

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1993

I ASSENT,

[Signature]

President

20/4/93

An Act to amend the Industrial Court of Tanzania Act, 1967

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1.—(1) This Act may be cited as the Industrial Court of Tanzania (Amendment) Act, 1993, and shall be read as one with the Industrial Court of Tanzania Act, 1967 (in this Act referred to as the principal Act).

Short
Title
Acts, 1967
No. 41
Acts, 1990
No.3

(2) This Act shall come into operation on such date as the minister may by notice in the *gazette* appoint.

2. The principal Act is amended—

(a) in section 3 by deleting the definition of the expression “trade dispute” and substituting for it the following:

“trade dispute” means any dispute between an employer and employees or an employee in the employment of that employer connected with the employment or non-employment or the terms of the employment, or with the conditions of labour of an of those employees or such an employee.

(b) in part (II) by repealing that part and replacing for it the following:

PART II

PROCEDURE FOR SETTLEMENT OF DISPUTES

Reporting
of Dis-
putes

4.—(1) Any trade dispute, whether existing or apprehended, may be reported by or on behalf of employers or employees.

(2) Subject to subsection (1), a member of a trade union shall first report a trade dispute to the union branch at the place of work within 7 days of its occurrence and the union branch shall within fourteen days report the trade dispute to the Labour Officer.

(3) Where there is no union branch, the trade dispute shall be reported within fourteen days to the District Secretary of the registered trade union or if he is not a member of a trade union or he is the employer, to the District Labour Officer.

(4) Where under this section a dispute is referred to the Union branch or District Secretary of a registered trade union or District Labour Officer as the case may be, the District Labour Officer or any Labour officer appointed by the Labour Commissioner shall, within twenty one days from the date the dispute is reported to him, use his best endeavour to conciliate the parties to the dispute and effect a settlement of the dispute, and may for that purpose make use of any machinery for the settlement of trade dispute which may exist in the trade or industry or branch thereof in which the dispute has arisen.

(5) Any settlement effected as provided for in subsection (4) shall be recorded in writing and on being endorsed by the Labour Commissioner shall be known, and referred to in this Act, as a negotiated agreement.

(6) The Minister may by order published in the *Gazette* prescribe forms to be used for the purposes of reporting of trade disputes.

Submis-
sion of ag-
reement
to the
Labour
Commis-
sioner

5.—(1) The District Labour Officer shall submit every negotiated agreement to the Labour Commissioner.

(2) On receipt of negotiated agreement effected under the provision of section 4, the Labour Commissioner shall transmit the negotiated agreement and the report or any comments which he may wish to make thereon to the court and the court shall proceed to consider the same in accordance with the provision of section 23 of this Act.

(3) A negotiated agreement shall not be operative or binding upon parties unless it is duly registered by the court under section 23 of this Act.

6.—(1) Where a Labour Officer is unable to effect a settlement of the trade dispute, he shall report in writing to the Labour Commissioner within twenty one days of receiving the dispute.

Further
Reference
to the
Labour
Commis-
sioner

(2) On receipt of a report, the Labour Commissioner or *any Labour Officer authorized by him* in that behalf shall, within twenty one days from the date the dispute is duly reported to him, transmit the dispute and any comments which he may wish to the court.

(3) Where a trade dispute has been referred to the court under the Provisions of subsection (2) of this section, the court shall proceed to consider the dispute and make an award thereon in accordance with the provisions of Part V.

7. In any proceeding under, or for an offence against, this Act a certificate purporting to be under the hand of the Labour Commissioner or the District Labour Officer as to whether a trade dispute has been reported to him or not, or whether a trade dispute has been reported to court, shall be admissible without further proof as evidence of the facts stated therein.

Evidence

8. The Labour Commissioner may, where any trade dispute exists or is apprehended, whether or not the trade dispute is referred to him under the provision of this Act—

Inquiry
into trade
dispute
and in-
dustrial
conditions

(a) inquire into the cause and circumstances of the dispute and refer any matter appearing to him to be connected with or relevant to the dispute, to the Court;

(b) refer to the court for advice on matter relating to or arising out of any trade dispute which his opinion ought to be so referred;

(c) refer any matter connected with the economic or industrial condition and affecting labour conditions, terms of service or any other aspect of relations between employers and employees or relating to wage policy;

and the court shall inquire into the matter referred to it and make an award or advice the Labour Commissioner accordingly.

9. Without prejudice to other provisions of any law where a dispute relates to a matter in a connection with which a minimum wage board or a wage council or any other body for the inquiry into or regulation of wages or terms of employment has been appointed under the provisions of the Regulations of Wages and Terms of Employment Ordinance or any other law for the time being in force, such dispute shall be referred to such minimum wage board, wages council or other body.

Reference
to other
bodies

10. Without prejudice to the provision of this Act, a trade dispute may be between an employee and an employer. Provided that no employee shall institute a trade dispute under this Act without a certificate of a Labour Officer that he is employed in the management of the business of his employer.

Amend-
ment of
Section 11

(d) (i) In section II by deleting the whole of the section and substituting for it the following:—

Strikes
and lock-
outs in
confor-
mity with
this not

“11—(1) An employer may take part in a lock-out and an employee may take part in a strike if the prescribed time elapses since the date:—

- (a) the dispute is reported to the union branch, local District Secretary or local District Labour Officer, as the case may be; and there has been attempt to effect a settlement to the dispute and neither has the dispute been reported or referred to the Labour Officer; or
- (b) the dispute is reported to the Labour Officer and he has not referred it to the Labour Commissioner; or
- (c) the matter is reported to the labour Commissioner and he has not referred the matter to the Court; or
- (d) the Court made an award thereon but no step is taken within fourteen days to comply with the Court's award, and that the court has not taken action to accept the award;

(2) Notwithstanding the provisions of paragraph C of Subsection (1), an employee shall not take part in a strike unless there is held a secret ballot under supervision of the Labour Officer and two thirds or more of all employees involved in a dispute vote for a strike”

“11A Nothing in this Act shall authorize—

- (a) employees to take part in any act of locking in or locking out, their employers; or
- (b) the striking of the employees and the taking part in the lock-out by employers in any employment or services in the Third Schedule rendered to the Government or any other person; the interruption or continued interruption of which would endanger the life, health or personal safety of the whole or part of the population; or
- (c) any person to procure or incite another person to take part in a lock-out or strike; or
- (d) the striking or taking part in lock-outs contrary to the procedure under this Act.

“12. Any person who contravenes the provisions of Part II and III of this Act commits an offence and upon conviction is liable to a fine not less than fifty thousand shillings but not more than one hundred thousand shillings or to an imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(e) by adding immediately after sub-clause to the following provision:—

(e) in section 13 and 14—

(i) by deleting the figures 11 and the words “section 12” wherever they appear, and

(ii) substituting the figure 11 wherever it appear in section 13 and 14 for the figure 11A.

(d) by renumbering sub-clause (e) and (f) as (f) and (g) respectively.

(e) by adding immediately after sub-clause (g) the following:—

“(h) by deleting the word conciliator wherever it appears in the Act and substituting for it the word Labour Officer”.

(f) in section 41

(a) by adding immediately after paragraph (b) of subsection (1) the following provision: (c) amending, substituting or varying the Third Schedule to this Act.

(b) By renumbering paragraph (c) as (d).

(g) by adding immediately after the Second Schedule the following:

Amend-
ment of
Section 4

Amend-
ment of
the
Schedule

3. The Minister may make regulations for the purposes of securing the effective transition and vesting of functions and the judicious commencement and operation of this Act.

“THIRD SCHEDULE

Under Section II A(b)

ESSENTIAL SERVICES

1. Water Services.
2. Electricity Services.
3. Health, Hospital and Sanitary Services.
4. Fire Services.
5. Air Traffic Control and Civil Aviation Telecommunication.
6. Meteorological Services.
7. Transport Services necessary to the operation of the foregoing services or any of them”.

Passed in the National Assembly on the 18th day of February, 1993.


Clerk of the National Assembly