare redundant not more than twenty five percent of all employees of the establishment;
- (b) not to effect redundancy exercise at all but in the alternative to improve efficiency as may be suggested by the Commissioner or the relevant trade union branch.



(8) The Minister may, before making any decision, call for further discussion with the employer or his representative and representative of the trade union branch.

(9) The decision of the Minister shall be final.

Exemption
from
redundancy.

100. The following categories of employees shall under no circumstances be involved in any redundancy exercise:-

- (a) employees under fixed term of service;
- (b) employees under normal annual maternity or sick leave;
- (c) employees on probation.

Offences and
penalties.

101. (1) Any employer who contravenes the procedure provided under this part shall be guilty of an offence, and shall upon conviction be liable to a fine of not less than the sum equivalent to two thousand United States Dollars.

(2) The property and assets of the employer who defaults fine imposed under this section shall be attached and sold to recover the amount imposed as fine.

PART EIGHT
LABOUR ADVISORY BOARD AND
CONCILIATION BOARDS

Establishment
of Labour
Advisory
Board.

102. (1) There shall be established a Labour Advisory Board (hereinafter referred to as the Board).

(2) The Board shall consist of not more than ten and not less than six members who shall be appointed from among public officers and representatives of employers and employees.

(3) The chairman and other members of the Board shall be appointed by the Minister on such terms, conditions and qualifications as he may deem fit.



(4) Appointment of the Chairman and members shall be published in the Gazette.

(5) The Board shall meet twice a year and may conduct not more than two additional extra ordinary meetings a year as the Chairman may deem necessary .

(6) The quorum of the Board shall be half of the members and in the absence of the Chairman the Board shall appoint one member to be a temporary Chairman to preside such meeting.

(7) The Labour Commission shall be the secretariat of the Board for the purpose of organization, preparation of agenda and keeping records of the Board proceedings.

(8) The Minister may make regulations for better carrying out of the duties of the Board.

Functions of Board.

103.(1) The Board shall consider and advise the Minister upon any matter under this Act or any other labour law and upon such other matters affecting employment.

(2) The Board shall advise the Minister on minimum wage scale and other salary scales in private sector.

(3) The Board shall exercise any other functions as directed under any regulation made by the Minister.

(4) The Board may formulate its own procedure for its proceedings and exercise of functions.

Establishment of Conciliation Boards.

104.(1) There are hereby established not more than five Conciliation Boards for Unguja and Pemba.

(2) The Minister shall, by notice in the Gazette declare the areas in respect of which such Conciliation Boards shall exercise their functions.



Composition
of the
Boards.

105.(1) There shall be a permanent chairman of each Conciliation Board appointed by the Commissioner from among Labour Officers.

(2) There shall be two other members whose tenure shall expire upon completing settlement of a dispute for which the said Conciliation Board was constituted who shall be appointed by the chairman in the following manner from time to time:-

- (a) one member from the relevant trade union branch existing at the place of work which is subject of such dispute.
- (b) one member from non-governmental organization which directly or indirectly represents the interests of the employers and in the absence of such organization any person from amongst employers who in any case has no relationship with the employer who is the subject of such dispute.

(3) In the hearing and deciding of a complaint, the Conciliation Board shall comprise of a Chairman and two other members he has so appointed.

(4) The proceedings of the Conciliation Board may continue and give its decision notwithstanding that one of its members, who is not the Chairman, is absent.

(5) In appointing members the Chairman shall have regard to appointing persons who do not have any direct or indirect interest in the complaint or dispute.

Functions of
the
chairman.

106.(1) The Chairman of a Conciliation Board to which a complaint or dispute is made shall:-

- (a) ensure that all parties are informed that a complaint or dispute has been referred to the Conciliation Board;



- (b) inform all parties of the place, time and date of the hearing of the complaint or dispute.

(2) The Parties to a complaint or dispute or their representatives shall have the right to be present and to be heard at the hearing and to submit evidence and memoranda and to be present at the time of delivery of a decision by the Conciliation Board;

Provided that no advocate may appear or act for any party before the Conciliation Board.

Power of
Conciliation
Board.

107.(1) The Conciliation Board shall, for the purpose of reaching a decision on any matter before it, be entitled to elicit all such information as it considers necessary for the purpose of exercise of its functions, without being bound by any Rules of Evidence.

(2) The Conciliation Board shall have the following powers:-

- (a) to sustain, reverse or quash decision of the employer taken against the employee or employees;
- (b) order reinstatement of the employee aggrieved by the decision of the employer;
- (c) order payment of any benefit denied to the employee;
- (d) issue any lawful order in accordance with this Act.

(3) The Conciliation Board may by order require any person:-

- (a) to furnish in writing or otherwise such particulars in relation to the complaint or dispute as the Conciliation Board may require; and
- (b) to attend before the Conciliation Board and give evidence on any relevant issue; and



- (c) to produce any document which in the opinion of the Conciliation Board is necessary before it can decide on the matter before it.

Conciliation
Board
Decision

108.(1) A decision of the Conciliation Board may be taken by a majority thereof and, if only two members are present the Chairman shall have deliberative vote.

(2) The decision of the Conciliation Board shall be supported by reasons.

(3) The decision of the Conciliation Board shall be notified in writing to both parties within fourteen days of the delivery of the decision.

(4) The notification of decision referred to in subsection (3) of this section shall indicate that the parties have the right to file an appeal to the Industrial Court if not satisfied with the decision of the Conciliation Board.

(5) The Conciliation Board shall keep a proper record, in writing, of the proceedings and decisions in all matters before it and if so required a copy of the proceedings shall be supplied to the Industrial Court.

Appeals to
the
Industrial
Court.

109.(1) Any party aggrieved by the decision of the Conciliation Board may, within one month from the date of being notified of the decision, (of the Conciliation Board) appeal to the Industrial Court.

(2) The Minister may make regulations providing for the procedure of filing appeals to the Industrial Court.

(3) The Industrial Court shall have power to hear appeals filed before it in accordance with this Act.

(4) In any appeal under this section, the parties may be represented by advocates or other representatives of their choice.



Offences and penalties.

110.(1) Any employer or any person who fails to comply with the order of the Conciliation Board shall be guilty of an offence and shall, upon conviction, be liable to a fine of not less than the sum equivalent to five hundred United States Dollars.

(2) The property or assets of any person who defaults to pay fine imposed against him under this section shall have his property attached and sold to recover the amount so imposed as fine.

PART NINE
CONDITIONS OF EMPLOYMENT FOR SPECIAL
CATEGORIES OF EMPLOYEES

Protection of female employees.

111.(1) The employer shall give equal opportunities and treatment to female and male employees.

(2) No female employee shall be discriminated by reason of her sex.

(3) No female employee shall be dismissed or terminated from service on grounds of or pertaining to pregnancy or child birth.

(4) A female employee shall, if she is nursing her child, be allowed paid time off work, not exceeding one hour a day during her working hours, for this purpose.

(5) The employer may consider means of relieving work load from a pregnant female employee or from a female employee nursing a child when the said employer makes the following arrangements:-

(a) over-time duties;

(b) heavy duties, work involving standing or sitting for a long period and work involving exposure to dangerous substances;

(c) night works.



(6) When a female employee is employed or assigned to carry or lift heavy loads the employer shall ensure that the weight carried or lifted by a female employee shall not exceed half of the weight carried or lifted by a male employee.

(7) It is prohibited to employ or assign female employee to work in any area using poisonous chemicals which affects her fertility or pregnancy and a female employee shall not be exposed to benzene and ionizing radiations.

(8) The Minister may make regulations to declare other hazardous or hardship areas for the purpose of non employment of female employees.

Engagement of female employee at night.

112.(1) It shall be unlawful to employ, engage or assign any female employee at night in any industrial undertaking except those permitted under section 113 of this Act.

(2) Notwithstanding the provisions of sub-section (1) of this section a female employee may be employed in an industrial undertaking (not being a mine) at night in the following circumstances:-

- (a) in cases which the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss to the employer; and
- (b) when the Minister directs that the public interest demands the work to be done.

Exempted female employees.

113. The following categories of female employee may be employed, engaged in or assigned night work:-

- (a) a female employee holding a responsible leadership position;



- (b) a female employee holding a management position;
- (c) a female employee in health or other welfare service which does not ordinarily involve manual work and is not dangerous to the health and safety of such employee;
- (d) a female employee employed in a factory or industry in which only dependant or members of the same family are employed.

Additional conditions for female employees.

114.(1) The employer who employs a female employee shall, in addition to the conditions prescribed under sections 111, 112 and 113, of this Act observe the following requirements:-

- (a) to ensure that there is adequate safety at the place of work where a female employee is assigned;
- (b) to ensure that a pregnant female employee is not assigned to heavy duties and working hours are arranged such that the said female employee is off duty at night;
- (c) the employer shall not give notice to terminate a female employee who is on maternity leave on grounds that by being on the said maternity leave the said female employee was absent from duty.

(2) The employer may assign a female employee to any of the duties prohibited under section 111 of this Act upon being approved by health and safety officer that the said duty is not dangerous to the safety and health of the said female employee.

Maternity leave.

115.(1) A pregnant female employee shall upon delivery be entitled to a three months paid maternity leave which shall not be the annual paid leave prescribed under section 68(1) of this Act.



(2) Maternity leave shall commence from the date of delivery; but may on the discretion of the employee or as may be agreed between the employer and employee commence one month before the date of expected delivery.

(3) A female employee shall be entitled to a maternity leave as provided under subsection (1) of this section after every three years from the date of proceeding on maternity leave; but in the event of miscarriage or death of infant baby during maternity leave, the said leave may be terminated after six weeks from the date of delivery or miscarriage.

(4) In the event a female employee, whose maternity leave as provided under subsection (1) of this section after every three years from the date of proceeding on maternity leave; but in the event miscarriage or death of infant baby during maternity leave, the said leave may be terminated after six weeks from the date of delivery or miscarriage.

(5) In the event a female employee, whose maternity leave is terminated by reason of death of an infant baby, delivers another baby before completing three years from the date she shall be entitled a leave in the following manner:-

- (a) shall be compensated all the days unutilized when her maternity leave was terminated under sub-section (4) of this section;
- (b) upon the expiry of the compensated leave without completing three months the said female employee may be granted unpaid leave for such a number of days required to complete three months leave.

Restriction on
employment
of
children.

116.(1) No person shall employ a child in any type of work except where the employment is for its own family service.



(2) Every employer of a child under sub-section (1) of this section shall ensure that a child employee is not assigned to heavy duties or to duties which are dangerous or injurious to his health or which may affect his education.

(3) In assigning domestic work to a child a parent or guardian shall ensure that a child has sufficient time to attend matters pertaining to education and sufficient time to rest.

Conditions of
employment
of young
persons.

117.(1) No person shall employ a young person who attends or is required to attend compulsory education.

(2) Without prejudice to the provisions of sub-section (1) of this section a person may employ a young person under the following conditions:-

- (a) a young person so employed shall not be assigned to heavy duties, duties involving chemicals or any other duty which may be injurious to the health and safety of a young person;
- (b) a young person requiring to be employed shall first undergo medical check up and that the medical officer shall certify that he is fit to be employed in that particular work according to his age;
- (c) the employer shall ensure that a young person so employed undergoes regular medical check up until he attains the age of twenty-one years.

(3) No person shall employ a young person in any industrial undertaking except where only members of a young person's family



are employed or where a young person is assigned management or administrative duties or service that may not affect health and safety of a young person.

(4) The employer of a young person shall keep record of medical check-ups on a young person and make them available to the Labour Officer or Inspector when so required.

Minister to
make
regulations.

118. The Minister may make regulations to provide for further restrictions on employment of children and control of employment of young persons.

Exemption
from
restriction
of children
and young
persons.

119. The provisions on restriction of children and young persons shall not apply to students undergoing training in Government or other technical schools and vocational training centres registered in accordance with the Education Act who shall be under control of the Ministry of Education.

Employment of
persons
with
disability.

120. (1) Persons with any kind of disabilities shall have equal right to be employed in any type of work depending on their standard of education, skill and ability and shall be employed on the same terms and enjoy the same rights and privileges under the contract.

(2) No employer shall deny a disabled person employment on grounds of his disability.

(3) No employer shall terminate a disabled person from employment before the expiry of his term of service on grounds of disability.

(4) The Minister may make regulations to provide for further conditions and procedure of employment of disabled persons.



Offences and penalties.

121. (1) Any employer who contravenes the provisions of sections 111 to 115 of this Act shall be guilty of an offence and shall be liable upon conviction to compensate the aggrieved female employee the sum equivalent to not less than one thousand and five hundred United States Dollars.

(2) Any person who employs a child contrary to the provisions of sections 116, 118 and 119 of this Act shall be guilty of an offence and shall be liable upon conviction to a fine of not less than the sum equivalent to five hundred United States Dollars.

(3) A parent or guardian who assigns a child any duty or causes or assists a child to be employed contrary to sections 116, 118 and 119 of this Act shall be guilty of an offence and shall upon conviction be liable to a fine of not less than ten thousand shillings.

(4) Any person who employs a young person contrary to sections 117, 118 and 119 of this Act shall be guilty of an offence and shall on conviction be liable to a fine of not less than the sum equivalent to four hundred United States Dollars.

(5) Any employer who contravenes conditions of employment of disabled persons as provided under section 120 of this Act shall be guilty of an offence and shall on conviction, be liable to a fine of not less than the sum equivalent to one thousand United States Dollars.

(6) The property or assets of any person who fails to pay the fine imposed on him under this section shall be attached and sold to recover the fine.



PART TEN
MISCELLANEOUS PROVISIONS

Correspondence to be in writing. 122. Unless otherwise provided in this Act, all correspondence relating to the execution of this Act shall be made in writing.

General offences and penalty. 123.(1) Any employer or person who commits any offence or contravenes any provision under this Act for which no specific penalty is provided under any part of this Act, shall be liable upon conviction to a fine of not less than the sum equivalent to four hundred United States Dollars.

(2) The property and assets of any person who fails to pay the fine imposed on him under this section shall be attached and sold to recover the fine.

Repeal of enactments and savings. 124. (1) The Labour Decree, Chapter 61, The Minimum Wages Decree, Chapter 64, The Employment of Children and Young Persons Decree, Chapter 56, Employment of Women (Restriction) Decree Chapter 62 are hereby repealed.

(2) All the rules and directions, made under the repealed laws which are in force in the effective date shall be deemed to be directions given or as the case may be, rules made under this Act by the relevant authority, and shall remain in force until revoked by regulations made under this Act.

(3) Any proceeding pending immediately before the commencement of this Act relating to any trade dispute shall be dealt with in accordance with the provisions of the repealed law.

(4) Any act lawfully done under the provisions of the repealed law shall be deemed to have been done under the provisions of this Act.

SCHEDULE
OFFENCES AND DISCIPLINARY MEASURES
AGAINST EMPLOYEES

(Under Part VI)

(A) Minor Offences

Nature of the offence	First breach	Second breach	Third breach	Fourth breach
(i) where the employee is late for work	written warning	severe reprimand	fine not exceeding the sum equivalent to a quarter of one month salary	dismissal
(ii) failure to perform his duty properly	written warning	severe reprimand	fine not exceeding the sum equivalent to a quarter of one month salary	dismissal
(iii) absent from duty without permission of the employer	severe reprimand	fine not exceeding the sum equivalent to a quarter of one month salary	dismissal	
(iv) failure to wear uniform or safety gears provided by the employer	severe reprimand	fine not exceeding the sum equivalent to a quarter of one month salary	dismissal	
(v) failure to observe code of conduct or	severe reprimand	fine not exceeding a quarter of one month salary	dismissal	



(B) MODERATE OFFENCES

Nature of the offence	First breach	Second Breach
(i) failure to comply with lawful order of the employer intended to improve efficiency.	fine not exceeding a quarter of one month salary	dismissal
(ii) smoking on non-smoking zones at place of work	fine not exceeding a quarter of one month salary	dismissal
(iii) incapacity to perform his duty by reason of intoxication	fine not exceeding a quarter of one month salary	dismissal
(iv) fighting or quarrelling at place of work	fine not exceeding a quarter of one month salary	dismissal
(v) disclose or divulge any confidential information or documents without the authority of the employer except to officers authorised under this Act to obtain such information	fine not exceeding a quarter of one month salary	dismissal





(C) SERIOUS OFFENCES UNDER WHICH EMPLOYEE MAY
BE DISMISSED ON FIRST BREACH

- (i) Stealing employer's property;
- (ii) wilful destruction of employer's property;
- (iii) commits any act that endangers the safety of the employer, his fellow employees or the public in general;
- (iv) being reckless or negligent so that injury or damage is occasioned to himself, to the employer, to fellow employee, to the public in general or to the property of the employer.
- (v) fighting or cause breach of peace or disturbance at the place of work.
- (vi) commits any act of gross insubordination to the employer, fellow employee or employees or the public in general.

Passed in the House of Representatives on 24
March, 1997.

KH Chande
{ KHAMIS JUMA CHANDE }

CLERK OF THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR