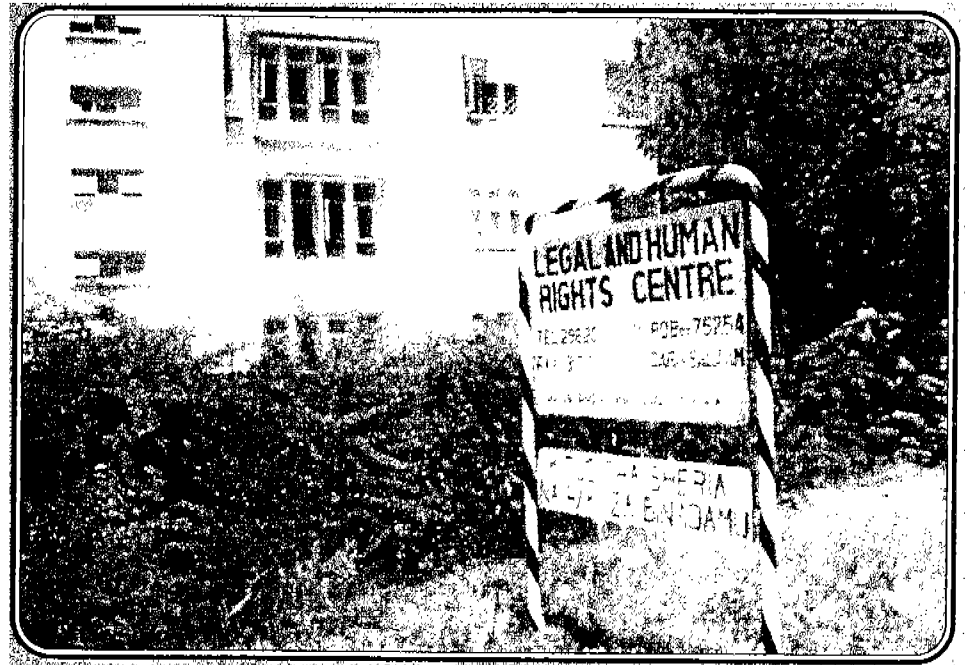


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LABOUR AND EMPLOYMENT ISSUES



LEGAL AND HUMAN RIGHTS CENTRE

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HUMAN RIGHTS REPRESSION REPORT
5

**LABOUR AND
EMPLOYMENT
ISSUES**

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MISSION STATEMENT OF THE LEGAL AND HUMAN RIGHTS CENTRE (LHRC)

"The Legal and Human Rights Centre strives to create legal and human rights awareness among the general public and in particular the underprivileged sections of the society through legal literacy training, provision of legal aid to indigents and those cases with public interest or can advance law reform and information dissemination through publications and radio programme, research on sensitive and topical issues and networking and alliance building with other institutions which shares the mission of LHRC.



Prepared by
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PREFACE

"Every person has the right to work. Every citizen is entitled to equal opportunity and right on equal terms to hold any office or discharge any function under the state authority".

" Every person, without discrimination of any kind is entitled to remuneration commensurate with his work, and all persons working to their ability shall be remunerated according to the measure and nature of the work done. Every person who works is entitled to just remuneration". Article 22 and 23 of the Constitution of Tanzania.

Working is the source of the well being of the person and the yardstick of human dignity. The right to work is an offspring of many decades of concerted struggle versus capital and exploitation of labour in totality. It means among other things the right to demand for better and fair wages, the right to just and favourable working conditions, the right to protection against unemployment, the right to form and join trade unions, the right to withhold labour by use of strikes and other means et cetera.

Unemployment, redundancy or termination of contract of employment poor working conditions, delay in paying terminal benefits or monthly salaries, forbidding strikes, insecurity of tenure, suppressing workers participation and so forth as a whole are all a negation of the right to work.

Tanzania has signed the Universal Declaration of Human Rights, ratified the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples Rights. These instruments embody a provision ensuring everyone has the right to work. The gov-

ernment of Tanzania has shown its commitment to securing this sacred right by incorporating it in the country's constitution. More importantly is the fact that this right has been placed in part (iii) of the constitution equally with other rights that are enforceable by the courts of law.

Despite the good intention above it is still doubtful whether this right is absolute as many might think. The Court of Appeal of Tanzania in the case of *Timothy Kaare versus Mara Co-operative union*,¹ observed that:-

"With regard to the complaint that by retiring him, the respondent interfered with the appellants constitutional right to work, we can only say that this right by its very nature can not be absolute. First it must be subject to the regulations of the employing authority and secondly it must be subjects to availability of work suitable to the person involved. It certainly does not mean that one can walk into an office factory or work site and demand to be given work under article 22, nor does it mean that under this article one can demand to be employed even when he is old and senile".

Tanzania like many other developing countries had no option but to embrace in toto the free market economy in 1980s. This dramatic change of economic policy from the then prevalent centralised socialist economy entailed trade liberalisation as well as privatisation of state owned corporations. Privatisation meant more than selling public corporations, it meant also privatisation of employment. The selling of major employing organisations, implied laying off many workers. As a matter of fact, state employment ca-

¹ Civil Appeal No. 42 of 1992, Court of Appeal at Mwanza (unreported)

capacity has been weakened by economic liberalisation policies and structural adjustment packages. The intensity of global competition has put working conditions under pressure. The minimum wage does not sustain a worker, while working conditions are deteriorating and job insecurity increasing. The principle of hire and fire has very much come into play. The worker's rights have been put at stake more often.

Labour is one of the most treasured assets that human beings have. Purposeful labour does not only produce wealth, but also guarantees the very survival of man. It is therefore important to protect and harness labour. This means products of labour must be protected as well and where appropriate they should be indemnified.

I. Introduction

This repression report is an attempt to get a general picture of the labour and employment situation in Tanzania. This has proved a difficult task as there is presently in Tanzania no tracking of labour or employment issues. Therefore, it has proved impossible to obtain reliable and current information on the labour situation. Much of the information that will be presented in this report is anecdotal and from experience of labour activists and government workers. However, it does provide a picture of the labour and employment scene in Tanzania and demonstrates the need for further research.

This repression report attempts to look at the labour and employment picture through the lens of human rights advocacy. Are there issues of human rights that are revealed in this general overview and if so, what may be some of the solutions to the abuses. At this stage, this repression report is just the pointer to the problems and will guide further research that the Legal and Human Rights Centre will engage in and will direct the advocacy in which the Centre will engage.

This report explores first of all the law that applies to labour and employment in Tanzania. A review of both national and international law is presented. Then the various issues that have been uncovered in our discussions and research on this issue will be explored. Finally, we look at the newspaper survey conducted by staff at the Centre and what that reveals.

II. Labour and Employment Laws

A review of the laws applying to labour in Tanzania has

proved a difficult proposition. The *Employment Ordinance* is the primary piece of legislation for labour and employment issues, and yet is so out of date that much of what is in that piece of legislation is ignored. Combine this with the corruption and non-enforcement of the legislation and it soon becomes clear that the legislation will not be a very effective tool for solving labour problems if the present situation is allowed to continue.

The review that follows tries to provide a background to the legislative framework, how that interacts with the international conventions that Tanzania has ratified, and then makes suggestions for advocacy.

Tanzanian Law

Labour laws in Tanzania are very scattered and it is difficult to get a handle on what the law really is in certain circumstances. We have not attempted to survey all the laws in Tanzania will point out the main laws and ordinances that affect labour in their everyday lives.

1. Employment Ordinance and Security of Employment Act

The *Employment Ordinance* came into existence in 1957 and there have been relatively few changes to the Ordinance since that time, in spite of changing employment circumstances in the country. The protections that the Ordinance may provide are largely non-existent in practice because of the poor enforcement mechanism.

There are various procedures for enforcing the rights of labour which we will discuss later in this report under Resources for Labour. At this point, we will just point out the

various options available.

Under the Employment Ordinance, where there is the non-payment of terminal benefits, the matter goes to the Labour Officer first and then to the courts. All other issues will go directly to the courts, if the worker is non-management and to the Industrial Court if the worker is management. Appeal from a court decision will follow the normal court appeal routes while an appeal from the Industrial Court is at the moment in dispute. More will be said about this later. The process tends to be cumbersome and inaccessible for many workers.

Under the *Security of Employment Act, 1965*, the process for solving disputes around issues of termination and discipline appear to be working fairly well although the process opens itself up to abuses of workers rights. The Industrial Court is also working fairly well and has fewer avenues for abuse than the Reconciliation Board under the Security of Employment Act. Matters are being dealt with and resolutions reached.

The Employment Ordinance covers contracts of service, wage protection, the employment of women, youth and children, employee welfare, forced labour, court procedures and offences. In amendments to the legislation, holidays and holiday pay have been addressed. In the Regulations of Wages and Terms of Employment Ordinance, minimum wages, overtime payment, leaves, rent allowances, transport allowances and out of station allowances are covered. The Regulation of Wages and Terms of Employment Ordinance has undergone several amendments through regulatory changes and so is rather more current. However, some of the changes, such as changes to the minimum wage,

although announced by the government, have not yet been gazetted. However, the practice is to follow the content of the government announcement.

Another problem with the system of enforcement in employment issues is the perceived problem of corruption. The workers feel that there is no point pursuing complaints because they do not have the money to out bribe the employer. Government attempts to deal with the corruption problem have been largely ineffective and the feeling among workers is that the government is not serious about wiping out corruption.

2. Labour Disputes

In Tanzania, there are several laws that govern the ability of labour to strike and they often do not work together to provide a coherent pattern. The pattern that we did identify is also wide open to abuse of labour. Under the Trade Disputes (Settlement) Act, 1962, strikes are prohibited unless the established procedure is exhausted. The procedures are such that strikes are impossible. Then in the Industrial Court of Tanzania Act, 1967, the act provides that the employer is the one who must set the date for the strike vote. This leaves it open to employers to promise to set a date but to keep delaying the process, effectively preventing a strike vote. It is clear that in order for workers in Tanzania to strike, they cannot follow the procedures laid down in the legislation. Strikes are effectively prohibited by this legislative scheme and this is a violation of the right that workers have to take collective action to improve their conditions and this is a violation of the human rights of workers as enshrined in international conventions.

3. Penal Code Provisions

Section 176 of the Penal Code, Chapter 16 of the Laws of Tanzania the definition of an idle and disorderly person includes a vagabond. Unfortunately, in practice, police are using this section to arrest people who are without identity cards from work and who cannot prove that they are employed. What this means is that the police can and do arrest people who are unemployed, in spite of the fact that there is a high rate of unemployment in Tanzania. So to walk on the streets as an unemployed person is becoming a crime in Tanzania and this is obviously a breach of a person's right to freedom of movement.

International Conventions

Internationally there is a body of law that deals with labour and the human rights of labour worldwide. The International Labour Organization is the international body that oversees the various labour conventions and promotes the human rights of labour internationally. At the moment, the focus of attention of this organization in Tanzania is child labour. They are working closely with the Trade Unions on this issue which raises numerous human rights concerns.

The rights to employment, a fair wage, safe working conditions, equal opportunities for employment, rest time and the right to organize are recognized international standards contained in several conventions which have been ratified by Tanzania including:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural

Rights

- Convention on the Elimination of all Forms of Discrimination Against Women
- Declaration of the Rights of the Child
- Convention on the Rights of the Child
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

There are also many Conventions dealing with specific facets of labour. The list is too numerous here to reproduce but is available from the International Labour Organization or their website.

What is important to note is that Tanzania has signed a number of international conventions but has done very little in the implementation stage. A project worth considering is one that reviews all Tanzanian labour legislation in terms of its compliance with the conventions that it has signed. A cursory review has demonstrated that Tanzania is not compliant although is making some limited attempts to bring its legislation in line. An example of this attempt is the recent announcement of an increase in the minimum age of employment. The question now is whether there will be enforcement of the provisions.

In terms of human rights, the little research that was done for this report has revealed that the law and the enforcement of the law by the government does little to promote a healthy labour environment. Many of the clients coming to the Centre's legal aid clinic have employment related problems and it is known that many with problems never do seek advice or try to enforce their rights. There is little education done on labour and employment rights.

Employers appear to be ignorant of labour rights or willfully neglectful of them. Even in the NGO community, labour abuses are many.

There is a need for a complete revision of the Employment Ordinance to bring it in line with the modern employment situation. That legislation needs to include enforcement mechanisms that are simple to access and which are readily available to the ordinary worker. Finally, the government, trade unions and NGOs need to do considerably more work around the education of workers on their rights.

III. Labour and Employment Human Rights Issues in Tanzania

This section identifies labour and employment human rights issues that have been identified as concerns in Tanzania. Each of these issues are areas for further research and investigation. Some areas are presently undergoing intensive research and these have been identified.

1. Child Labour:

Tanzania has recently ratified the Elimination of the Worst Forms of Child Labour Convention. A visit to the Ministry of Labour sees many posters promoting the elimination of child labour and it is clear that the government is working with the International Labour Organization on this issue. The ILO is also working very closely with the trade unions on the issue of child labour. Child labour takes away jobs from the adult members of the trade unions and so is a serious concern for them because of that issue.

Child labour in Tanzania is a symptom of the economic

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conditions in the country. It is estimated that 47% of the population of Tanzania are below 15 years of age. There is an estimated 30% dropout of all 10 - 14 year old children country-wide.² Families are poor, cannot afford to send children to school and need the income that the children can bring in, small as it is. Rural poverty is worsening due to the series of market reforms in the country and many adults are no longer able to support their families because of the retrenchment of tens of thousands of workers. Employers exploit this situation as child labour comes much cheaper than adult labour and is far more subservient.³

The situation is further compounded by the HIV/AIDS epidemic which is killing many of the younger generation and forcing families to rely on the younger children for support and leaving many orphaned children with no family to care for them. There is also an exodus of young people to the urban areas where they think they can get employment and this is causing a strain on the supports available in urban areas. Given these factors, the elimination of child labour is a long way off.

However, the Elimination of the Worst Forms of Child Labour Convention recognizes the economic realities of the problems of child labour and therefore pushes for the elimination of the worst forms of child labour. The worst forms are described as those which put the child's education, health, social development and lives at risk.

In Tanzania, the sectors associated with the worst forms of child labour are:

1. *Commercial and subsistence agriculture*: 80% of the

² "Towards Eliminating Child Labour in Tanzania: Highlights of ILO -IPEC supported initiatives (1998/99)", (ILO 1999).

³ Ibid

employment in the rural areas is subsistence agriculture and the vast majority of child workers are engaged in this activity. Some are lured to the big sugar cane, tobacco and tea plantations. These children are often overworked and exploited.

Trade Unions and employers in collaboration with the ILO/IPEC have implemented various activities to prevent child labour on the tea, coffee and tobacco plantations. One of the programmes works with the parents to find alternative income generating schemes and assistance with school fees. This programme is overseen by the trade unions and has had some success. 900 children have been repatriated to their families.⁴

2. *Mining and Quarrying:* Child labour is a serious issue in small mining sites. There are even children being subjected to underground work, particularly in the Mererani mines in Arusha Region. The primary school drop-out rate in villages surrounding the mining sites range from 30% to 40%.⁵
3. *Informal sector including domestic services:* Many of the children involved in the informal sector are involved in petty businesses, toutting, begging, prostitution, drug trafficking and panel beating. In Dar es Salaam, it is estimated that there are 4,500 street children.⁶

Another area where there are a number of children employed is in domestic service. The conditions under which they work are too often exploitative and abusive.

⁴. Interview with Mr. Makongolo Gonza and Emmanuel Nzunde (TFTU) August 2, 2000

⁵. "Towards eliminating Child Labour in Tanzania: Highlights of ILO-IPEC Supported Initiatives (1998)", (ILO 1999)

⁶. Ibid.

Child labour is a serious problem in Tanzania and will likely continue to be an issue as long as the economic situation of the country does not improve. Child labour is a human rights issue as well and there are several NGOs and trade unions trying to address the issue in small stages. It is an issue that is very complex and will require considerable advocacy work and economic development schemes to effect any changes in Tanzania.

2. Retrenchment, Economic Policies and the Informal Sector:

It is estimated that about a third of the working age population of Tanzania is unemployed or underemployed. There are 700,000 entrants into the labour force every year and at least 500,000 of these are primary and secondary school leavers with little or no skills.⁷ Put this together with the fact that in the last 20 years job creation per year in the formal sector has dropped from about 30,000 jobs per year in the 1980's to 9,500 in the 1990's and Tanzania is facing a serious employment situation.⁸

The economic policies implemented by the government as a result of the structural adjustment requirements have further exacerbated the situation. Public sector employment has declined from 76% in 1984 to 65% in 1992. Retrenchments that were originally to have been in the neighbourhood of 50,000 have been increased to 70,000.⁹ Therefore, the numbers of people finding employment in

7. "National Roundtable on Employment Policy Review" May 17 - 19, 1999 (Ministry of Labour and Youth Development: Dar es Salaam).

8. "The State and the Informal Sector in Tanzania: Report of a Study on the Development Policies and Institutional Environment for the Informal Sector in Tanzania" (ILO, 1993).

9. "Strengthening Vocational Education and Training for Employment and Development". Vol. 2 - Analysis (ILO, 1997).

the formal sector has dramatically dropped and it is expected that those seeking work will increasingly find it in the informal sector.

Other reasons for the increase in the numbers employed in the informal sector is the fall in real wages due to inflation, the rural to urban migration as rural conditions deteriorate and the unfavourable regulatory climate (time consuming, cumbersome procedures, corruption, etc.).¹⁰ This increase in the informal sector is going to have an effect on the labour situation and raises numerous human rights concerns.

The majority of those employed in the informal sector are men (93.3%).¹¹ Women tend to dominate in the less capital intensive productions such as the production of handicrafts, food vending and the retail trade. Most of the training is through apprenticeships or personal efforts with less than 18% of those in the sector having formal training and with less than 10% having been employed in the formal sector at one time. Many lack managerial or administrative skills.¹² This situation lends itself to the proliferation of human rights abuses. Women are unable to participate in the sector to any great extent and will be disadvantaged further by the growth of this sector and the decline of the formal sector. It leaves the field open for child labour to grow as there are no controls. Furthermore, those with few skills and expertise in the management of staff are far more likely to abuse labour.

Tanzania is going to need to find ways to deal with this

¹⁰. "The State and the Informal Sector in Tanzania: Report of a Study on the Policies and Institutional Environment for the Informal Sector in Tanzania", (ILO, 1993).

¹¹. Ibid

¹². Ibid

changing employment situation so that the rights of labour are promoted. Government, NGOs and trade unions will need to engage in training of workers, micro credit schemes and legislative and regulatory reforms. The government is presently working with the ILO to review the employment legislation and to develop a new employment policy. The government will need the encouragement of the NGO community and the trade unions to develop a new policy and to implement it.

3. Health and Safety:

A drive past a road construction site or a walk past a building being constructed or painted and it is obvious that health and safety of workers is not a high priority in Tanzanian workplaces. Even in offices, computers are placed on desks not designed for them and workers forced to work for hours in positions that are detrimental to their health.

The trade unions are attempting to address this issue in 2 two ways. First of all they are conducting health and safety seminars and workshops for workers. Second, they are trying to form health and safety committees in the workplace. These are good first beginnings. Hopefully out of this will come pressure from workers to force the government to establish safety standards and to enforce them.

4. Employment of the Disabled and of those living with HIV/AIDS:

Tanzania actually has a good piece of legislation on the books that provides for the education and training of the disabled and for quotas for hiring in the government - The Disabled Persons (Employment) Act, 1982. However, its

provisions have never been implemented. Local NGOs have been lobbying the government to implement the legislation, but to date that has not happened.

In Tanzania, it is estimated that 1 in 4 households has a disabled person but there is no reliable data to back up this figure.¹³ The majority of disabled people are working age, unemployed and illiterate. 45% are female. According to the 1988 census figures, 30% of the disabled are employed. 80% of the disabled live in rural areas where there are few medical facilities. Many children who are disabled are hidden by their families and so it is difficult to get a clear picture on the numbers. Families often feel that a disabled person cannot be educated and so they never attend school.

Women who are disabled are doubly disabled as they suffer from the discrimination of being disabled and the discrimination of being a woman in Tanzania.

It is clear from the statistics that the rights of the disabled are not being given the attention that is necessary at the governmental level and that there is considerable misinformation about the capabilities of the disabled. There does not appear to be the will at the governmental level to deal with this. There are a few NGOs in Tanzania that advocate on behalf of the disabled and it will need to be these organizations that begin the push towards the recognition of the rights of the disabled. Considerable education is needed. Most of the present human rights NGOs do very little on disability issues and so it will have to be the NGOs advocating for the disabled to take the lead.

There is a real need in Tanzania for there to be a push to

¹³. "Tanzania: Meeting the Employment Challenge (Report of ILO/UNDP Employment Sector Review Mission)", (ILO, 1999).

improve the environmental accessibility to the disabled. As public transport and most workplaces are not accessible, these are effective barriers to the employment of people with disabilities. Employers need to learn that people with disabilities can be just as good workers as those without and that the few accommodations they may need to make, are to their cost benefit. It is the disability NGOs that need to take up this call and engage in a high profile education and advocacy campaign.

The AIDS/ HIV epidemic is leaving many people without work because of misconceptions about the illness and fear. The government has not yet engaged in a serious education campaign around AIDS/ HIV and it does not appear as if anyone is looking at the issue from a human rights perspective. People with AIDS are often denied employment, health care, shelter, etc. and the denial of these constitutes a violation of their rights - the right to work, the right to adequate health care and the right to security of the person.

Employers are easily able to discriminate against the disabled and those living with HIV/ AIDS as all employers are permitted to require a medical examination as a condition of hiring. This practice in itself is a discriminatory measure and the effects of the practice leads to considerable human rights abuses. However, no one seems to be concerned about this discriminatory practice or to question it and so the abuses are permitted to continue. This is an issue that the disability NGOs could take up and enlist the support of other human rights NGOs.

5. Youth Employment:

We have already noted that there are many more entering the workforce each year than there are jobs. The majority of the unemployed today are the youth (age 15 to 30). As a rising number of this age group are entering the market without education and without skills, their situation will continue to deteriorate in this present economic climate.¹⁴

One of the problems is the education system which is ill suited to the needs of the youth and which is discounted by families as a waste of time. The education system needs to be overhauled. The other problem of course is that parents must now pay for education and as many cannot, the children are removed from school. So the education problems in this country directly contribute to the youth employment problems.

The issue of youth unemployment is a serious one for Tanzania and is one that is receiving limited attention, but requires more resources at the governmental and non-governmental levels. Curriculum revisions, vocational training and micro credit schemes are all needed to prepare the youth to support themselves in the informal sector, which is where many will end up. As it is now, youth in Tanzania are being denied the right to work and because of their unique position in society, they do require resources directed at them.

6. Statistical Data

Statistics enable policy makers and advocates alike to

¹⁴. "Tanzania: Meeting the Employment Challenge" (Report of an ILO/ UNDP Employment Sector Review Mission), March 1991.

make decisions and decide on policy that will address the trends and problems noted in the statistics. However, in Tanzania, policy makers and advocates do not have access to reliable and current statistics.

The last census was conducted in 1988 and the last Labour Market Survey was conducted in 1992. The Ministry of Labour is presently conducting another Labour Market Survey which should be released in 2001. So the development of a labour policy and the development of resources for labour are severely limited by the unavailability of reliable statistics.

The unavailability of statistics creates an environment where human rights abuses can continue. If there is nothing to show that the numbers of the unemployed disabled or the youth are high, then nothing will be done to address the situation. If the numbers of children working in hazardous occupations is not known, then it will not be known if the attempts to assist the ones people know about will result in a reduction of child labour or whether they will just be replaced. There is no means of measuring the effectiveness of advocacy campaigns and so the usefulness of such campaigns is considerably reduced.

The government needs to seriously consider the impact of the lack of statistics on their policy making capabilities. International monetary organizations should be lobbied for funds to maintain statistics so the effects of their conditions on money lent can be monitored and adjusted if harming the population they claim to be assisting. Having no statistics is one way that the government and international monetary organizations can avoid responsibility for bad policy as no one can assess it.

Although the decision to produce statistics is seen as a government's administrative decision, it has an impact on the ability of human rights activists to assess what is happening in terms of labour right violations or to determine if there is any progress. For this reason, human rights' activists need to be lobbying the government to start keeping reliable and current statistics.

IV. Resources for Labour

This part deals with bodies that concern themselves with labour matters. These bodies are used to settle disputes whenever they arise and when referred to them for consideration. This section also examines the enforcement mechanisms and the legal assistance available to aggrieved workers and these promote or hinder the observance of the human rights of labour in Tanzania.

1. Trade Unions

A number of civil society organisations represented the interests of key stakeholders during colonial times. In the period leading to independence, the labour movement played an important role. With the advent of political independence, they went into a lull and mainstreamed into the political structures. The state wielded too many powers over the trade unions. Under the repealed Organisation of Tanzania Trade Unions Act, 1991 (section 4) Organisation of Tanzania Trade Unions (OTTU) was the sole trade union body representative of all employees in the United Republic of Tanzania. Following major amendments to the act the Tanzania Federation of Free Trade Unions (TFFTU) was formed by eleven trade unions. The member unions are: Tanzania Plantations and Agricultural Workers Union

(TPAWU), Tanzania Unions of Government and Health Employees (TUGHE), Tanzania Union of Industrial Workers (TWICO), Tanzania Mines and Construction Workers Union (TAMICWU), Tanzania Local Government Workers Union (TALGWU), Teachers Association (CWT), Conservation Hotels, Domestic and Allied Workers Union (CHODAWU), RAAWU and CTWU. The role of trade unions is to represent their members in various fora. They are involved in settling disputes arising between employee members and their employers. Where agreements can not be reached and the matter has to go to court for determination, the Union represents their members. The trade unions also help in pressing for payment of salaries and wages, terminal benefits and other related payments when the employer is reluctant to pay.

According to Mr. Makongolo Gonza and Emmanuel Nzunda of TFFTU, the Federation has adopted a child labour policy. The policy aims at making sure children are not employed, that school aged children attend school and that education about child labour is provided to its members. They do this in collaboration with the ILO. TFFTU has had 900 children repatriated and assistance given to families to pay school fees and to create alternative income generation schemes, etc. They also collect data on the labour market, promote employment in collaboration with ILO and look at equal opportunities for the disabled.

TFFTU takes part in the retrenchment and privatisation process by advising the government on the needs of labour. This involvement is unfortunate as it means they have lost their voice to speak out against such practices.

Challenges for TFFTU

TFFTU has been dissolved pending re-registration. All the eleven member unions are required by law to re-register. Every Trade Union registered as a trade union is required either to re-apply to be registered as a trade union or to be dissolved within a period of three months from the commencement of the Trade Unions Act, 1998 (section 7). Shrinking of the formal sector and an increase in the informal sector (about 90% of the workforce) threatens membership numbers in the Federation. The private sector has been reluctant to form trade unions which could be potential members of the federation because of the history of the trade unions' links with the ruling party.

The minimum wage in another area of concern for trade unions. There is a government and a statutory minimum wage. The statutory minimum wage is Tshs. 30,000/= but there are plans to increase this to Tshs. 35,000/=. There was an agreement with the government to increase the minimum wage up to Tshs. 84,000/= by 1997 but this has not happened in spite of a court ruling on this. Based on food and nutrition needs the actual minimum wage that workers require is Tshs. 250,000/=. Ideally this amount was supposed to be the minimum statutory wage. However, trade unions have been unable to convince the government to take on this issue.

Because of the history of trade union links with the ruling party there is still a high level of distrust among workers. However, this is changing now. With the 1998 Act, two or more registered trade unions may form or create a federation of trade unions (section 22 (1)). There is fear that the government might use the new law to divide

and rule by having proliferation of weak federations. Ideally, the Act aims at an expansion of workers participation.

2. Industrial Court of Tanzania

The Industrial Court of Tanzania Act, 1967 establishes the Industrial Court of Tanzania. This tribunal was established to settle disputes under the Employment Ordinance involving management workers or in limited cases, non-management workers. The procedure for settlement of disputes is spelt out in the Industrial Court of Tanzania (Amendment) Act 1993 read as one with the principal Act and the Rules of the Court (Industrial Court of Tanzania Rules, 1995). The procedure however is very strict. There are two ways to invoke the jurisdiction of the court. First, there is a trade dispute and second there is an inquiry. The apparent difference between trade dispute and inquiry is with an inquiry, no one can raise the question of time limitation whereas with trade disputes the time limits are very strict. Inquiries are used when an action is time barred. Also, with an inquiry, the parties are not limited to managers as is the case with trade disputes so it is a more open process. However, the end result is the same. An award is given to the successful party.

Any trade dispute may be reported by or on behalf of an employer or employees to the District Labour Officer in the area where the dispute arose within fourteen (14) days of its occurrence. If the employee is a member of a trade union, it is mandatory to first report the trade dispute to the union branch at the place of work within seven (7) days of its occurrence. The union branch shall within fourteen (14) days report the same to the labour officer (Rule 3

of the Industrial Court Rules and section 4 of the Industrial Court of Tanzania (Amendment) Act). However, where an employee is unable to report the dispute within the time period, he/she may apply for an extension of time not exceeding thirty (30) days. (Rule (6) of the Rules)

Reconciliation is the first part of the process. Where a dispute is referred to the union branch or District Labour Officer, the District Labour Officer or any Labour Officer appointed by the Labour Commissioner shall, within twenty one (21) days from the date the dispute was reported use his/her best endeavours to reconcile the parties and effect a settlement of the dispute. Any machinery for the settlement of trade disputes which may exist in the trade, industry or branch can be explored (section 4(4) of the Act). If there is a reconciliation, then there is a negotiated agreement which is then submitted to the Labour Commissioner who will transmit it to the Industrial Court for registration to make it binding upon the parties (section 5 of the Act). Parties to the dispute have the right to be heard at the reconciliation proceedings but are not allowed to have counsel represent them. Where there is no settlement of the dispute, the Labour Officer is required to report in writing to the Labour Commissioner within twenty one days (21) of receiving the dispute. The Labour Commissioner is then required to transmit the dispute as a trade dispute to the Industrial Court within twenty one (21) days from the date the dispute was duly reported to him (Section (6) of the Act). Upon reference being made to the Industrial Court, the court shall proceed to determine the dispute and make an award. (Section 6(3) of the Act).

The Labour Commissioner may, without being requested

by any body, where any trade dispute exists, inquire into it and refer it to the court. This provision would seem to be of assistance in cases where there is pressure being put onto workers by employers to not make application. By giving the Industrial Court this authority, it would appear to be of assistance in promoting the rights of the parties.

In the 2000 amendment to the Act (Act No.2), parties must indicate in the pleadings if they want an assessor or not. Assessors are advisors to the court, and their opinions are made known to all the parties in open court or in written decisions. They can be very helpful to the process, especially in regards to the procedures. However, assessors often can not appear before the court because of administrative matters or job commitments.

It is a legal requirement that any decision (award) of the court be gazetted. This means that all decisions are a matter of public record and can be accessed by all. This is another positive feature of the Act that allows all to know how cases have been decided to give them a precedent in their own situation.

The Industrial Court runs well. The provisions are closely followed because the procedure is very strict. Trade unions are very much involved in the Industrial Court process, which means that those who are members of trade unions have good access to justice and to the enforcement of their rights. This is a good referral for clients. In conversation with the Industrial Court Deputy Chair, he indicated that there is a sufficient number of labour officers. It is rare that an employee is not represented because trade unions will normally represent their members. Usually, the representatives are not advocates but are well versed in employ-

ment law. However, those who have standing in the court are employees employed in the management of the business of their employer. This can be proved by a certificate issued by a labour officer. The only way to circumvent the strict requirement, is for an employee, even one who is not employed in the management, to move the Labour Commissioner to refer the dispute in the court as an inquiry.

There are problems encountered by the Industrial Court particularly in the enforcement of courts decisions. Reinstatement is difficult to effect because employers do not like it. Also employers are stubborn about responding to requests for information. Assessors often can not attend court process because administrative matters or job commitments.

Another problem is statistics keeping which is a common problem to many government departments. Statistics at the court are kept via a court register. Decisions are bound in a book but there is no library in which to view them. The court has two registries in the country. One is in Dar es Salaam, the headquarters, and a zonal office in Arusha. Hopefully, there will be one in Mwanza and Mbeya in the near future. The scarcity of registries is an obstacle to the administration of justice. Aggrieved workers from parts far from Dar or Arusha who want their matters to be determined by the court have considerable expense to do so. If he/she has no money to incur expenses such as travelling, meals, boarding etc the matter is never brought to the attention of the court. It follows that access to enforce the right to work and related rights is difficult. In our research, we were able to get statistics of trade disputes and inquiries brought to the attention of the court since 1991 to

date. The statistics are attached as Appendix A to this report.

Appeals from the Industrial Court

The High Court has struck down as unconstitutional the provision (section 27(c) of the Industrial Court Act) that barred appeals from the Industrial Court. Currently, there is no procedure to appeal from the Industrial Court. We are waiting for Parliament to legislate on the procedure. It is uncertain now whether appeals should go to the High Court or to the Court of Appeal and if to the High Court whether to a single Judge or a panel of three Judges. Meanwhile, the decisions of the Industrial Court are challenged by way of judicial review. The court can review its own decision or where a party seeks the intervention of the High Court can apply for orders to reverse the decision of the court.

3. Labour Officers

In employment disputes where the Employment Ordinance is involved, matters, except the payment of wages, are referred first of all to a Labour Officer. If a resolution cannot be reached at that stage, the Labour Officer refers the matter to the District Magistrate. The difficulty with the process is that once it gets to the court, formal court documents are needed and this often dissuades employees from going any further. Also many employees who are not in unionized workplaces or workplaces with workers' committees, are often unaware of their rights and fail to follow up on abuses. There is little in the way of worker education in Tanzania and as a result many fail to follow up their complaints.

Appeals from decisions of the magistrates follow the normal court appeal routes and so there is an opportunity for effective appeals, if the worker is able to access the court system effectively and get representation. This is an improvement on the other appeal processes available for labour.

However, it is gratifying to find that courts of law have not shied away from their duties to construe legislation on labour in a reasonable manner. In the majority of cases, the courts have come up strongly in defense of the rights of the workers especially where the employer terminates an employee at will. As an example, in the case of *Augustine Masatu Mwanza Textile Ltd, Mwalusanya J.* held that;

"Where the Minister for labour orders reinstatement of an employee and the employee is ready and willing to work for the employer, the employer has no option but to reinstate. He does otherwise at his own risk."

Given the serious difficulties that labour has, it is good to see that there is some recognition of the need to ensure the rights of workers in Tanzania.

4. Labour Reconciliation Board

The enforcement processes under the Security of Employment Act are seen to be effective. In this case the larger workplaces are usually involved and many of the employees are represented by their Trade Union representative. The fact that representation is often provided makes a difference in the effective operation of the system. This speaks loudly for the introduction of a legal aid scheme for workers having to enforce rights under the Employment Ordinance. However, at this point the enforcement of labour

rights is very limited and constitutes a serious violation of workers rights.

Unfortunately, a serious concern with the Labour Conciliation Board is that it holds its sessions in camera and legal representation is not allowed, although trade union representatives do seem to be permitted. Then appeals from the Board's decisions go direct to the Minister whose decision is final and conclusive. So although there is a process in place that is functioning, there are serious problems with potential abuses of labour in the processes being followed.

V. Newspaper Survey

In the newspaper survey, LHRC has looked at what issues the media reports on in the area of employment between January 1998 and December 1999. The issue which comes up the most is the denial of employees wages and salaries. It is followed by complaints of inadequate working conditions. Closely following this is the delays in paying terminal benefits after termination or retrenchment. Insecurity of tenure was also an issue that drew the attention of the media. Strikes and workers participation were not reported very frequently by the media.

Apart from the issues reported, it is noted that the problems often resolve around the inability of the government to enforce directives or orders and the unwillingness of the government to act in favour of labour. As a result, it appears that abuses are permitted to continue. This is of concern to those involved in advocating for human rights, as it is clear that the human rights of workers are largely being ignored in this country and that workers rights are not being given serious attention.

The private newspaper, "Majira", led in reporting labour issues. This also says something about the inattention of the government to labour issues when the papers that are influenced by the government do not report on the events that touch everyday life of Tanzanians and in which there is considerable abuse.

The whole news paper survey is attached to this report as an Appendix B. What has been noted is that the newspaper survey is not a good source of research as the newspapers do not take labour issues seriously. Furthermore, the media has been responding to already emerged issues, rather than being proactive on labour issues.

VI. Concluding Comments

The state of employment in Tanzania is complex. The government swallowed the terms of the IMF and the World Bank. As a result public co-operations are being dissolved. The big employing sector has collapsed and paved the way to for a struggling private sector to fill the gap. The private sector in Tanzania is too young to accommodate hundreds of retrenchees. More and more young and able bodied persons complete schools, colleges and universities every year but they can not find employment. The labour market is flooded. This is due to improper consideration to all the factors affecting employment in this country. It is time now for the government to create an enabling environment for the informal sector so that the unemployed can be employed.

It is also imperative that employment laws be updated and enforcement mechanisms improved so that labour is not abused. However, tracking and advocating on behalf

of labour in Tanzania is a near impossible task. Statistics are not available and the problems with employment are not reported in any meaningful fashion. Although the person on the street will tell you that there are problems and will be able to relay several horror stories, the fact remains that labour has remained very passive and continues to be abused. Part of the reason for this is that people are afraid of losing a job if they speak up and workers are not provided with education on their rights and how to address legally the abuses done to them.

The Legal and Human Rights Centre is publishing this report, not as the definitive answer on employment and labour human rights issues, but as a pointer to the problems that need addressing. They recognize that they will not be able to take up all of these issues within their organization and hope that the findings will encourage other organizations to take up some of the advocacy work. As nearly all the population of Tanzania is either engaged in employment or wanting to be engaged in employment, this is an issue which affects many people and it is the Centre's hope that the issue in the future will be given far more concentrated attention in the governmental, non-governmental and trade union sectors.

APPENDICES

APPENDIX A

Trade Disputes

DSM, Dodoma, Arusha, Mwanza, Mbeya, Tabora

Year	Number of cases	Number of Unresolved Case
1991	15	
1992	27	
1993	51	
1994	52	11
1995	12	4
1996	16	3
1997	12	5
1998	16	11
1999	10	10
2000 to June	5	5

Issue	1991	1992	1993	1994	1995	1996	1997	1998
Salary ordered	3	2		2		1		
Terminal Benefits ordered						1		
Transportation Allowance ordered	1							
Reinstatement granted	3	6	15	10	3	1		
Reinstatement denied	1	7	7	4	3	2		1
Termination		1						
Time barred			2	1			3	1
No Jurisdiction		1						
Transfer - to Arusha								
Transfer - to Inquiries			2	7				
Procedure not followed							1	
Referred back to the Commission								1
Dismissal of complaint	5	6	3	8	1	1	1	
Withdrawal	1	1	11	2		2		
Settlement			1	1	1	2		
Amendment Requested			1					
Complain dead			1	2		2		
Unknown		4	3	7	1	2	2	

Inquiries

DSM, Morogoro, Mtwara, Lindi, Pwani

Year	Number of cases	Number of Unresolved Case
1991	9	2
1992	9	
1993	11	
1994	29	2
1995	27	3
1996	42	9
1997	67	38
1998	41	28
1999	51	50
2000 to June	49	49

Issue	1991	1992	1993	1994	1995	1996	1997	1998
Salary ordered				2	1	3	4	
Terminal Benefits ordered	2	1	1	3	1	2	1	
Transportation Allowance ordered	1				1	1		
Reinstatement granted	3	1	3	4	2	6	5	2
Reinstatement denied	6	4	1	4	4	5	4	3
Termination								
Time barred					1		1	
No Jurisdiction								
Transfer - to Arusha			1	2	2		2	
Transfer - to Inquiries			1	1	1			
Procedure not followed						1	1	1
Referred back to the Commission								
Dismissal of complaint	3	2	3	3	5	6	3	4
Withdrawal				3	1	4	2	
Settlement			1	1		2	2	
Amendment Requested								
Inquiry Opened								
Complainant dead	1		1		1			
nown	1	1	1	3	5	5	3	1

Settlements
All regions

Year	Number of Settlements
1991	27
1992	20
1993	20
1994	25
1995	26
1996	13
1997	26
1998	26
1999	33
2000	24

APPENDIX B - NEWSPAPER SURVEY

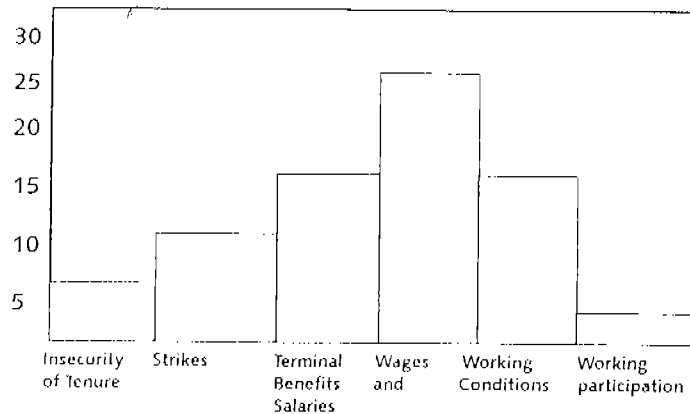
STATISTICAL SUMMARY OF EVENTS

Type of Event	Jan - Dec 1998	Jan - Dec 1999	Total
Insecurity of Tenure	2	11	13
Strikers	6	3	9
Terminal Benefit	7	9	16
Wages and Salaries	13	14	27
Working conditions	5	2	17
Workers participation	2	2	4
Total	35	51	86

STATISTICAL SUMMARY OF NEWS PAPER SURVEYED

Name of Newspaper	Number of events reported
Daily News	4
Daily Mail	9
Majira	25
Mtanzania	13
Nipashe	10
Rai	1
Shaba	4
Sunday News	1
Sunday Observer	2
The African	1
The Express	1
The Guardian	15
Total	86

GRAPHICAL ILLUSTRATION OF EVENTS



INSECURITY OF TENURE

1. Ten (10) employees of THA complained about the management decision not to reinstate them even after the government gave that directives. The management after such complaint reinstated the employees but terminated them after two days of reinstatement. The government, again directed the employees to be reinstated, but todate the directive has not been complied with.

NIPASHE - 12TH JANUARY 1998

1. Seventeen health officers were retired without apparent reasons. The government intervened by ordering them back to work but nothing was done to date.

MAJIRA - 19TH JANUARY 1998

2. The government was questioned on its order to forbid retired army officers who joined the Ugandan Army. It was commented that retired army officers have the right to look for employment elsewhere.

THE GUARDIAN - 8TH FEBRUARY 1999

3. Workers of Kilombero Sugar Company intended to appeal in the High Court against a ruling dismissing their application for dismissal of trade dispute instituted at the industrial court by their employer which sought to terminate their mutual agreement. The employer wanted to terminate the agreement allegedly it did not serve his interests. The agreement was against re-trenchment, it demanded the employer to pay the employees different entitlements including allowances. The government (Minister of Labour) was equally blamed for convening with the employer to terminate the said agreement.

MAJIRA - 1ST MARCH 1999

4. A dismissed clinical officer had sued his employer for wrongful termination of service. A High Court Judge at Moshi ordered the Kilimanjaro Regional Administrative Secretary to pay the officer shillings five hundred thousand as general damages for wrongful dismissal.

DAILY NEWS - 31ST MARCH 1999

5. Teachers Association of Tanzania castigated the government directives to shift employment of Primary School teachers from Central government to Service Commission. It was objected on the ground that all the teachers have been employed on permanent terms, it was a violation of human rights to force them to enter into a new agreement. The government warned that whoever refuses to shift up to 1st July 1999 would lose their job.

MAJIRA - 4TH APRIL 1999

6. Shinyanga branch of Tanzania local government workers union appealed to the Shinyanga Regional Labour Office to intervene the dismissal of seventy nine (79)

Civil Servants suspected of corruption. The Regional Labour Officer, the mediation council promised to carefully assess criteria used in determining the dismissal of the civil servants.

SUNDAY OBSERVER - 11TH APRIL 1999

7. Two hundred (200) employees of COTEX Industry (DSM) filed a suit at Kisumu Resident Magistrate's Court in Dar Es Salaam contesting their dismissal and the failure of the company to rise their pay. The management of the COTEX had sacked the two hundred employees after they went on strike demanding their annual pay rise.

THE GUARDIAN 27TH APRIL 1999

8. The headmistress of Usangi Secondary School, Mwanga district, sued ELCT Pare diocese for breach of contract of employment. The case was still pending in court.

MAJIRA - 30TH APRIL 1999

9. Hardly a week after the management of VETA announced plans to retrench some of its staff, a court injunction has been issued restraining the exercise. The workers complained that they did not agree with the timing of the exercise, they feared that the management might deny their basic rights. The case pends in court.

DAILY MAIL - 27TH JULY 1999

10. Workers of NASACO have appealed to President Benjamin Mkapa to stop liberalisation of shipping agency activities on grounds that it will choke them and not benefit the nation.

THE GUARDIAN - 28TH JULY 1999

11. Sixteen workers of a BP Petrol Station located at Tangi

Bovu area along Bagamoyo road in Kinondoni district, Dar Es Salaam they were stranded after their employment was summarily terminated without notice on the 6th July, this year.

THE GUARDIAN - 28TH JULY 1999

12. Eleven workers of Tanzania Federation Co-operation allegedly sacked under questionable circumstances last week presented their case before the Ministry of Agriculture and Co-operatives. The management of the co-operation dismissed the workers on the ground that they had failed to reply to its letter which demanded some explanation from them to be submitted to it within seven days. The Ministry of finance promised to deal with their case.

DAILY NEWS - 25TH AUGUST 1999

STRIKES

1. More than one hundred (100) workers of Kihuhuwi Rubber Plantation in Muheza district in Tanga region went on strike because they were not paid their salaries for more than nine (9) months. The employer turned a deaf ear to their demands.

SHABA - 20TH JANUARY 1998

2. One hundred and seventy seven (177) workers of Sisal industry at Pongwe, Tanga region went on strike demanding increase of salary from seventeen thousand and five hundred (Tshs. 17,500/=) to forty five thousand. The management said that it was not ready to increase salaries due to poor production caused by El nino rains.

NIPASHE - 3RD APRIL 1998

3. Teachers of Ali Hassan Secondary School in Tabora municipality went on strike because they were not paid their salaries for four (4) months. The school manage

ment alleged it faced fiscal deficit.

NIPASHE - 28TH APRIL 1998

4. Non academic staff at the University of Dar Es Salaam threatened to go on strike again next months if their demands for salary arrears will be misinterpreted in the next University council meeting. The administration of the University made negotiation with the workers.

THE GUARDIAN 23RD JUNE 1998.

5. Some workers of UCLAS intended to strike to press for their salary arrears. The government as an employer made no progress on the matter.

THE GUARDIAN - 15TH JULY 1998

6. Two hundred workers of New Africa Hotel went on strike pressing for better wages working conditions and terms of employment.

SUNDAY NEWS - 5TH OCTOBER 1998

7. Doctors at Muhimbili Referral Hospital were in preparation to stage a strike on removal of allowances.

MTANZANIA - 6TH MAY 1999

8. Three hundred (300) workers of COTEX industries LTD in Dar Es Salaam have been on strike since last week demanding pay rise. The company's management reacted by issuing a notice ordering one hundred and eight seven out of the three hundred striking workers to stay at home until further notice.

THE GUARDIAN 19TH MARCH 1999

9. More than one hundred (100) workers of TANNOL Holdings in Dar Es Salaam went on strike demanding salary of past ten months. The management kept giving unsatisfactory answers to the employees demands that there was no money while production went on as usual.

NIPASHE - 29TH OCTOBER 1999

TERMINATIONAL BENEFITS

1. Former workers of Tanzania Harbours Authority blamed the first phase government for squandering moneys issued for their terminal benefits.
MAJIRA - 7TH JANUARY 1998
2. Workers of Steel Rolling Mill complained to the President about the management delay to pay them their dues. The management had been giving empty promises. The government response was that the employees should wait.
SHABA - 9TH JANUARY 1998.
3. More than nine hundred (900) employees of the defunct CIC in Tanga municipality asked the management of CIC to act on their problems which made them poor because the management failed to pay their terminal benefits. The management had been quiet on the workers' grievances.
THE GUARDIAN - 18TH JANUARY 1998
4. Former employees of the then Sungura Textile Mill vowed to stage a demonstration to the Prime Minister due to the dilly-dallying of their terminal benefits. The mill offered them shillings four thousand each (Tshs. 4,000/=) which amount they rejected. The government failed to solve the problem despite the fact that it was long overdue.
SHABA 19TH JANUARY 1998
5. Workers of Sisal Authority complained against the authority for not paying their terminal benefits after privatisation of the sisal plantations.
MAJIRA - 23RD APRIL 1998
6. Employees of Urafiki Textile Mill complained of delay in paying their terminal benefits. They were paid after two years.
DAILY NEWS - 26TH SEPTEMBER 1998

7. About sixty retrenchees of TANITA gathered outside the Ministry of Agriculture and Co-operatives demands to see the Minister over their terminal benefits. The Management of TANITA had made no move upon these rather than saying that their matters was being followed up by some officials. The government on its part had failed to find solution to their problem.
THE GUARDIAN - 27TH OCTOBER 1998
8. A four man delegation representing over three thousand former workers of the EAR arrived in Dodoma to seek audience with the Prime Minister Friedrich Sumaye and asked him to intervene in their demand for terminal benefits. They said if the government failed to meet their petition they would institute a suit against the government. The government had shown no tangible developments on the issue.
DAILY MAIL - 2ND FEBRUARY 1999
9. Some sixty (60) retrenched employees of SHIRECU filed a suit seeking payments of their terminal benefits totalling shillings one hundred and nine million and three hundred thousand (T.shs. 109,300,000/=)
THE GUARDIAN 5TH APRIL 1999
10. Some of one hundred and sixteen nurses who were declared redundant at the end of last month at Sumbawanga, Rukwa region marched to RAS office to present their grievances including non payment of terminal benefits. The government (RAS) gave assurance that the issue would be attended soon.
DAILY NEWS - 9TH APRIL 1999
11. Retrenched employees of TBL complained to the management of insufficient terminal benefits.
MAJIRA - 4TH MAY 1999.
12. More than two hundred and fifty (25) workers of the defunct Mara Co-operative Union had been stranded

at their working stations since 1995 waiting for their terminal benefits. The management just promised to pay their benefits but in vain.

DAILY MAIL - 8TH MAY 1999

13. Fifty nine workers complained that they were terminated without terminal benefits for six years now. The government said they should wait until funds are available.

MAJIRA - 10TH MAY 1999

14. Workers of Southern Paper Mills at Mgoilolo Iringa, complained about insufficient terminal benefits which was well below the amount set by the government. For instance a worker who served for ten years was paid Shillings three hundred thousand (Tshs. 300,000) only.

MAJIRA - 3RD AUGUST 1999

15. Twenty employees of TAFICO Mwanza, complained to the Ministry of Tourism to assist them get their terminal benefits after privatisation and sell of the company.

MTANZANIA - 5TH NOVEMBER 1999.

16. Some ex-employees of the defunct East African Community expected to march to the British, Kenya and Ugandan High Commission to seek assistance in respect of their unpaid terminal benefits by the government of Tanzania. The government told them that their terminal benefits would be paid under standing committee on parastatal organisations.

THE AFRICAN - 17TH DECEMBER 1999

WORKING CONDITIONS

1. Workers of A - Z industry in Arusha municipality complained about the management. They alleged that the management oppresses them, does not pay heed to their well being and security at work. The management when approached by the media for interview

did not seem to care. The government on its party did not give any reaction.

MTANZANIA - 9TH FEBRUARY 1998

2. Employees were dissatisfied by their employer of Asia origin to strip them naked so as to be inspected. The government did not take any action for that act.

MAJIRA - 15TH JANUARY 1998

3. Workers of TIPER had been in wrangle with their management over poor wages, allowances and incompetence on the part of the management. They expressed their disappointment of the way Temeke Labour office dealt with the dispute. The management and the labour office had been collaborating to suppress the worker's case. The labour office had been adjourning the case continuously.

DAILY MAIL - 18TH JANUARY 1999.

4. The suggestion that prospective workers should be screened for HIV before hiring, came under strong attack with most employees questioning the rationality of the idea. Most of them said that it was discriminatory against people who are seeking for employment. The government said that the aim of such exercise was to establish whether the applicant was fit enough to do the job applied for.

DAILY MAIL - 1ST FEBRUARY 1999

5. TTCL employees complained about the TTCL management's tendency of forcing them to work on holidays without pay. The management reacted by giving them days off instead of payment as they demanded.

MAJIRA - 3RD FEBRUARY 1998.

6. A soldier with TPDF complained about the army for not paying his rightful dues and medical expenses he incurred after an accident while on duty. The army did

not take any meaningful measure to pay him.

MAJIRA - 17TH FEBRUARY 1998.

7. Workers of Pee Pee (Tz) Ltd in Tanga municipality served as casual labourers for more than four years. They complained that the management refused to employ them on permanent basis without any good reason. The management had been threatening them and bribing the state apparatus. The government remained silent inspite of being informed.

MAJIRA - 6TH APRIL 1998

8. Employees of Thanker sigh Construction Company in Dodoma municipality have complained over mistreatment, denial of their rightful payments and lack of working contracts. The management just kept quiet when asked for the matter. Although the government was asked to intervene did nothing so far.

THE GUARDIAN - 5TH MARCH 1999

9. While employment laws require industrialists to provide security at working places and medical expenses, it was discovered that many industrial owners in Kilimanjaro and Arusha regions do not comply with these requirements. The government promised to cooperate with the relevant authorities to seek for sponsors for possible solution.

MAJIRA - 30TH MARCH 1999

10. Some employees of Shelys Phamaceutical industry in Dar Es Salaam were still regarded as casual labourers inspite of the fact that they have been working for more than seven (7) years now. The management of the industry admitted that and said arrangements were under way to employ them permanently.

NIPASHE - 3RD JUNE 1999

11. Local workers employed by Danish Road Construction Company should blame Tanzania's labour laws for de

nying them better packages compared to their expatriate co-workers. The employer (project manager) said his company had clearly stated remuneration terms in its employment terms. He said all that they pay is according to the legislation.

DAILY MAIL - 10TH JUNE 1999

12. Initial medical examinations done to employees of the Wazo Hill Cement factory in Dar Es Salaam revealed that total of 66.7% of them had severe health problems, including High Blood Pressure, respiratory difficulties, the National Assembly was told yesterday. The government in collaboration with the management of the plant was closely monitoring the situation.

THE GUARDIAN - 10TH JUNE 1999

13. Some of the tutors of Muhimbili University College of health Science have complained of the absence of criteria which governs the allocation of scales thus resulting into different scales for tutors of the same qualifications.

DAILY MAIL - 15TH JULY 1999

14. Unsatisfied with the way the elderly are being treated in the country the Association of Pensioners and retired persons appealed to the government to improve the lives of its members.

DAILY MAIL - 25TH JULY 1999

15. Employees of Sengerema complained to their leaders for not implemented terms of employment. Foistance deductions from their salaries for contributions, long working term without promotion and non payment of allowances related to their duties.

RAI - 30TH SEPTEMBER 1999.

16. Teachers in Lindi town council were being harassed by the council. Their salaries had been deducted without their consent.

MAJIRA - 9TH NOVEMBER 1999

17. Employers of Ubungo Garments were complaining of working long hours without rest, working under difficult conditions and without equipment to protect and preserve their health, and working for so long as casual labourers.

MTANZANIA - 22ND NOVEMBER 1999

WAGES AND SALARIES

1. Employees of the University of Dar Es Salaam castigated the government over the new salary scale which brought a big gap between high and low income earners.

SHABA - 7TH JANUARY 1998

2. TUGHE complained to the government about the minimum wage. The government just promised to look into the matter.

MAJIRA - 21ST JANUARY 1998

3. Workers of Nyanza bottlers complained about the management of the minimum wage. The factory used to pay them seventeen thousand and five hundred (17,500) instead of shillings thirty thousand (Tshs. 30,000/=) the minimum wage set by the government. The management was complaining that the workers were being paid too much while production was low.

MTANZANIA - 13TH FEBRUARY 1998

4. Twenty three workers of TANPACK industry in Tanga municipality refused to take their holidays without pay and demanded the management of the industry to pay them arrears for the past three years. The management refused to alter its stand on leave without pay alleging that the same is applied by all other companies in Tanzania.

MAJIRA - 14TH FEBRUARY 1998

5. CCM employees complained of the party's failure to pay them their salaries of July 1996 to December 1997.
MAJIRA - 7TH JANUARY 1999
6. Workers of Pyrethrum factory in Iringa municipality which has been privatised demanded the out going management to pay them their salaries and other payments. The government intervened by ordering the management to pay the workers all their dues immediately.
MAJIRA - 14TH FEBRUARY 1998
7. A complaint was lodged that an employer of domestic servants was not paying the statutory wage of seventeen thousand and five hundred he was paying five thousand instead. If the servants complained faced summary dismissal. The government announced that domestic servants should receive seventeen thousand and five hundred as salary.
MTANZANIA - 18TH FEBRUARY 1998
8. Employees of Sack industry in Moshi municipality complained about management's failure to pay their outstanding salaries for eight months. The management threatened to dismiss them.
MAJIRA - 26TH FEBRUARY 1998.
9. Primary and Secondary School teachers in Arumeru District, Arusha region challenged the district council for deducting shillings five thousand as levy from their salary without their consent. The council insisted on its stand.
MTANZANIA - 27TH FEBRUARY 1998
10. Hundred workers of cotton co-operative society of Tabora went unpaid for six months. The society said that the workers were not paid their salaries because of lack of funds.
NIPASHE - 17TH MARCH 1998.

11. Prison officers in Tabora were bitter for not been paid their salaries and related payments despite the fact that the government released funds for such payments. The prison authorities in Tabora had been threatening them whenever they demanded their rightful payment.
MAJIRA - 2ND APRIL 1998.
12. Sixty two retrenchees of IFM in Dar Es Salaam sued their employer in the high court claiming payment of moneys accrued from staff endowment assurance contributions amounting to shillings eight two million (82,000,000/=). Their employer refused to pay them despite the order from the court. Government reacted by ordering the employer to pay.
THE GUARDIAN - 29TH JUNE 1998.
13. More than seventy workers of pesticide industry in Moshi municipality have not been paid their salaries for four months now. The management of the industry asserted that it failed to pay them due to financial constraints.
NIPASHE - 1ST DECEMBER 1998
14. Nearly eight hundred (800) workers of the Southern Paper Mills co. Ltd at Mgololo in Iringa municipality remained unpaid for three years. They complained to the government which completely ignored them.
THE GUARDIAN - 14TH DECEMBER 1998
15. A domestic worker at Kibaha police appealed to relevant authorities to help her secure her salaries which remained outstanding for one year.
MTANZANIA - 12TH MARCH 1999
16. Most of the newly recruited secondary school teachers in the Ministry of Education and Culture had not been paid their salaries for the last six months. The Ministry of Finance said the delay was due to the fact that the affected teachers names were not yet en

tered into the main civil servant payroll.

DAILY MAIL - 13TH MAY 1999.

17. Former employees of the news privatised Tanzania Fisheries Corporation in Mwanza region, castigated the government for delaying the payment of their terminal benefits. The director of the Fisheries Research institute said the delay was caused by improper computation of their terminal benefits.
THE EXPRESS - 3RD JUNE 1999
18. A retired army officer had called on the president's officer to order the Ministry of defence and National service to pay him his out standing salaries. TPDF has maintained that it cannot pay him such deducted salaries under the pension scheme because the Ministry of finance has no money to pay retired army officer like him. The government (Ministry of Defence) however, had instructed TPDF to pay the deducted money through the pension scheme.
THE GUARDIAN 21ST JUNE 1999
19. More than two thousand workers of companies and industries in Tanga town intended to sue the municipal council for 10% deductions from their salaries as development levy without their consent.
NIPASHE - 25TH JUNE 1999.
20. Employees of Kagera Sugar Factory in Kagera region rejected the factory management because of its failure to pay their entitlements after the factory stopped production. The management was not available to comment.
MTANZANIA - 28TH JUNE 1999
21. About sixty (60) workers of Kunduchi quarries complained that they had not been paid their salaries since 1996. The management reacted by dismissing employees who were in forefront in demanding their rights.

Although the matter was reported to the government nothing was done.

NIPASHE - 1ST AUGUST 1999

22. More than thirty (30) guards of express group security system company Ltd in Dar Es Salaam complained that the company failed to pay their salaries for four consecutive months. The management of the company admitted the complaint and assured that the salaries were being prepared.

MAJIRA - 10TH AUGUST 1999

23. Tanzania workers were unhappy of salary inequality between high ranked officials and the low cadre workers.

MTANZANIA - 12TH AUGUST 1999

24. Six hundred and forty five (645) employees of a shipping agency and four subsidiary companies were not paid their September salary due to financial difficulties facing the Agency. The difficulties were caused by the decision of the Minister for industry to issue licence to other thirty five (35) shipping agencies in February this year. The management continued to find a possible solution.

MTANZANIA - 2ND SEPTEMBER 1999

25. Employees of Rift Valley co-operative Society demanded their leadership to pay their arrears of January to August 1999 and other related payments or else threatened to lodge complains to other authorities. The leadership had been giving promises without implementation.

MTANZANIA - 4TH OCTOBER 1999

26. Twenty seven workers of meteorological department of the ministry of water in Kilimanjaro region remained unpaid since April this year. The ministry said the problem was county over due to budgetary constraints.

However, efforts were underway to remedy the situation.

NIPASHE - 1ST OCTOBER 1999

27. Workers requested the government to review the minimum wage so that a minimum wage earner can live according to the current standard of living.

MTANZANIA - 28TH NOVEMBER 1999

WORKERS PARTICIPATION

1. TFTU demanded the government to amend various employment laws by involving Workers. The government paid heed and continued negotiations of reforming some laws.

MAJIRA - 7TH JANUARY 1998

2. TUGHE leadership blamed the management of Muhimbili medical centre for not involving them in decision making.

MAJIRA - 13TH JANUARY 1998

3. The conservation, Hotels, Domestic and allied workers union, has said it will take new African Hotel management to court for refusing to allow the workers to join the union also if the allegations of discrimination and harassment against the workers proved true.

SUNDAY OBSERVER - 21ST MARCH 1999

4. The national chairman of communication and transport Association requested the government to involve workers in the privatisation exercise of parastatal organisation. He complained that once the organisations are privatised the new management (investors) bars workers association

MAJIRA - 6TH AUGUST 1999.

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