

SUBSIDIARY LEGISLATION

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THE LABOUR INSTITUTIONS (GENERAL) REGULATIONS, 2017

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THE LABOUR INSTITUTIONS ACT,
(CAP. 300)

REGULATIONS

(Made under section 65)

THE LABOUR INSTITUTIONS (GENERAL) REGULATIONS, 2017

PART I
PRELIMINARY PROVISIONS

Citation 1. These Regulations may be cited as the Labour Institutions (General) Regulations, 2017.

Interpretations 2. In these Regulations, unless the context otherwise requires-

“Act” means the Labour Institutions Act;
“wage board” means the board appointed by the minister pursuant to section 35(1) of the Act;
“Council” has the meaning ascribed to it under the Act;
“Minister” has the meaning ascribed to it under the Act;

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PART II
APPOINTMENTS OF MEMBERS

(a) *Labour, Economic and Social Council*

Qualification
for Chairman
and members
of the Council

3.-(1) The Chairman of the Council to be appointed by the Minister shall possess the following qualifications:

- (a) academic qualifications of at least a masters' degree in a relevant field;
- (b) working experience of at least five years in the labour or related field; and
- (c) general abilities and capacities in the relevant field and in managing national consultative bodies.

(2) Members of the Council to be appointed by the Minister shall possess the following qualifications:

- (a) working experience of at least three years in the labour or related field;
- (b) integrity; and
- (c) the expertise in Labour, Economic and Social fields.

(3) For the purpose of this regulation, the Minister shall ensure equal and fair representation prevail between registered trade unions and federations of trade unions and registered employers' associations and federations of employers' associations for employers and employees respectively.

(b) *Commission for Mediation and Arbitration*

Qualification
for chairman
and members
of the
Commission

4. Subject to section 16(1) and (2) of the Act and the provisions of regulation 3 of these Regulations, qualifications for appointment of Chairman and members of the Council, shall apply *mutatis mutandis* to the Chairperson and Commissioners of the Commission.

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(c) Wage Boards

Qualification for chairman and members of Wage Boards	5. Subject to section 35 of the Act and the provisions of regulation 3 of these Regulations, qualifications for appointment of Chairman and members of the Council, shall apply mutatis mutandis to the Chairperson and members of wage board.
Tenure of office for wage board members	6. A member of the wage board shall hold office for a term not exceeding three years and may be re-appointed for a further one term not exceeding three years.
Consultation with professional bodies	7. The wage boards may, when conducting investigations, consult with the relevant authorities or professional bodies on economic, social and labour matters.
Wage order review	8. A wage order shall be reviewed within three years from the date of issue and shall provide for a more favourable wage, allowances, terms and conditions of employment to be negotiated annually between employers and employees at the workplace or at any level in the respective organization.
Outsource requirements	9.-(1) Outsource of service from another person shall be in a written contract committing compliance to Labour laws and any other written laws. (2) Remuneration, terms and conditions of employment for a person employed by one employer or in one sector and engaged to work to another person or in another sector, shall be as stipulated in the wage order taking into consideration the provisions of section 61 of the Act. (3) Different treatment of employees for the work of equal value outsourced from different sources or arrangements shall be

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Cap. 366 deemed as discrimination in accordance with the Employment and Labour Relations Act.

PART III
MISCELLANEOUS PROVISIONS

Compliance
Certification

10.-(1) A labour officer may, where satisfied of compliance or non-compliance to Labour laws by an employer, recommend such person to the Labour Commissioner for a respective certification as prescribed in a format set out in the Schedule to these Regulations.

(2) A certificate issued under this regulation shall be displayed in a conspicuous place.

(3) In assessing compliance, level to be used by a labour officer shall be as prescribed in the checklist set out in the Schedule to these Regulations, and may be subject to modification, from time to time, by the Labour Commissioner.

(4) Subject to this regulation, Labour Commissioner may compile, analyse and publish in a media or employers' compliance rankings based on a given statistics.

Forms

11. The prescribed forms set out in the Schedule to these Regulations shall be used in carrying out the provisions of these Regulations.

—————
SCHEDULE
—————

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SCHEDULE

(Made under Regulation 11)

LAIF. 1

ORDER TO APPEAR BEFORE A LABOUR OFFICER

(Made under Regulation 11)

P. O. Box,
.....

Ref. No.

To

Pursuant to powers conferred upon me by the provisions of section 45 (1) (b) of the Act, I hereby order you to appear before me at..... on at a.m/p.m; for questioning or explanation regarding

Therefore, you are required to come with the following documents and/or records
.....
.....

Take note that, non-compliance with this order is an offence under the provisions of sections 49 and 63 of the Act.

Given under my hand this..... Day of..... year

Name: Signature:

Designation: Official Stamp:

Saved upon me, this..... Day of..... year

Name: Signature:

Designation: Official Stamp:

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LAIF. 2

COMPLIANCE CERTIFICATION

(Made under Regulation 10 (1))

P. O. Box,
.....

Ref. No.

This is to certify that (Employer's Name and address) has been verified compliant/non-compliant following an inspection/assessment done on..... day of (month), (year); and has been continuously educated, advised or guided.

This certification shall be valid until next inspection/assessment, but no later than 12 months from the date of issue.

Name: Signature: Date:

Designation: Official Stamp:

Notes:

Please take note that, an employer shall have an obligation to request for follow-up inspection or re-assessment, thirty days before the due date, for compliant employers or any time before in case of a non-compliant.

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LAIF. 3

LABOUR LAWS COMPLIANCE CHECKLIST

(Made under Regulation 10 (3))

**PART I
GENERAL INFORMATION**

1. (a) Name and address of Establishment
- (b) Name and Designation of the Contact Person.....
- (c) Location (Street, Plot No., District, Region)
2. Nature of industry (e.g., Manufacturing, retail shop, hotel, hospital, school, bar, private security, domestic services, cleaning services, etc.)
3. Name and signature of Interviewed Person (Employer/Representative(s))
4. Date of Inspection/Assessment.....
5. Date of Previous Inspection/Assessment.....
6. Date of issuing the Compliance Order/Certificate/Contravention Letter.....

**PART II
EMPLOYMENT STANDARDS, FUNDAMENTAL RIGHTS AND PROTECTION**

S/N	ITEM	COMPLIANCE		SCORE (%)		REMARKS/ ACTIONS
		YES	NO	ITEM SCORE	VERIFIED SCORE	
1.	(a) Are all employees issued with a copy of legally accepted employment contracts?			10		
	(b) Are the contracts of employment properly effected?			7		
2.	(a) Does the employer comply with the current wage order?			4		
	(b) Please state the minimum wage paid by employer; TZS..... (give 4 marks only if not below the proper minimum wage)			4		
	(c) Does the employer pay any fringe			2		

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	benefits, whether or not in cash?					
3.	Is there any person under the age of 18 years engaged in any of the activities prohibited by labour laws? (give 10 marks only if there is No one)			10		
4.	Is there any person forced by employer to perform or engage in any activity? (give 4 marks only if there is No one)			4		
5.	(a) Does the employer ensure equal opportunity for all without discrimination? (e.g. in recruitment, promotion, remuneration, treatment)			1		
	(b) Is there a "Plan" to promote equal opportunity and eliminate discrimination in line with labour laws?			2		
	(c) Does the "Plan" bring any impact on the practices?			3		
	(d) Are there foreign workers in this workplace?					
	(e) If yes in (d), do they have legally accepted work permits?			4		
	(f) If yes in (d), is there effective succession plan for nationals?			4		
6.	(a) Is there HIV and AIDS Workplace Policy?			3		
	(b) Is the Policy effectively implemented?			5		
7	(a) Is there a Collective			3		

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	Bargaining Agreement?					
	(b) Is the agreement effectively implemented?			2		
	(c) Are the means of communication (spoken and written languages) at this workplace conversant to employees?			2		
	(d) Is there anything done in partnership between employer and workers or workers union, which intended to improve production, service delivery, productivity or their relations within the last 12 months?			2		
	(e) Is there a legally accepted Workplace Rules and Regulations Document?			2		
	(f) Is there a mechanism and document stipulating "Grievance Procedures"?			1		
	(g) Is the workers participation forum effectively operational?			3		
8.	(a) Is there any employee who is a member of any trade union?			2		
	(b) Are employees allowed to form, join or participate in trade union activities during working hours?			2		
	(c) Is there effectively operational Trade			2		

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Union Branch?						
9.	(a) Are the minimum requirements for Occupational Health and Safety observed?			1		
	(b) Is there any mechanism/measure to prevent/protect employees from injuries or diseases due to working environment or work process?			1		
	(c) Are events of accidents dully notified to proper authorities? (give 2 marks also if there is No event occurred)			2		
	(d) Are employees dully compensated for injuries or occupational diseases? (give 2 marks also if there is No event occurred)			2		
10.	(a) Are all employees registered to any of the pension schemes in the country?			5		
	(b) Is the employer properly contributing to respective scheme on monthly basis?			2		
	(c) Are the contributions dully remitted to respective scheme(s) on monthly basis?			3		
TOTAL SCORE				100		

Key: Total Verified Score above 50% means compliant; below 50% means non-compliant: Total Verified Score from 50% to 80% means Best Performance; and above 80% means Distinction.

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**PART III
REMARKS BY EMPLOYER'S REPRESENTATIVE**

.....
NAME: TITLE: SIGNATURE: DATE:

**PART IV
REMARKS BY WORKERS' REPRESENTATIVE**

.....
NAME: TITLE: SIGNATURE: DATE:

**PART V
GENERAL REMARKS AND RECOMMENDATIONS BY INSPECTING/
ASSESSING OFFICER**

.....
RECOMMENDABLE STEPS/ACTIONS TO BE TAKEN
.....
NAME: TITLE: SIGNATURE: DATE:

**PART VI
COMMENTS BY LABOUR OFFICER IN CHARGE (For Labour Office Use only)**

.....
NAME: TITLE: SIGNATURE: DATE:

Labour Institutions (General)

G.N. No. 45 (contd.)

LAIF. 4

COMPLIANCE ORDER
(Made under Regulation 10(1))

P. O. Box,
.....

Ref. No.

To.

I, a Labour Officer duly appointed under section 43 of the Act, exercising powers conferred upon me by the provisions of section 45 of the Act, do hereby order you to comply with the following:
.....

Further, you are directed to ensure that measures to rectify the anomalies, be taken within days from the date you are in receipt of this order.

Given under my hand this..... Day of..... year 20.....

Name: Signature:

Designation: Official Stamp:

Saved upon me, this..... Day of..... year 20.....

Name: Signature:

Designation: Official Stamp:

Copy to: Labour Commissioner,
Representative Trade Union,
Affected Employee(s),
Notice Boards.

Labour Institutions (General)

G.N. No. 45 (contd.)

LAI F. 5

OBJECTION TO COMPLIANCE ORDER
(Made under Regulation 10(1))

Ref. No.

.....
.....
.....
.....

To: The Labour Commissioner,

I/We,, having been aggrieved with the compliance order issued by the Labour Officer vide LAI F.3, with reference dated, do hereby raise an objection on the following.....(please attach memorandum of objection with reasons).

I/We, therefore pray that you modify or cancel the order.

Name: Signature: Date:

Designation: Official Stamp:

Copy to: Labour Officer,
Representative Trade Union,
Affected Employees,
Notice Boards.

Labour Institutions (General)

G.N. No. 45 (contd.)

LAIF. 6

LABOUR COMMISSIONER'S ORDER

(Made under Regulation 10(1))

P. O. Box,
.....

Ref. No.

To.

Pursuant to powers conferred upon me under the provisions of section 47 (3) – (8) of the Act, having considered your objection to the Labour Officer's Compliance Order issued to you on vide LAI-F-3, with reference, I do hereby confirm/modify/cancel the order, for reasons stated hereunder:.....

This order should be complied within a period of days from the date you are in receipt of the order.

Take note that, non-compliance with this order, is an offence under the provisions of section 49 (1) (f) and 63 of the Act.

Given under my hand this..... Day of..... 20.....

..... (Name and Signature)
LABOUR COMMISSIONER

Saved upon me, this..... Day of..... year 20.....

Name: Signature:

Designation: Official Stamp:

Copy to: Area Labour Officer,
Representative Trade Union,
Affected Employees.

Labour Institutions (General)

G.N. No. 45 (contd.)

LAIF. 7

RECEIPT FOR SEIZURE
(Made under Regulation 10(1))

P. O. Box,
.....

Ref. No.

This is to certify that the following book(s)/document(s)/objects have been seized from..... (Employer's Name):

1.
2.
3.
.....

Reason(s) for seizure

Name: Signature: Date:

Designation: Official Stamp:

Notes:

Please take note that, the seized book(s)/document(s)/objects may be returned to you upon submission of this receipt.

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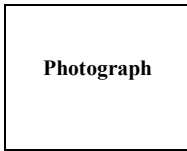
LAIF. 8

THE UNITED REPUBLIC OF TANZANIA

LABOUR ADMINISTRATION AND INSPECTION SERVICES
(Made under Regulation 10(1))

P. O. Box,
.....

Ref. No.



CERTIFICATE OF AUTHORIZATION

This is to certify that Mr/Mrs/Miss/Ms
(A Labour Officer, whose photograph appears above), is authorized to exercise the powers conferred upon me by virtue of the provisions of section 44 to 46 of Labour Institutions Act, No. 7 of 2004.

Holder's Signature..... Date of Issue.....

.....
LABOUR COMMISSIONER

This Certificate is a property of Labour Administration and Inspection Services Department, issued to, and shall be used by the named person, in accordance with Sect. 45(1) (a) and 45 (4) and (5) of Act, No. 7, of 2004.

If found, please return to:

The Labour Commissioner,
P. O. BOX 9014,
DAR ES SALAAM.

Dar es Salaam,
....., 2017

JENISTA J. MHAGAMA,
*Minister of State, Prime Minister's Office,
Labour, Youth, Employment and
Persons with Disability*