

**EMPLOYER'S GUIDE**



# **OFFENCES AND PENALTIES UNDER LABOUR LAWS**

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**BOOKLET 2**

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## **ABOUT TANZANIA LABOUR GUIDE**

**T**anzania Labour Guide a business portfolio in our law firm Zake Advocates which specific deals with labour matters. Tanzania Labour Guide is a forum established to guide all labour stakeholders in understanding and proper application of the labour laws.

The Tanzanian Labour Guide is dedicated to promote the best practices and ideas in the field of Labour and Employment, more so in industrial relations, welfare arrangement, and managing employees' relations in an orderly manner and serve the best interest of our country's economy and sustainable development.

### **Our Vision**

To be an agent of change by assisting labour stakeholders in reducing the number of labour disputes at work-places

### **Our Mission**

To facilitate specialised labour solutions to our clientele through Labour Education, Advice, Labour Compliance and Labour Representation.

## **Core Values**

- Professionalism; we highly regard our capacity to offer the service in professional manner to all our members.
- Integrity; we are committed and faithfully carry out our responsibility as per the terms of the agreement with our clients
- Quality; we value our members and committed to offer the best quality to our members.

## **Our Goals**

- To provide necessary knowledge and skills to the responsible personnel at workplace in compliance with labour laws;
- To bring together and develop harmonious relations between employers and their employees within their organizations so as to increase productivity;
- To reduce or eliminate causes of labour disputes at workplace so as the enterprise can focus only on production and rendering service to the general public.

## **Our Services**

Zake Advocates and Tanzania Labour Guide offer variety of services as;

### **1. Labour Education Programs**

It is the spirit of Tanzania Labour Guide to supplement Government efforts in arousing employer's consciousness on their rights and obligations under contracts of employment by organising seminars, workshops and other mode of imparting



knowledge to our clients in collaboration with other stakeholders who are interested in social-economic well-being of employers and workers.

Resourceful persons in programs organised by Tanzania Labour Guide are adequately educated and experienced consultants drawn from a pool of experts in labour Administration, Human Resources Management and Labour Laws. In this category of services, our clients will benefit from

- Labour education through articles and posts in our blog
- Labour guidelines
- Labour books
- Labour Case law database updates
- Labour Laws updates
- Labour law and Human Resource online training
- Seminars and workshop on Labour laws

## **2. Labour Compliance**

Before we agree on how to work with our client, we are obliged to make sure that our client complies with all labour law requirements. There are different laws and procedures involved for an organization to comply with labour laws. It is our duty to assess the status of client's compliance and issue relevant recommendations. The services that our client will be availed in Labour Compliance include;

- Assessment of labour law compliance status of client's organization

- Compliance procedures such as designing the policies and organization structure
- Registration of policies to the Labour Office
- Registration and labour compliance to various authorities e.g. TRA, Ministry for Labour, OSHA, WCF, NSSF etc

### **3. Labour Consultancy**

Tanzania Labour Guide offers consultancy and counselling services on Labour Laws and Management as far as Labour and Management Relations are concerned. Consequently, we undertake to assist employers in establishing and enhancing sound labour relations at work places. Here we offer the following;

- Oral advice in dealing with labour issue
- Written advice on labour and HR matters
- Labour case assessment and advice
- Handling disciplinary and grievance procedures

### **4. Labour Representation**

Tanzania Labour Guide being part of Zake Advocates is well equipped with professional qualified Advocates whose duty is to represent their clients. Our client will be availed with representation in the below mentioned areas;

- Representation at the Labour Office for compliance
- Representation at Commission for Mediation and Arbitration (CMA)

- Representation at the High Court (Labour Division)
- Representation at the Court of Appeal of Tanzania

## **5. Retainer Package**

The Tanzanian Labour Guide also gives a full package of the labour services to our clientele. Our resourceful expertise becomes part of your business and run all the affairs of labour and Human Resource Management. In this service our client receives all the above mentioned services as per the terms of retainer agreement paid on monthly basis or annually.

‘We strive to prevent labour dispute at work place and promote harmonious working relations’

For more information and clarification, please do not hesitate to contact the undersigned immediately.

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*Tanzania Labour Guide – ‘Your Guide to Labour Solutions’*

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# *Offences and Penalties under Labour Laws*

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I give thanks our Almighty God who gave me strength and will power to accomplish this work, without His grace I would not have done this job. I also extend our most appreciations to my family to allow me to take up this task.

I also extend gratitude to the late Mr. Gaudine Rwekaza Mrugaruga the Executive Director of TAACIME an employer association in Agricultural, Commerce, Industry and Mining Sectors for his support of this work. Also the Legal team at Zake Advocates who worked diligently to make sure this work is ready on time especially Mr. Bilal Towatowa.

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## **DEDICATION**

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*I dedicate this work to all labour law stake holders, may you find guidance in these pages to improve your role in labour matters.*

# *Offences and Penalties under Labour Laws*



## **ABOUT THE BOOKLET**

**T**his booklet is among the series of books on Employer's Guide designed by Tanzania Labour Guide to cater for the Employer's need regarding various challenges involved in labour relations.

Therefore, the second booklet in the series is all about Offences and Penalties under the Labour Laws. It is important for all the labour stake holders, especially the employers to understand various offences and penalties.

In this booklet the author has cited more than 80 offences and penalties created under various labour statutes that affect the relations between the employer and the employees. The employers are guided under this summarised booklet on various areas of labour interactions. Knowledge of these offences would put an employer on right direction and compliance to the labour laws and hence engage in more productive activities on daily basis.

*Advocate Isaack Zake*  
*Zake Advocates – Tanzania Labour Guide*  
*November 2021*

# *Offences and Penalties under Labour Laws*

## **INTRODUCTION**

The labour matters are mainly governed by major piece of legislations, thus The Employment and Labour Relations Act, No.6 of 2004 and the Labour Institutions Act, No.7 of 2004. These major legislations created framework on the core labour issues and institutions that are to govern labour related matters. However, in the exercise of labour affairs there are other legislations that are concerned since labour matters are cross-cutting agenda in any nation and hence the application of other labour related laws.

Most of the stakeholders in labour related matters tend to overlook the aspect of penal provisions created under various statutes in labour affairs as compared to other provisions relating to breach of rights which can be channelled under labour institutions.

In this booklet, the author has attempts to gather various legislations relating to labour affairs and focused on the Offences and Penalties created under these legislations.

We are witnesses of various attempts or offences committed by labour stakeholders and not much is done to prevent or to correct such behaviours.

## *Offences and Penalties under Labour Laws*

In this booklet the author has managed to cite more than 80 Offences and Penalties as created under the selected legislations which are current in force. Knowledge of these offences and penalties will put the labour stakeholders in right position with the requirements of the laws and hence develop labour relations between the employer and employees.

Therefore, this booklet is an eye opener to most employers and employees and other practitioners in the labour field, to understand various offences and penalties created under these selected legislations that directly affects labour relations.

## SECTION 1

### **Offences under the Employment and Labour Relations Act**

**Title of the Act:** The Employment and Labour Relations Act, No.6 of 2004 (Cap.366) - ELRA

**General Objectives of the Act:** An Act to make provisions for core labour rights, to establish basic employment standards, to provide a framework for collective bargaining, to provide for the prevention and settlement of disputes, and to provide for related matters.

**Application of the Law:** Tanzania Mainland

**Date of Operation:** 20<sup>th</sup> December 2006 via G.N. No.1 of 2007

#### **Offences and Penalties created under the Act**

	Offence	Provision	Penalty	Provision
1.	Any person who employs a child in contravention to Section 5 of ELRA commits an offence.	S.5(7) (a)	Fine up to 5 million or imprisonment for 1 year or both	S.102(2), (a) (b), (c)

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	Offence	Provision	Penalty	Provision
2.	Any person who procures a child for employment in contravention to Section 5 of ELRA commits an offence.	S.5(7)(b)	Fine up to 5 million or imprisonment for 1 year or both	S.102(2), (a) (b), (c)
3.	Any person who procures, demands or imposes forced labour commits an offence.	S.6(1)	Fine up to 5 million or imprisonment for 1 year or both	S.102(2), (a) (b), (c)
4.	Any employer who discriminate directly or indirectly any employee in practice or policy based on colour; nationality; tribe or place of origin; race; national extraction; social origin; political opinion or religion; sex; gender;	S.7(4) (a) - (o)	Fine up to 5 million	S.102 (3)

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	Offence	Provision	Penalty	Provision
4.	pregnancy; marital status or family responsibility; disability; HIV/Aids; age or station of life commits an offence.	S.7(4) (a) - (o)	Fine up to 5 million	S.102 (3)
5.	Any person who harasses an employee in any form commits an offence.	S.7(5)	Fine up to 5 million	S.102 (3)
6.	Any Trade Union or Employer's association which discriminate any person commits an offence.	S.8(1)(2)	Fine up to 5 million	S.102 (3)
7.	Any person who discriminate an employee who exercises his/her rights under the law or being a	S.9(3)(5)	Fine up to 5 million	S.102 (3)