

THE UNITED REPUBLIC OF TANZANIA



No. 25 OF 1982

I ASSENT,

Julius K. Nyerere
President

16TH NOVEMBER, 1982

An Act to amend certain written Labour Laws

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Labour Laws (Miscellaneous Amendments) Act, 1982.

PART I

AMENDMENT OF THE PERMANENT LABOUR TRIBUNAL ACT, 1967

2. This Part shall be read as one with the Permanent Labour Tribunal Act, 1967. Construction Acts, 1967 No. 41

3. Section 3 of the Permanent Labour Tribunal Act, 1967, is hereby amended by inserting, in their appropriate alphabetical positions, the following definitions:— Amendment of section 3

Cap. 574 “field branch” means a branch of JUWATA established at a place of work in accordance with section 7A of the Security of Employment Act, 1964;

“JUWATA” means Jumuiya ya Wafanyakazi wa Tanzania established pursuant to section 70 of the Constitution of the Party;

“Zonal Labour Officer” means the Regional Labour Officer for the region in which there is established a zonal centre of the Tribunal;”.

4. The Labour Tribunal Act, 1967, is amended by adding immediately after section 15 the following new section:— Acts, 1967 No. 41 amended

Tribunal may establish zonal centres 15A.—(1) The Tribunal may establish zonal centres and such zonal centres shall perform such functions as may be determined by the Tribunal.

(2) The Minister may recommend that a zonal centre be under a Deputy Chairman.

Amendment
of section 39

5. Section 39 of the Permanent Labour Tribunal Act, 1967, is hereby amended—

(a) in subsection (1), by deleting the designation "Labour Commissioner" and substituting for it the designation "Zonal Labour Officer";

(b) in subsection (2) by deleting the introductory passage to the subsection and substituting for it the following:

"(2) On receipt of a voluntary agreement the Zonal Labour Officer shall submit it to the Labour Commissioner, who shall submit the same to the Minister together with a report setting forth the following particulars:—".

Acts, 1967
No. 41
amended

6. Section 39 of the Labour Tribunal Act, 1967 is further amended in subsection (4) by deleting the fullstop which appears at the end of that subsection and substituting for it a semi-colon and by adding immediately below the following proviso:

"Provided that where the Tribunal does not register a voluntary agreement within three months the employer and the employee may commence implementing the voluntary agreement.

"Addition of
new sections
39A and 39B

7. The Permanent Labour Tribunal Act, 1967, is hereby amended by adding, immediately after section 39, the following new sections:—

"Production
targets and
incentive
schemes

39A. Every employer shall, after consultation with the field branch or field branches established in respect of his business, set production targets, and establish and maintain a system of incentive schemes, which he shall cause to be registered by the Tribunal.

Power to
constitute
negotiating
councils

39B.—(1) The Minister may establish a negotiating council in respect of any production sector after consultation with the Secretary-General of JUWATA, the Workers' Councils in the production sector concerned, the Tanzania Association of Parastatal Organizations and the Association of Tanzania Employers.

(2) Each negotiating council established pursuant to subsection (1) shall consist of such persons and such persons and in such number as the Minister may in each case determination, and shall be published in the *Gazette*.

(3) The functions of a negotiating council established under this section shall be—

(a) to discuss with and make recommendations to employers in the sector concerning regarding the best ways of rewarding labour in that sector;

(b) to advise employers in the sector concerned on the ways of securing efficiency and increasing productivity in that sector;

- (c) to assist employers and field branches in the production sector concerned in the preparation of voluntary agreements and the setting up of production targets and incentive schemes.”.

8. Section 17 of the Permanent Labour Tribunal Act, 1967 is hereby repealed and replaced by the following new section:—

“Constitution
of Tribunal

17.—(1) The Tribunal shall consist of a chairman and such number of deputy chairmen as the President may approve, each of whom shall be appointed by the President and shall hold office until he sooner dies or resigns or vacates or is removed from office by the President, for the period specified in the instrument by which he is appointed, and shall be eligible for re-appointment.

(2) Every deputy chairman shall exercise the functions such as the chairman may direct.”.

9. Section 29 of the Permanent Labour Tribunal Act, 1967, is hereby amended by adding immediately after subsection (3) the following subsection: Amendment
of section 27

“(3) For the avoidance of doubt, every award shall be binding on the employers and employees to whom it relates, and may be enforced in any civil court of competent jurisdiction as if it were a decree of that court, notwithstanding that it has not yet been published in the *Gazette*, or that any of the parties has a right or is intending to file an action in any court on the grounds referred to in subsection (1).”.

PART II

AMENDMENT OF THE EMPLOYMENT ORDINANCE

10. This Part shall be read as one with the Employment Ordinance.

Construction
Cap. 366

11. The Employment Ordinance is hereby amended by adding immediately after section 97 the following new section:—

Addition of
new
section 97A

“Employers
to establish
housing fund

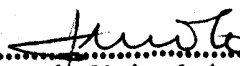
97A.—(1) Every employer shall establish a housing fund for his employee, and every employer who derives a profit from the business of his organization shall contribute to the housing fund so established a sum equal to twenty per centum of the profit realised in each financial year, after deducting taxes depreciation costs and contribution to the Farmers’ and Workers’ Housing Development Fund.

(2) The housing fund established and contributed to by an employer pursuant to this section shall be used for the construction of houses for the accommodation of his employees.

(3) The housing fund shall be under the general supervision of the field branch, the Workers' Council and the Board or management committee of the organization concerned.

(4) A labour officer may require any information from any employer relating to the maintenance and utilization for that purpose exercise any of the powers conferred on him by section 9."

Passed in the National Assembly on the sixteenth day of October, 1982.


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Clerk of the National Assembly