

THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 1975

I ASSENT,

Julius N. Nyerere
.....
President

12TH AUGUST, 1975

An Act to amend the Employment Ordinance

[..... AUGUST, 1975]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Employment Ordinance (Amendment) Act, 1975 and shall be read as one with the Employment Ordinance.

Short title
Cap. 366

2. Section 25B of the Employment Ordinance is repealed and replaced by the following new section:-

Section 25B
of Cap. 366
amended

"Maternity
leave

25B.-(1) A female employee in respect of whom a medical officer has given a certificate that she is expected to deliver a child will be entitled to a maternity leave of eighty-four days.

(2) The maternity leave provided for in subsection (1) may be taken all at once at any time between the commencement of the seventh month of the pregnancy and the day following the termination, of pregnancy by delivery:

Provided that a female employee may, in relation to any pregnancy-

- (a) avail herself only of a portion of the maternity leave entitlement before delivery and the remainder from the day of the delivery;
- (b) on the recommendation in writing of a medical officer avail herself of the whole or any portion of her maternity leave entitlement before the seventh month of the pregnancy.

(3) A female employee shall not be entitled to any maternity leave under this section if she did, at any time within the three years immediately preceding the date on which the application for maternity leave is made and while in the continuous employment by the same employer, take any maternity leave under this section:

Provided that where a female employee has availed herself of the whole or part of her maternity leave entitlement in relation to any pregnancy and the pregnancy results in an abortion or the child dies within twelve months of the delivery, the female employee shall be entitled to a maternity leave in relation to the subsequent pregnancy notwithstanding that such subsequent pregnancy occurs within the period of three years aforesaid.

(4) Where in any calendar year a female employee has taken maternity leave under this section she shall forfeit-

- (a) her annual leave which she would, but for this paragraph have been entitled to take in that calendar year; or
- (b) if she has already taken her annual leave in such calendar year, the annual leave which she would, but for this paragraph, be entitled to take in the next succeeding year.

(5) Maternity leave under subsection (1) shall be with full pay and at the expense of the employer.

(6) For the purposes of this section-

- (a) it shall be immaterial whether or not the female employee who applies for maternity leave is lawfully married;
- (b) where during any period a female employee has been employed by two or more employers in any of the circumstances specified or are deemed by any written law to have been specified in subsection (1) of section 8A of the Severance Allowance Act, 1962 she shall be deemed to have been in the continuous employment of the same employer during such period;
- (c) where a female employee commences her maternity leave in any calendar year and completes it in the succeeding calendar year she shall be deemed to have taken the maternity leave in the calendar year in which such leave expires.

Cap. 487

(7) Nothing in this section shall be construed as precluding a female employee and her employer from entering into an agreement providing for maternity leave with full pay on terms not less favourable to the employee than maternity leave provided for in this section."

Passed in the National Assembly on the seventeenth day of July, 1975.


Clerk of the National Assembly