

SUBSIDIARY LEGISLATION

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LABOUR INSTITUTIONS ACT
(CAP. 300)

ORDER

THE REGULATION OF WAGES AND TERMS OF EMPLOYMENT ORDER, 2010

Citation and
and
Commence-
ment

1. This Order may be cited as the Regulation of Wages and Terms of Employment Order, 2010 and shall come into operation on the first day of May, 2010.

Interpretation

2. In this Order, unless the context requires otherwise:-
“agriculture”, shall include crop production, forest activities, animal husbandry and insect raising; the primary processing of agriculture and animal products by or on behalf of the operator of the undertaking as well as use and maintenance of machinery, equipment, appliances, tools and agricultural installations, including any process, storage, operation or transportation in agricultural undertaking including cooperatives which are related to agricultural production;

“commercial enterprises” means the carrying on for gain of any business, trade, profession or other similar activities;

“domestic servant” includes any person employed wholly or partly as a cook, house-servant, waiter, butler, maidservant, valet, [bar attendant] groom, gardener,

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washman or watchman, but an employee shall not include any such employee employed wholly or partly in connection with or in relation to any commercial or industrial enterprises;

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“factory” shall have the meaning assigned to the expression in the Occupation Healthy and Safety Act, as may be amended from time to time;

“family” means an employee and his or her spouse and the children of such employee;

“mining” and “mining operations” shall have the same meaning assigned to expressions in the law governing mining operations but shall not include any processes related to the production of salt and or limestone;

“place of employment” means the place where an employee normally carries out the duties imposed upon him/her by his or her contract of service;

“transfer” means the appointment of the employee to a different position with no alteration in salary scale, and includes movement of an employee from one geographical location to another;

“weekly rest day” is such a day an employee shall not be required to work for his or her employer after six consecutive days and shall be taken on such day as shall be agreed between the parties.

Application

3. This Order shall apply to all employees, notwithstanding whether they are employed in the service of the United Republic, Local Government Authorities or are members of the Teacher Service Commission.

Minimum
Wages

4.-(1) Subject to the provisions of this Order, the basic minimum wage payable to employees employed by employers in the undertakings in the identified sectors and areas to which sectoral Wage Boards were established vide G.N numbers 109, 110, 111, 112, 113, 114, 115 and 116 dated 18th May, 2007 shall be at the appropriate rates specified in respect of each sector and area in Part A of the Schedule hereto.

(2) For purposes of subparagraph (1) “commercial or industrial enterprise” do not include mining and agriculture.

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(3) Where an employee belonging to a particular sector is employed in a commercial or industrial undertaking and is being paid wages by the concerned undertaking, the basic minimum wage payable to the employee shall be at the rate applicable to that sector or as applying to that particular commercial or industrial enterprise, whichever is greater.

(4) The minimum rate of wages payable on hourly, daily, weekly, fortnightly or monthly rate of pay, shall be determined as provided in Part A of the Schedule provided:

Where domestic workers who live and they share food and other services with the employers shall have 68% of their wages deducted for the services provided.

Working Hours
Cap.366

5. The maximum working hours for employees irrespective of the sector and area shall be as prescribed under the Employment and Labour Relations Act.

Payment of Overtime

6. Where an employee is on any day or week employed for the aggregate number of working hours exceeding the maximum number of ordinary days or hours, the employee shall be entitled to be paid that part of an hour or hours in excess, as overtime at the rate not less than one and one half times the employee's basic wage or at the rates provided for under this Order, whichever rate is greater.

Weekly rest days and Public Holiday

7. Where any employee is employed on a statutory weekly rest day or on a public holiday other than Sundays, except where the Sunday is a weekly rest day for that employee, shall be entitled to be paid by the employer in respect of every hour or part of an hour during which he/she is so employed on that day, double the employee's hourly basic wages for the aggregate hours worked on that day in addition to his or her normal weekly or monthly wage.

Monthly Wage

8. Where an employee is employed on a weekly contract, his/her monthly wage shall be deemed to be four times his/her weekly wage.

Fringe Benefits

9.-(1) An employee shall be entitled to, ^{be} paid annual leave, sick leave, compationate leave, maternity leave, paternity

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Cap.366 - leave and other forms of leave as prescribed and subject to the provisions under Sub Part D of the Employment and Labour Relations Act.

(2) Any agreement made between an employer and employee regarding any payment of money in substitution for any form of leave to which an employee is entitled, shall be void.

(3) An employee shall in addition to leave allowance, be entitled to leave travel assistance once in every two years of continuous service with the same employer except where agreed otherwise, and out of station allowance while traveling on duty within the country for each day spent outside his duty station.

Persons
enjoying better
terms

10. Where any employee to whom the provisions of this Order apply is at the commencement of this Order entitled to receive wages at a higher rate than those prescribed or provided by this Order, that employee shall for so long as he/she is employed by the same employer continue to be entitled to receive such higher wages and favourable benefits.

Revocation of
GN 233 of
2007

11. The Labour Institution Act (Regulation of Wages and Terms of Employment) Order, 2007 is hereby revoked.

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FIRST SCHEDULE

(Made under Paragraph 4)

- | | |
|---------------------|---|
| G.N.No. 109 of 2007 | The Wage Boards includes:
(a) Labour Institutions (Appointment of Members of the Health Service Sector Wage Board) Notice; |
| G.N.No. 110 of 2007 | (b) Labour Institutions (Appointment of members of the Agricultural Services Sector Wage Board) Notice; |
| G.N.No. 111 of 2007 | (c) Labour Institutions (Appointment of Members of the Trade Industries, Commercial and Services Sector Wage Board) Notice; |
| G.N.No. 112 of 2007 | (d) Labour Institutions (Appointment of Members of the Transport and Communication Services Sector Wage Board) Notice; |
| G.N.No. 113 of 2007 | (e) Labour Institutions (Appointment of Members of the Mining Services Sector Wage Board) Notice; |
| G.N.No. 114 of 2007 | (f) Labour Institutions (Appointment of Members of the Fishing and Marine Services Sector Wage Board) Notice; |
| G.N.No. 115 of 2007 | (g) Labour Institutions (Appointment of Members of the Domestic and Hospitality Services Sector Wage Board) Notice; |
| G.N.No. 116 of 2007 | (h) Labour Institutions (Appointment of Members of the Private Security Services Sector Wage Board) Notice; |

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SECOND SCHEDULE

(Made under paragraph 4)

PART A
MINIMUM WAGES

GN/NO.	SECTOR AND AREA		RATE	
			TSHS.	CTS.
109/07	Health Services	Hourly	385	00
		Daily	3,080	00
		Weekly	18,440	00
		Fortnightly	40,000	00
		Monthly	80,000	00
110/07	Agricultural Services	Hourly	359	00
		Daily	2,692	50
		Weekly	16,155	10
		Fortnightly	32,310	00
		Monthly	70,000	00
111/07	Commerce, Industrial and Trading	Hourly	385	00
		Daily	3,080	00
		Weekly	18,440	00
		Fortnightly	40,000	00
		Monthly	80,000	00
112/07	Transport and Communication	Hourly	1,682	70
		Daily	13,461	55
		Weekly	80,769	25
		Fortnightly	175,000	00
		Monthly	350,000	00
	• Aviation Service	Hourly	1,105	75
		Daily	8,846	15
		Weekly	53,076	90
		Fortnightly	115,000	00
		Monthly	230,000	00
	• Clearing and Forwarding	Hourly	1,442	30
		Daily	11,538	45
		Weekly	69,230	75
		Fortnightly	150,000	00
		Monthly	300,000	00
• Telecommunication	Hourly	1,442	30	
	Daily	11,538	45	
	Weekly	69,230	75	
	Fortnightly	150,000	00	
	Monthly	300,000	00	

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	• Others	Hourly	312	50
		Daily	2,500	00
		Weekly	15,000	00
		Fortnightly	32,500	00
		Monthly	65,000	00
	(b) Hotels	Hourly	721	15
	• Potential and Tourist Hotels	Daily	5,769	25
		Weekly	34,615	00
		Fortnightly	75,000	00
		Monthly	150,000	00
	• Medium Hotels	Hourly	480	75
		Daily	3,846	15
		Weekly	23,076	90
		Fortnightly	50,000	00
		Monthly	100,000	00
	• Restaurants, Guest Houses and Bars	Hourly	385	00
		Daily	3,080	00
		Weekly	18,480	00
		Fortnightly	40,000	00
		Monthly	80,000	00
116/07	Private Security Services	Hourly	504	80
		Daily	4,038	45
	• International or Potential Security Companies	Weekly	24,230	75
		Fortnightly	52,500	00
		Monthly	105,000	00
	• Others	Hourly	385	00
		Daily	3,080	00
		Weekly	18,480	00
		Fortnightly	40,000	00
		Monthly	80,000	00
N/A -	Other Sectors not mentioned in the Wage Boards specified in the First Schedule	Hourly	385	00
		Daily	3,080	00
		Weekly	18,480	00
		Fortnightly	40,000	00
		Monthly	80,000	00

Explanatory note

For the purpose of proper interpretation of the second schedule, the following clarification is hereby made.

- (a) The wage rates specified in the Second Schedule to this Order are merely to bare minimum wage in the respective sector and any improvement shall be made through collective bargaining agreements.

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- (b) Employers who at the commencement of this Order are paying higher rates of wages and are providing more favorable terms and conditions of employment, than those prescribed in the schedule, shall continue to pay such higher wages which for the purpose of this Order shall be deemed to be the minimum wage and benefits for that particular establishment.

Dar es Salaam,
19th April, 2010

JUMA A. KAPUYA,
*Minister for Labour, Employment
and Youth Development*

