

SECTORAL ACTIVITIES PROGRAMME

in cooperation with the Employment-Intensive Investment Programme

Working Paper

**Baseline study of labour practices
on large construction sites in the
United Republic of Tanzania**

Coordinated by the National Construction Council, Dar es Salaam

Working papers are preliminary documents circulated
to stimulate discussion and obtain comments

**International Labour Office
Geneva**

January 2005

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Print version: ISBN 92-2-117018-7

Web version: ISBN 92-2-117019-5

First published 2005

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Printed by the International Labour Office, Geneva, Switzerland

Preface

This paper presents the findings of a study of labour practices on large construction projects in the United Republic of Tanzania. The study is a result of collaboration between researchers from five separate organizations, under the overall coordination of the National Construction Council. The research team comprised the following:

- Mr. Kesogukewe M.I.M. Msita – Team Leader, National Construction Council;
- Ms. Josephine A. Mwankusye – Tanzania National Roads Agency;
- Ms. Anne P. Ngondo – Tanzania Mining and Construction Workers Union;
- Mr. Joe Malongo – Contractors Registration Board;
- Dr. Yusuf Fundi – National Construction Council;
- Mr. Cornelius Kariwa – Legal Adviser, Kariwa and Advocates.

Dr. Jill Wells, construction specialist in the Sectoral Activities Department of the ILO Geneva, provided guidance throughout the research process and also edited the report.

The study was funded by the Employment Intensive Investment Branch of the International Labour Office, Geneva. It complements earlier studies of construction labour in Kathmandu (Nepal), Nairobi (Kenya) and Cape Town (South Africa). These are published separately as Working Papers Nos. 180, 188 and 204.

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Executive summary

The construction industry in the United Republic of Tanzania is one of the key sectors of the economy. It accounts for more than 50 per cent of the capital formation, 5 per cent of the gross domestic product (GDP) and 9 per cent of employment. The industry permeates through all the other sectors of the economy, thereby stimulating their growth.

The United Republic of Tanzania is a developing country with per capita income of US\$210 per annum. More than half of the population lives below the poverty line, the majority of whom earn less than a dollar in a day. In urban Tanzania, unemployment stands at over 30 per cent. Such a situation compels job seekers to work at construction sites, where wages are extremely low, hours of work long and there are significant risks to health and safety.

The International Labour Office (ILO) contracted the National Construction Council (NCC) to undertake a “baseline study” of labour practices on construction sites in the United Republic of Tanzania for the purpose of highlighting the critical issues affecting the overall welfare of construction workers. The objectives of the study are:

- (i) to develop baseline information on common employment practices in large construction projects in the United Republic of Tanzania;
- (ii) to compare the current practices with the requirements under the law and the contract.

The outcome of the research is expected to be the development of a strategy to protect the rights of workers and raise the quality of jobs in construction in the United Republic of Tanzania.

The study identified 11 large construction projects to serve as case studies. The projects studied comprise seven civil engineering works in the rural areas and four building engineering works in Dar es Salaam. The projects are ongoing countrywide and possess great socio-economic significance to the United Republic of Tanzania. All are in the public sector.

On one of the projects the government is both client and main contractor. On the ten remaining projects the main contractor is foreign. The nationalities of the main contractors are Chinese (4), Japanese (2), South African (1), Kuwaiti (1), Danish (1) and Indian (1). Tanzanian firms are working as subcontractors on several projects.

A number of key issues (labour standards) are investigated in the research including: freedom of association, discrimination, child labour, wages, hours of work, welfare, health and safety, HIV/AIDS and forms of employment. Consideration is given to the legal and regulatory framework on each of the identified issues. The standard contracts used in the projects have also been reviewed so as to capture the obligations of the contractors at construction sites. Current practices are evaluated against the legal and contractual requirements.

The findings of the research and the conclusions emerging from it are summarized below.

Forms of employment

There is a high level of casualization of labour on all of the construction sites. At least 70 per cent of workers on each site were found to be employed on a temporary or casual basis and on some sites the figure is as high as 96 per cent. All casual employees are Tanzanians. Foreign workers are mostly employed as permanent staff. The total number of workers on permanent contracts averages only 7 per cent of the workforce.

The employment of workers on a casual (daily) basis is not specifically prohibited in Tanzanian law but the social security legislation and the Employment Ordinance (Cap 366) both discourage casualization in employment relationships. Also the Bill of the new Labour Laws does not recognize casual employment contracts.

Discrimination

The workforce at the construction sites consists mostly of males. Females constitute less than 15 per cent of the total and most are working in the offices. On only one project are females doing manual work on site. No evidence was found of discrimination in the wages paid to men and women executing the same amount of work.

Child labour

No child labour was found in any of the projects.

Welfare facilities

The law in the United Republic of Tanzania requires that contractors provide the following facilities for all workers and members of their family living with them:

- an adequate supply of fresh water for drinking, washing and other purposes;
- adequate and suitable accommodation;
- catering facilities; and
- sanitary facilities (toilets, showers, changing rooms).

The temporary and casual labourers who form more than 70 per cent of the workforce are not provided with these facilities in most of the projects. Contractors provide welfare facilities mainly to permanent workers. On only three projects is the provision of welfare facilities considered to be adequate.

Health and safety

The General Conditions of Contract for the projects and Tanzanian labour laws place responsibility for the health and safety of the workers on the main contractor. The law and regulations are quite explicit on the steps that have to be taken, which include the provision of first-aid facilities, training, protective gear, transport in case of emergency, safety officers, OSH committees, insurance and compensation to injured workers.

But, on many of the projects visited the contractor has failed to provide any or all of these services. On only four projects is the standard of OSH considered acceptable. On

four other projects provision for OSH is clearly inadequate. On three further projects it is exceptionally poor.

HIV/AIDS pandemic

Neither the Tanzanian laws nor the general conditions of contract possess specific regulations on how the contractors should assist in the fight against HIV.

Consequently, with two notable exceptions contractors have not taken any initiatives to educate their workers on HIV/AIDS or to provide protective measures including condoms to the site workers. As a result, the lives of site workers and the residents of surrounding villages where projects are ongoing are put at risk. The risk of spread of HIV in project areas could be serious if strict measures are not taken.

Working duration

The law specifies a normal working week of 45 hours, after which workers are entitled to overtime pay at 1.5 times the normal hourly rate, or two times the rate on Sundays. On seven of the 11 sites visited, working hours are well in excess of 45 per week. The maximum number of hours worked per week is 84 on two projects and these are projects where no payment is made for overtime.

The law also states that workers should get two days off per week with pay and paid vacation of 28 days for those who have worked for more than 280 days per year. But on all but two projects temporary and casual workers do not receive any time off with pay.

Remuneration/wages

Tanzanian labour laws specify a minimum monthly wage which is currently set at Tsh.45,000. This is based on a working week of 45 hours, or 180 hours per month.

The wages paid by contractors to their casual workers range from Tsh.36,000 to Tsh.60,000 per month and above. But these wages are inclusive of hours worked on Saturdays and Sundays and overtime payments. On the basis of evidence provided by contractors themselves it is concluded that on seven of the 11 projects, the laws on minimum wage requirement are not being complied with.

On only three projects are contractors paying their labourers the minimum wage. These same contractors are also providing overtime payment.

Pension scheme

In most of the projects very few workers are registered with the National Social Security Fund (NSSF). Those who are registered are salaried workers on permanent or annual contracts. No casual (daily) or temporary workers are registered.

Trade unions

Tanzanian law encourages trade union membership and protects those engaged in trade union activities.

However the research has found that most of the labourers are not members of a trade union and there is no evidence of trade union activities on the vast majority of sites. Contractors generally claim to allow their workers to join trade unions and to hold union meetings on the site. But there is evidence of limitations on freedom of association on some project sites.

Monitoring and enforcement

Tanzanian laws require government bodies, notably agencies under the Ministry of Labour and Youth Development, to visit construction sites regularly and ensure that workplaces are safe and matters of employee welfare are complied with.

Most projects have been visited at some time by some government officials. But in cases where site visits were made the labourers were not informed and did not have the chance to meet with the inspectors. Inspectors held discussions with the management (contractors) without involving the labourers.

The contractors maintain that they are aware of the regulations on employment but most are not adhering to them, nor educating the workers. Workers generally are not aware of their entitlements. They look to the government to enforce the regulations and ensure that contractors fulfil their obligations. But the government has failed to do this. As a result there has been labour unrest on five sites brought about by mistreatment and intimidation of the workers by their employers.

Workers' priorities

The interviewed labourers are concerned that wages and benefits should be improved. But they also would like to see proper contractual agreements between employers and workers so that they are more aware of their entitlements. The third priority is for education on occupational safety and health and HIV/AIDS and on workers' rights.

Comparison between projects

Comparison of labour practices across the 11 projects revealed three projects with consistently high standards. On these projects most of the welfare facilities required by law are provided to all workers, there is an adequate standard of OSH, working hours are as prescribed by law and all workers are paid above the minimum wage. However, four projects were found to have exceptionally low standards, with long working hours, low pay, low standard of OSH and a poor record on workers' rights. Three of the four are operated by Chinese contractors.

Conclusions

It is concluded that the legal framework on labour practices in the construction industry is generally adequate. However, there is a serious lack of monitoring and enforcement. The government and its agencies have been weak in monitoring labour practices on construction sites and enforcing the laws and regulations designed to protect the workers. At the same time, workers are generally not aware of their rights and entitlements under the law and the contract.

Lack of monitoring and enforcement and lack of awareness on the part of the workers has allowed the contractors the freedom to choose how they wish to treat their labour force and whether or not they will abide by the legal requirements in this regard.

In the majority of projects studied, contractors have chosen to ignore the regulations governing the overall welfare of the workers at construction sites. On most of the projects, the benefits to which the workers are entitled by law are not provided by the contractors. Such a situation has led to labour unrest on some of the sites.

However there are a few sites where labour practices are of a good standard, where workers are treated well and receiving the benefits they are entitled to by law.

The great diversity in standards found in the 11 projects is an unexpected finding of the research. International contractors are competing with each other (under international competitive bidding) to win construction contracts in the United Republic of Tanzania. The fact that they practice very different standards in the treatment of their workers raises important questions about the fairness of the competition.

Three of the four sites with the lowest labour standards are operated by Chinese contractors. This suggests that the success of the Chinese contractors in winning an increasing number of tenders in the United Republic of Tanzania may, to some extent at least, be at the expense of the labour force.

Acronyms

AIDS	–	Acquired Immune Deficiency Syndrome
ATE	–	Association of Tanzania Employers
AQRB	–	Architects and Quantity Surveyors Registration Board
BOT	–	Bank of Tanzania
CF	–	Capital formation
CRB	–	Contractors Registration Board
DANIDA	–	Danish International Development Agency
ERB	–	Engineers Registration Board
GDP	–	Gross domestic product
HIV	–	Human Immuno-Deficiency Virus
ILO	–	International Labour Organization
NCC	–	National Construction Council
NHC	–	National Housing Corporation
NSSF	–	National Social Security Fund
OSH	–	Occupational safety and health
PPF	–	Parastatal Pension Fund
TAMICO	–	Tanzania Mining and Construction Workers' Union
TANROADS	–	Tanzania National Roads Agency

1. Introduction

1.1. Background

The construction industry is one of the key sectors of the economy of any country. In the United Republic of Tanzania it accounts for around 50 per cent, 5 per cent of gross domestic product (GDP) and 9 per cent of employment. Construction activity permeates through all the other sectors of the economy, thereby stimulating their growth.

The United Republic of Tanzania is a developing country with per capita income of US\$210 per annum. More than half of the population lives below the poverty line, the majority of whom earn less than a dollar in a day. In urban Tanzania, unemployment stands at over 30 per cent. Such a situation compels job seekers to work in the construction industry, which is one of the largest employers of labour. However the vast majority of workers are not represented by trade unions and hence, in a situation of considerable labour surplus, they have little bargaining power. It is widely believed that most construction workers are employed on a temporary (often daily) basis without any proper contractual agreement. Such employees do not possess any formal employment protection and may be working for wages which are below the legal minimum and inadequate to meet their daily basic requirements. The situation is further compounded by the fact that working conditions at construction sites are often dangerous and workers are vulnerable to injury or sickness which may render them unable to work.

There have been few serious attempts to study the labour practices in the construction industry in developing countries.¹ Yet detailed information on current employment practices and conditions of work is needed in order to devise strategies to promote labour standards in this vital sector, as well as to measure progress towards the achievement of this goal. The International Labour Office (ILO) therefore asked the National Construction Council of Tanzania to coordinate a “baseline study” of labour practices in construction projects.

The main part of the research consists of a series of case studies of labour practices in ongoing construction projects in the roads and buildings subsectors. Eleven projects were identified for study. They are seven civil engineering works, mostly road construction projects, located around the country and four building engineering works in the principal city, Dar es Salaam. All of the projects are in the public sector, in so far as a government ministry or agency is the client for the project. Ten of the 11 projects are implemented by international contractors, although Tanzanian firms are working as subcontractors on five of them.

¹ A notable exception is the work of the Social Aspects of Construction (SAC) project funded by the United Kingdom’s Department for International Development. See Sarah Ladbury, Andrew Cotton and Mary Jennings, *implementing labour standards in construction*, Loughborough University, UK, Water, Engineering and Development Centre, 2003. The present study draws upon the work of SAC in its attempt to assess the “gap” between policy and practice in relation to labour standards in the construction industry.

1.2. Objectives

The objectives of the study are twofold:

- (i) to develop baseline information on common employment practices in large construction projects in the United Republic of Tanzania;
- (ii) to compare the current practices with the requirements under the law and the contract.

The main issues of concern are the following:

- *Freedom of Association:* Are the workers allowed to establish or join work-based organizations? Do contractors allow construction trade unions onto the site to talk to the workers?
- *Discrimination:* Are all workers on site treated equally irrespective of race, tribe or gender? For example, if there are women working on site do they receive the same pay as men for work of equal value? Do they have the same opportunities to undertake higher paid tasks?
- *Child labour:* Are there children working on or off the site?
- *Wages:* Are wages always paid in full and on time? Are they above the legal minimum?
- *Hours of work:* What are the normal working hours? Is overtime compulsory and if so are additional wages paid?
- *Health, safety and welfare:* Are the minimum requirements as set out in the health and safety act being observed? Are all provisions for the safety, health and welfare of workers that are written into the contract being respected?
- *Casualization:* What proportion of the workforce is employed on a casual basis? Are “permanent” workers employed as casuals in order to avoid additional costs or obligations?

1.3. Research process

The following steps were needed to achieve the objectives:

- identification of ongoing civil engineering and building projects suitable for the study;
- design and preparation of questionnaires for supervisors and workers;
- collection of information on current practices from the construction sites through interviews with contractors, supervisors and workers;
- review of the legal and regulatory framework on each of the issues of the study. The areas of legislation under review include labour laws, social security regulations and occupational health and safety regulations relating to the construction industry;
- review of the construction contracts used on the 11 projects to see what rights and obligations are specified in contract clauses;
- analysis of data collected from the field and comparison with regulatory requirements

The researchers identified seven civil engineering projects to be included in the research. These projects are in the rural areas in various parts of the country. The projects and the contractors are identified below:

1. Makuyuni – Ngorongoro road: Japanese contractor, Tanzanian subcontractors
2. Chalinze – Melela road: Danish contractor, Tanzanian subcontractors
3. Songwe – Tunduma road: Chinese contractor, Tanzanian subcontractor
4. Nangurukuru – Mbwemkuru road: Chinese contractor
5. Mbwemkuru – Mingoyo road: Kuwaiti contractor, South African subcontractors
6. Somanga – Matandu road: Chinese contractor
7. Songo Songo Gas Development: Indian contractor, Tanzanian and foreign subcontractors

The following four building engineering projects, all of them in Dar es Salaam, were also included in the study:

8. National Housing office complex: Chinese contractor
9. Boko housing complex: National Housing Corporation and local funds
10. Bank of Tanzania extension: South African contractor and subcontractors
11. Primary school facilities: Japanese contractor and Tanzanian subcontractor

Most of the projects are large by Tanzanian standards, ranging from US\$10 million to US\$97 million, except for projects Nos. 9 and 11, which are US\$2.5 million and US\$0.25 million respectively.

All projects are publicly funded and commissioned by government ministries or agencies. The Ministry of Works (through TANROADS) is the client for the first six projects. The clients for the other projects are Songas Tanzania Ltd. (on behalf of the Government of the United Republic of Tanzania), the National Housing Corporation (Nos. 8 and 9), the Bank of Tanzania (No. 10) and the Ministry of Education and Culture (No. 11).

One project (No. 9) is being implemented through entirely local resources, with the National Housing Corporation as the main contractor. The main contractors on all other projects are foreign firms, although some of the projects (notably Nos. 7 and 11) have local firms as subcontractors. Further details of the 11 projects are shown in Appendix A.

Each of the 11 projects was visited by one of the research team. In addition to observing the working and living conditions at the site, interviews were conducted with representatives of the contractors, subcontractors and labourers. All interviews were conducted in secret and most of the information collected was cross-checked against information provided by other respondents on the projects under consideration.

Questionnaires were prepared for supervisors and workers so as to facilitate the standardization of data collection across the 11 projects. The data collected falls under the following headings:

Project information

The information focuses on the client, value, type of structure, duration, stage of completion and contractual obligation regarding the labour force.

Workforce

This covers the total number of employees and their status of either permanent, temporary, or casual workers employed by the main contractor and the subcontractors.

Welfare facilities

This deals with the provision of accommodation; travel to and from work, catering services, safe drinking water and sanitary facilities.

Health and safety

The issues covered under this subsection include:

- measures taken to reduce the number of accidents;
- training of workers on health and safety;
- presence of health and safety officer at site;
- provision of protective gear;
- provision of first-aid facilities;
- provision of insurance against accidents; and
- information on HIV/AIDS.

Wages

The issue of payment of minimum wages is looked into, including whether wages are paid on time and in full.

Working hours

This covers the working duration both in a day and in a week, including overtime and its payment.

Social security

The subsection focuses on whether or not site workers are registered with the National Social Security Fund (NSSF).

Trade unions

The bargaining power of workers can be fortified by the trade unions: the questions focus on the attitude of employers and workers to trade union activities and the presence of trade union members or branches at site.

Monitoring and enforcement

Monitoring and enforcement usually carried out by the government bodies is checked

After the field research was completed, the information collected from each of the 11 sites was written up as 11 separate case studies. The review of the legislation and the terms of the contract was then undertaken, focusing on the issues that had been identified in the field research. The final stage involved the comparison of findings across the 11 case studies on each of the identified issues, followed by an assessment of the “gap” between the legal requirement and the current practice.

1.4. Outline of the paper

This introduction is followed by Chapter 2 which is the backbone of the paper. It provides the detailed research findings from the 11 case studies. Chapter 3 reviews the legislation, regulations and contractual agreements (“the legal requirements”) designed to safeguard the interests of construction workers. Chapter 4 contains the analysis of findings across the 11 projects and reveals the deviations in current practice from the legal requirements relevant to construction industry activities. Chapter 5 summarizes the key findings of the research and draws out the conclusions.

The main chapters are followed by Appendices A-H which provide summary data to support the analysis in Chapter 4.

2. Field study and findings

2.1. Makuyuni – Ngorongoro Road Project

2.1.1. Project information

The Makuyuni – Ngorongoro Road Project covers 77 km. The scope of work comprises earthworks, bituminous surfacing, and drainage works – incorporating bridges, culverts and side drains. The contract value is about TSh.22 billion. The contract duration is 36 months with effect from September 2001, thus the expected date of completion was August 2004. The progress of works has reached 70 per cent.

The client for this project is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The main contractor is Konoike Construction Company (KCC) from Japan.

One supervisor and four casual labourers were interviewed. The outcome of the interview is provided in the following sections.

2.1.2. Workforce

The contractor has the following three types of employment terms:

- workers employed on permanent terms;
- workers employed on annual contracts (12 months);
- casual or temporary terms.

The project has a total workforce of 99 employees who include one male supervisor, three male permanent employees, 15 male employees on annual contracts, 80 casual or temporary employees out of whom 70 are males and ten are females.

2.1.3. Welfare facilities

The contractor indicated that he provides the following facilities to the workers:

- 20 per cent of the cost of accommodation;
- transport to and from home;
- catering services (food and drinking water);
- sanitary facilities (changing rooms, showers and toilets).

Discussions with the labourers revealed that the casual workers on site are not provided with the above facilities.

The surrounding bushes are used as toilets and changing facilities, which is hazardous to the health of the workers. Accommodation, transport, food allowances and water are provided to workers with permanent and annual contracts, but not to casual labourers.

2.1.4. Health and safety

The contractor claimed to be providing the following health and safety arrangements and facilities to the workers on site:

- protective gear (helmets, boots, uniforms, gloves, masks);
- first-aid facilities (nurse attends emergency cases);
- health and safety officer;
- workers' health and safety representative;
- health and safety committee;
- transport to nearby Medicare centre in case of severe emergency;
- training on health and safety;
- insurance;
- recording and reporting of accidents;
- compensation to injured workers;
- working height accessories (scaffolding, ladders, platforms, hoisting equipment).

Discussions with the labourers on site revealed the following:

- Protective gear that is provided to all workers comprises only helmets at no cost. Gloves, boots, uniforms, and masks are mostly provided to permanent employees and not to casual workers.
- The site has a medical assistant who takes care of the health of the employees and if need arises refers them to Seliani Hospital in Arusha.
- On OSH awareness, workers indicated that instructions on health and safety are provided through the Notice Board, and there are daily morning reminders on health and safety issues. Workers requested education on health and safety in the construction sector, and awareness raising on the benefits and services they are entitled to in cases of normal and severe injuries.
- There is no worker OSH Committee on site.

All engineers are responsible for safety at the site.

2.1.5. Remuneration

The contractor claimed that he adheres to provision of salaries and wages as per the government law and regulations. He provides the following remuneration packages:

- Engineers: Tsh.120,000- Tsh.700,000 per month.
- Technicians: Tsh.60,000-Tsh.120,000 per month.
- Foremen: Tsh.150,000 per month.

-
- Skilled labourers: Tsh.48,000-Tsh.120,000 per month.
 - Casual/unskilled workers: Tsh.40,000-Tsh.80,000 per month.
 - Machine operators (bulldozers, excavators, concrete mixers, hoisting equipment): Tsh.120,000-Tsh.350,000 per month.
 - Casual labourers: Tsh.1,500-2,500 per day equivalent to Tsh.45,000-Tsh.75,000 per month.

Discussion with one supervisor (Tanzanian national) and the labourers regarding remuneration packages revealed the following:

- Salaries are paid on time.
- At the end of contract one salary is received in lieu as gratuity, which is claimed to be on the low side
- Technicians: Tsh.1,500 – 2,500 per day (Tsh.45,000-Tsh.75,000 per month).
- Skilled workers: Tsh.1,500-3,500 per day (Tsh.45,000-105,000 per month).
- Casual/unskilled workers: Tsh.1,200 per day (Tsh.36,000 per month).
- Machine operators: Tsh.62,000 per month.
- Drivers: Tsh.60,000 p.m – Tsh.120,000 per month.

2.1.6. Working duration

On working duration, the contractor claimed the following:

- duration of normal working day – eight to ten hours;
- weekly working duration – six days;
- no days off with pay in a week;
- overtime paid at 1.5 times the normal rate;
- permanent workers receive paid vacation but not temporary workers.

The workers provided the following information:

- They claimed that daily working hours were usually 12 for six days per week.
- Workers further agreed that the overtime is paid but they need to know how the amount is calculated. Furthermore, they indicated that there is no paid leave.

2.1.7. Pension scheme and trade unions

Regarding pension scheme the contractor provided the following information:

- workers are enrolled with National Social Security Fund (NSSF);
- workers are allowed to join trade unions;
- the trade union is allowed to hold meetings on site and recruit workers.

Workers provided the following information:

- there are no casual labourers registered with pension schemes or trade unions;
- the management allows site workers to become members of trade unions but there is neither a union branch nor a trade union representative at Mto wa Mbu, the village where the project is located.

2.1.8. Monitoring and enforcement

Regarding the issues of monitoring and enforcement the contractor revealed the following:

- government bodies that have visited the site were the Ministry of Works and an official from the International Labour Office.;
- contractor is aware of government laws on employment procedures and their rights;
- there has been no labour unrest.

Labourers provided the following information on monitoring and enforcement:

- they are not aware of a government body that visited the site on labour issues;
- workers are not aware of the government regulations on employment procedures and the rights of workers;
- there has been no labour unrest at site.

2.1.9. HIV/AIDS pandemic

Regarding the HIV/AIDS pandemic, the contractor indicated the following:

- medical check-ups including HIV tests are not carried out on workers prior to and during employment;
- the status of HIV positive cases among the workers is unknown due to lack of tests;
- awareness campaign on HIV is carried out;
- education on protective measures against HIV is provided.

The workers disagreed with the contractor on the following issues:

-
- They were once (in 2002) provided with a seminar on HIV/AIDS by an official from the Ministry of Works, but the seminar was short – they need to know more about the problem.
 - No awareness campaign has been carried out.
 - Education on protective measures against HIV scourge is inadequate. The contractor has not taken any initiative to provide basic education on HIV scourge to his site workers, thus subjecting their life to great risk.

2.1.10. Additional information from interviewed workers

The workers provided the following suggestions geared towards the improvement of their life and welfare at site:

- Workers with long experience in the company should be made permanent employees rather than renewing their contracts annually without adequate terminal benefits.
- The contractor should provide one day off per week with pay.
- There should be signed contractual agreements between the employer and employees prior to employment.
- More education or training on occupational health and safety in the construction sector is needed.
- The contractor should provide health and safety facilities, and protective gear (uniforms, boots, helmets, gloves, masks).
- Provision of education on the HIV/AIDS pandemic should be mandatory to workers on site.
- The trade union is not active at the site and workers need to know more about their rights and labour laws.

2.1.11. Concluding remarks

The following conclusions can be drawn:

(a) Workforce

The workforce at the site consists of 90 per cent males and 10 per cent females. The matrix of the workforce is that 81 per cent are casual labourers, 15 per cent have annual contracts and the rest, 4 per cent, are on permanent terms.

(b) Welfare facilities

The welfare facilities including accommodation, transport to and from home, catering services (food and water) and sanitary facilities are not provided to the casual labourers.

(c) Health and safety

Not all health and safety issues are ignored by the contractor.

(d) Remuneration

It appears that workers think that their remuneration is lower than it should be and thus call for improvement.

(e) Working duration

The working duration for a normal day is between ten and 12 hours instead of eight hours as per government regulations. Workers work six days a week without a day off with pay.

(f) Pension scheme and trade unions

Not all workers are members of pension schemes and there are no trade union activities.

(g) Monitoring and enforcement

There appears to be no effective monitoring and enforcement from the government and regulatory bodies. Furthermore, workers are ignorant of their working rights.

(h) HIV/AIDS pandemic

Creation of awareness on HIV/AIDS has been inadequate.

2.2. Chalinze – Melela Road Project

2.2.1. Project information

The Chalinze – Melela Road Project is along the Tanzam Highway and covers 129 km. Construction works comprise full rehabilitation to a paved road (bituminous road) and drainage works incorporating bridges, culverts and side drains. The contract value is US\$38 million. The contract duration was 36 months effective from February 2001 and the expected date of completion was September 2004. The progress of the works was 67 per cent.

The client for the project is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The main contractor is NCC/AARSLEFF/JV-TZ, a Danish contractor. The consultant for the project is COWI Consult. In this project, four supervisors and three labourers were interviewed.

2.2.2. Workforce

The contractor has a total workforce of 737 employees (12 per cent women) who include 40 permanent workers. About 40 per cent of labourers come from neighbouring regions (Dar es Salaam, Tanga and Iringa). Some of them have worked in previous projects funded by the same donor (DANIDA). Most of the female labourers work at the camp site as office attendants, storekeepers and laboratory technicians. They also work as machine operators and flag girls.

There is no evidence of gender or sexual abuse among men and women. However, some men seem to doubt women's performance. Contractors are also not sure of the rights of women for maternity leave and other basic services.

On employment procedures, usually contractors are required to arrange with local authorities (municipal/district and village level) and agree on modalities for employment in any construction projects. The contractor pointed out that he informed the local authorities about the project and the intention to employ labourers within the area. In a few cases, advertisements about employment opportunities are placed on local notice boards. However, it was observed that during the employment process the local authorities were only involved in sensitive positions like security guards and storekeepers.

2.2.3. Welfare facilities

The contractor claimed to provide the following facilities to workers:

- transport to and from home;
- catering services including safe drinking water;
- sanitary services (separate toilets for men and women);

Discussion with labourers revealed that:

- Transport allowance is not provided to labourers. However, labourers on site camps and road sites are usually transported to the sites and back using tippers and other trucks.
- There is no specific arrangement for catering services. Some women vendors (Mama Lishe) have taken the opportunity and sell food to labourers at their own initiative. It was observed that most of the kiosks and small restaurants are not in good and healthy/tidy condition.
- Allowance for accommodation is included in the salary. However, not every employee is aware of the amount allocated. This creates some misunderstandings especially when some labourers have to be taken to a new site where they are required to rent accommodation facilities and pay from their salaries.
- Workers are not provided with drinking water at site. They have to carry drinking water from home; otherwise they have to request it from nearby villagers. This was also observed by the researcher during the field work.
- Sanitary services are available on site camps. It was however observed that the facilities are not very hygienic. There is no provision for separate facilities for men and women. The situation is even worse at the road site, quarry and crushers where there is no single sanitary facility. Discussion with the labourers revealed that they have to depend on nearby villages.

2.2.4. Health and safety

Issues of health and safety are well spelt out within the contract documents. The contractor made available a document which has detailed procedures to be followed with regard to health and safety issues.

The contractor pointed out that they provide some training on health and safety. The workers' response to this was that a few of them have been trained as first aiders. The trained workers are given first-aid kits and assist other labourers in case of accidents and emergency. However, the training is not comprehensive enough. It was observed that the first-aid kits do not have sufficient medicines.

Information from the contractor pointed out that some first-aid and medical facilities are provided by the project. The main site camp has a clinic with two trained nurses. The centre is well equipped with first-aid facilities. The trained labourers are provided with first-aid boxes to assist in emergency situations. Complicated and serious cases are referred to Aga Khan Health Centre or the Government Regional Hospital. However, discussion with the nurses and some labourers revealed the following:

- There is a need for a competent medical doctor at the clinic. This is due to increased rates of emergencies and infectious diseases.
- The trained first-aid staff do not get enough time for training. Hence, they are not very competent.
- Transport is the most dominant problem. Some victims could not be rushed to the clinics and hospital due to lack of transport.
- There is misuse of first-aid facilities.

The project provides some safety gear to labourers and workers. Facilities provided depend on type of work (mostly at crusher and quarry). Workers are provided with boots and uniforms which have to be returned upon termination of employment. Workers have complained that facilities are not sufficient and also they have to undergo a very cumbersome procedure to obtain them. It was also observed that this could be a source of transmission of infectious diseases.

Labourers pointed out that accidents occur occasionally, especially with risky assignments like machine operations and quarrying. In case of accidents and emergency, injured labourers are compensated after accomplishing all procedures. All accidents are registered by the safety engineer and other procedures for compensation follow.

Two machine operators are reported to have been involved in accidents and were compensated. However, it was observed that not every labourer is aware of the scheme. On the other hand the contractor also complained that most labourers conspire with the medical authorities in order to be compensated even for minor injuries.

Some insurance compensation is provided in case of accidents. However, most of the workers are not aware of the procedures.

2.2.5. Remuneration

The contractors claimed to follow the government regulations for minimum wage payment. For skilled labour and semi-skilled labour the salary scales vary from one field to another and also depend on type of work. The salaries are as follows:

- | | |
|-----------------------------|--------------------------------|
| – Engineers: | Tsh.160,000-300,000 per month. |
| – Technicians: | Tsh.80,000-120,000 per month. |
| – Foremen: | Tsh.150,000 per month. |
| – Skilled labourers: | Tsh.80,000-150,000 per month. |
| – Casual/unskilled workers: | Tsh.45,000 per month. |
| – Machine operators: | Tsh.110,000-350,000 per month. |

However, most labourers are not aware of what they are supposed to be paid especially when it comes to allowances, overtime and terminal benefits. They also complained about delays in payments especially for allowances, a phenomenon that creates some misunderstandings between the contractor and workers.

2.2.6. Working duration

On working duration, the contractor pointed out the following:

- duration of normal working day – eight hours;
- weekly working duration – seven days continuously for two weeks and two days off in the third week;
- overtime paid at 1.5 times the normal rate

Interview with labourers revealed that:

- workers work for ten hours a day continuously for one week and then have one day off the following week;
- workers are not aware of government circulars/regulations governing employment procedures and their working rights.

2.2.7. Pension scheme and trade unions

There are workers enrolled with NSSF but some of them are not quite sure of their benefits. Since members are not sure about the security of their NSSF deductions, the non-members are scared of joining NSSF.

A workers' union exists. However, it is not very effective. Labourers are of the opinion that TAMICO sides with the management. It was also observed that even the TAMICO branch office is housed by the site camp of the contractor.

Workers who are registered with TAMICO make contributions through salary deductions. However, they are not sure of receiving the accrued benefits.

2.2.8. Monitoring and enforcement

Government labour officials and other authorities have visited the project from time to time. But it was observed that most workers are not aware of the government employment procedures and the rights of employees. As a result, they always consider that the employer is right in employing and terminating employees the way he wishes.

Labour unrest on site has occurred twice. The unrest was agitated by the employer deducting salaries and allowances of labourers without notifying them.

2.2.9. HIV/AIDS pandemic

The contractor recognizes the fact that the spread of HIV/AIDS results in reduced productivity and increased mortality rate. The contractor is not compelled to screen workers before employment and as a result the status of HIV positive cases is not known.

Discussion with labourers revealed that they receive information on HIV/AIDS through ongoing public awareness programmes (through the media). Some of the workers admitted that they were ready to be tested if such services were available.

2.2.10. Additional information from interviewed workers

The workers had the following general comments:

- The contractor should be compelled to adhere to the contract agreement and government regulations on employment.
- Protective gear used by workers should not be returned to the project after termination of employment, so as to reduce the risk of spreading infectious diseases.
- Gender issues to be considered so that the number of women working on site could be increased.

2.2.11. Concluding remarks

The following conclusions can be drawn:

(a) Workforce

The workforce at the site consists of 88 per cent males and 12 per cent females. The matrix of the workforce shows that 95 per cent are casual labourers, and the rest are on permanent terms. The comparatively high level of women is due to the emphasis on gender mainstreaming within DANIDA-funded projects.

(b) Welfare facilities

Temporary and casual workers are not provided with welfare facilities which include transport to and from home, catering services (food and drinking water), accommodation and sanitary facilities (toilets, showers and changing rooms).

(c) Health and safety

Health and safety issues are well spelt out in the contract documents, but they are not adequately provided to all workers.

(d) Remuneration

Labourers are not aware of their remuneration packages. They accept what they are paid.

(e) Working duration

Workers are not informed of the government circulars/regulations governing their employment rights. They work ten hours a day for a week and have one day off in the subsequent week.

(f) Pension scheme and trade unions

Some of the workers are registered with NSSF and TAMICO. They are not sure of the benefits of their deductions. This deters non-members from joining the schemes.

(g) Monitoring and enforcement

Government officials have visited the site. However, they have not educated the workers on their employment rights.

(h) HIV/AIDS pandemic

The contractor has neither educated the workers on HIV/AIDS pandemic nor has he provided protective gear including condoms.

2.3. Songwe – Tunduma Road Project

2.3.1. Project information

The Songwe-Tunduma Road Project covers 70.1 km. Construction work comprises full rehabilitation of paved road and drainage structures. Contract duration is 728 calendar days effective from February 2002, and the expected date of completion was February 2004. The progress of the works was about 41 per cent.

The client of the project is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The contract value is Tsh.10,193,291,383. The main contractor for the project is China Road and Bridge Corporation, from China. The subcontractor is Wesons Tanzania Limited, a Tanzanian contracting firm. The consultant for the project is NOR-CONSULT.

In this project, three supervisors and four labourers were interviewed. The outcome of the interviews and discussions is provided in the following subsections.

2.3.2. Workforce

The contractor had employed about 1,002 workers. However, the figure keeps on changing because there is a very high rate of turnover, especially for casual labourers. About 20 per cent of the workforce was permanent employees. It was observed that women labourers account for about 3 per cent, who were mostly found at the site camp as office attendants and secretaries and laboratory technicians. Records indicate that only one female labourer was employed on the site and she had already been terminated. Furthermore, there was no evidence of gender/sexual abuse among men and women. However, some men seemed to doubt the performance of women. Most of the labourers came from Mbeya Region.

Discussion with labourers revealed that about 40 per cent of the workers come from other regions including Dar es Salaam, Iringa and that some of the workers had previously worked with the contractor for projects funded by NORAD.

The employment procedures require the contractors to arrange with local authorities and agree on the modalities for employment in construction projects. The contractor informed the local authorities about his projects and the intention to employ labourers within the area. However, during the employment process the local authorities were only involved in sensitive positions like security guards and storekeepers.

2.3.3. Welfare facilities

The contractor indicated that his company provides the following services:

- cost of accommodation (included in the salary);
- transport to and from home;
- catering services;
- sanitary services;
- drinking water.

Discussions with employees revealed the following:

- Labourers are transported by tippers and trucks from the site camp and road sites to construction sites.
- There is no arrangement for catering services. Food is sold by women vendors (Mama Lishe) to the labourers. It was observed that most of the kiosks and small restaurants are not in good and healthy/tidy condition.
- Allowance for accommodation is included in the salary. However, most of the employees are unaware of the amount allocated. This creates a lot of misunderstandings between the labourers and the contractor.
- Drinking water is not provided at site. Labourers carry drinking water from home. Otherwise they have to request it from nearby villagers.
- Sanitary services are available at the site camp. It was however observed that the facilities are not very hygienic. There is no provision for separate facilities for men and women. The situation is even worse at the road site, quarry and crusher sites where the sanitary facilities are non-existent. Labourers depend on nearby villages.

2.3.4. Health and safety

The contractor pointed out that they follow the required labour standards. Awareness creation/training has been done on emergency cases. After the training some labourers were given first-aids kits at the site camp. The project greatly depends on the District Hospital to deal with emergency cases.

The contractor provides safety gear to labourers and workers. Facilities provided depend on the type of work (mostly at crusher and quarry). Workers are provided with boots and uniforms which have to be returned upon employment termination.

Labourers pointed out the following shortfalls:

- The training for first-aid personnel is inadequate. Hence, they are not competent.
- Transport is the most dominant problem. Some of the injured victims could not be rushed to the clinics and hospitals due to lack of transport.
- There are cases of misuse of first-aid facilities.
- Safety-related facilities are not sufficient.

The supervisors and labourers further pointed out that accidents occur, especially with risky assignments like machine operating and quarrying. In case of accidents and emergencies, injured labourers are compensated after accomplishing all procedural arrangements. However, it was observed that most labourers are not aware of the arrangements.

Insurance compensation is provided in case of accidents, but workers are not aware of the benefit and the accompanying procedural arrangements.

Issues of health and safety were not evident within the project documents. The project does not have a specific training programme on matters of health and safety.

2.3.5. Remuneration

The contractor claimed to be providing the following remuneration packages to his employees:

- Engineers: Tsh.150,000-300,000 per month.
- Technicians: Tsh.120,000-200,000 per month.
- Foremen: Tsh.150,000 per month.
- Skilled labourers: Tsh.75,000 per month.
- Casual/unskilled labourers: Tsh.45,000 per month.
- Machine operators: Tsh.150,000-200,000 per month.

He also pointed out that they follow government schemes and regulations. However, during the discussion it was observed that the contractor is not very conversant with the key government regulations.

Discussion with labourers revealed that for skilled labour and semi-skilled labour the salary scales vary from one field to another and depend on the type and nature of work. Most labourers are also not quite sure of what they are supposed to be paid, especially when it comes to allowances, overtime and terminal benefits. This has created misunderstandings between the contractor and labourers. Thus, on a number of occasions labourers have gone on strike.

The workers are unaware of the existence of government circulars/regulations governing employment procedures and their working rights.

2.3.6. Working duration

On working duration, the contractor indicated that:

- The duration of a normal working day was between eight and ten hours.
- The weekly working duration was six days.
- Workers receive one day off with pay a week.
- Overtime is paid at 1.5 times the normal rate.
- Permanent workers receive annual paid vacation.

Interview with labourers, revealed the following:

- Labourers are not quite sure of the amount of their salaries and overtime allowances.
- Workers do not get any paid days off in a week.

2.3.7. Pension scheme and trade unions

The contractor pointed out that:

- Workers are enrolled with the National Social Security Fund (NSSF) and the Parastatal Pension Fund (PPF).
- Workers are allowed to join a trade union.

Discussion with labourers revealed that:

- Workers are not interested in pension schemes since they are not sure of ultimately receiving the benefits accruing from their deductions.
- Some workers are ready to join a trade union but the contractor does not permit them.
- A workers' association exists but it is not strong enough to carry out its obligations.

2.3.8. Monitoring and enforcement

Government labour officials and other authorities have visited the site from time to time. But it was generally observed that most workers are not aware of the government employment procedures and rights of employees. Workers consider that the employer is always right, and has the power to employ and terminate their employment as he wishes.

Labour unrest on site has occurred twice. This was instigated by the employer deducting salaries and allowances without prior notice.

2.3.9. HIV/AIDS pandemic

The contractor pointed out that he recognizes the adverse effects of HIV/AIDS, especially reduced productivity and increased mortality. The contractor admitted that he was under pressure and thus had no time to devote to the HIV/AIDS pandemic.

Workers admitted that they got information about HIV/AIDS through ongoing public awareness programmes (through the media). They also indicated that the contractor has not taken any initiative to educate the workers on the HIV/AIDS pandemic nor provide them with protective gear including condoms. The contractor is not compelled to screen the workers before employment and as a result the status of HIV positive cases is not known. Some workers, however, admitted that they were ready to be tested if services were made available. This could have been a very good opportunity in complementing the national campaign on HIV awareness.

2.3.10. Additional information from interviewed workers

Workers provided the following general suggestions:

- TAMICO should establish a branch to make sure that workers' rights are safeguarded.

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- The contractor should be reminded to abide by the rules and regulations governing employment and refrain from harassing workers.
 - Government authorities should make frequent visits to the project site.

2.3.11. Concluding remarks

The following conclusions can be drawn:

(a) Workforce

The workforce at the site consists of 97 per cent males and 3 per cent females. The matrix of the workforce shows that 50 per cent are casual labourers, while the rest are permanent.

(b) Welfare facilities

Labourers are not provided with welfare facilities which include transport to and from home, accommodation, food and safe drinking water, and sanitary facilities (toilets, showers and changing rooms).

(c) Health and safety

Health and safety issues are not fully dealt with by the contractor. Workers are not provided with protective gear, transport in cases of emergency, or training.

(d) Remuneration

Labourers have not been clearly informed about their remuneration packages. Therefore, they accept what they are paid.

(e) Working duration

The weekly working duration is seven days and there is no day off with pay. Normal working day spans between eight to ten hours. Labourers are not informed of the working duration.

(f) Pension scheme and trade unions

Labourers are not interested in joining a pension scheme owing to the fact they are unaware of the benefits. Workers are interested in joining a trade union but the contractor would not allow it.

(g) Monitoring and enforcement

Government officials have visited the site. However, they did not educate the labourers on their employment rights. There have been two cases of labour unrest brought about by the misconduct of the contractor.

(h) HIV/AIDS pandemic

The contractor has not taken any steps to safeguard the health of his labourers against HIV/AIDS.

2.4. Nangurukuru – Mbwemkuru Road Project

2.4.1. Project Information

The Nangurukuru – Mbwemkuru Road Project covers 95 km. Construction works consist of a paved road (bituminous road) and drainage works incorporating two bridges, culverts and side drains. The client is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The contract value is US\$39 million. The contract duration is 32 months effective February 2003, and the expected date of completion is October 2005.

The contractor was still mobilizing construction equipment and plant. He had managed to deploy about 50 per cent of the construction machines required for the project. The progress of the works was below 5 per cent.

The main contractor is China Chongqin International Construction Corporation from China. The contract is being executed through “Design and Build” arrangement, whereby the preparation of the engineering drawings and the construction works is carried out by the contractor. The client – Ministry of Works – has engaged Co-Architecture of Tanzania and BKS PTY of South Africa as engineering consultants to prepare the engineering estimates for the project and to play the role of supervising consultants.

In this project, two supervisors and three casual labourers were interviewed. The outcome of the interview is provided below.

2.4.2. Workforce

The workforce will rise in accordance with the increased deployment of plant and machinery. Currently, the contractor has a total workforce of 50 Chinese employees amongst whom 20 are permanent workers (16 men and four women) and 30 Tanzanian workers who comprise technicians and casual labourers.

2.4.3. Welfare facilities

The contractor indicated that he provides the following facilities to the workers:

- 20 per cent of the cost of accommodation;
- transport to and from home;
- catering services (food and safe drinking water);
- sanitary facilities (changing rooms, showers and toilets).

Interviews with the labourers revealed that the workers on site are not provided with any of the above welfare facilities. Workers have to pay for their welfare facilities. One casual labourer lamented that he has to walk 8 km to and from home. The surrounding bushes are used as toilets and changing facilities. This could be devastating to the safety of the workers.

2.4.4. Health and safety

The contractor claimed to be providing the following health and safety facilities to the workers at site:

- protective gear (helmets, boots, uniforms, gloves, masks);
- first-aid facilities (nurse to attend emergency cases);
- transport to a nearby medical centre in case of severe emergency;
- training on health and safety;
- health and safety officer;
- workers' health and safety representative;
- health and safety committee;
- insurance;
- recording and reporting of accidents;
- compensation to injured workers;
- working height accessories (scaffolding, ladders, platforms, hoisting equipment).

Interviews with the labourers on site revealed that for the protective gear only helmets and gloves are provided by the contractor at no cost. Workers are not provided with boots, uniforms and masks. The site visit confirmed workers engaged in road construction without protective gear (boots, uniforms, masks, gloves and helmets). Workers at the quarry had only helmets and gloves. So far no accident has occurred on the site. Workers are not informed about the benefits and services they are entitled to in case of minor or severe injuries.

2.4.5. Remuneration

The contractor claimed to be providing the following remuneration packages:

- Engineers: Tsh.150,000-Tsh.500,000 per month.
- Technicians: Tsh.80,000-Tsh.120,000 per month.
- Foremen: Tsh.150,000 per month.
- Skilled labourers: Tsh.80,000-Tsh.150,000.
- Casual/unskilled workers: Tsh.40,000-Tsh.80,000 per month.
- Machine operators (bulldozers, excavators, concrete mixers, hoisting equipment): Tsh.120,000-Tsh.350,000 per month.

The contractor further indicated that they adhere to provision of salaries and wages as per government circulars and regulations

Interviews with the supervisor (Tanzanian national) and the labourers revealed the following remuneration packages:

- Technicians: Tsh.1,400 per day (Tsh.42,000 per month).
- Skilled workers: Tsh.1,200 per day (Tsh.36,000 per month).
- Casual/unskilled workers: Tsh.1,200 per day (Tsh.36,000 per month).
- Machine operators: Tsh.62,000 per month.
- Drivers: Tsh.1,500 per day (Tsh.45,000 per month).

Furthermore, it was indicated that payment of salaries was delayed for periods of five to seven days.

Comparison of the remuneration package claimed to be provided by the contractor and the actual package received by the workers on site reveals that the contractor pays only 50 per cent of what he claims. The workers are paid for days worked. They do not get days off with pay.

2.4.6. Working duration

On working duration, the contractor indicated the following:

- The duration of the normal working day is eight to ten hours.
- The weekly working duration is six days.
- Workers have one day off a week with pay.
- Overtime is paid at 1.5 times the normal rate.
- Permanent workers receive paid leave, but not temporary workers.

Contrary to what the contractor claimed, interviews with the labourers revealed the following:

- The duration of a normal working day is ten to 12 hours.
- The weekly working duration is seven days.
- There is no day off with pay.
- There is normally no payment for overtime and if paid, the rate is Tsh.100 per hour.
- There is no paid annual leave.

2.4.7. Pension scheme and trade unions

Regarding pension scheme the contractor provided the following information:

- Workers are enrolled with the National Social Security Fund (NSSF) and Parastatal Pension Fund (PPF).
- Workers are allowed to join trade unions.

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- The trade union is allowed to hold meetings on site and recruit workers.

Workers provided the following information:

- There are no labourers registered with either pension schemes or trade unions.
- There is no work-based organization at site.
- The contractor does not allow site workers to become members of trade unions.

Contractors and labourers have provided contradicting information on this issue.

There is no trade union branch at the site, despite the fact that workers are allowed to join it. The contractor has not facilitated the establishment of a trade union.

2.4.8. Monitoring and enforcement

An interview with the contractor regarding the issues of monitoring and enforcement revealed the following:

- Government bodies that have visited the site were from the Lindi regional and district labour offices.
- The contractor is aware of government laws on employment procedures and the rights of employees.
- There has been no labour unrest.

Labourers provided the following information:

- No government body has visited the site.
- Workers are not aware of government regulations on employment procedures and workers' rights.
- There has been no labour unrest at site.

2.4.9. HIV/AIDS pandemic

Regarding the HIV/AIDS pandemic, the contractor indicated the following:

- Medical check-ups, including HIV tests, are not carried out prior to or during employment.
- The status of HIV positive cases among the workers is unknown due to lack of tests.
- Awareness campaign on HIV is carried out.
- Education on protective measures against HIV is provided.

The workers disagreed with the contractor on the following issues:

- No awareness campaign has been carried out on the HIV/AIDS pandemic.
- Education on protective measures against HIV is not provided.

2.4.10. Additional information from interviewed field workers

The workers provided the following suggestions geared towards improvement of their welfare:

- Wages should be improved to adhere to government circulars.
- The contractor should provide one day off with pay.
- There should be signed contractual agreements between the employer and employees prior to employment.
- Contractors should provide health and safety facilities and protective gear (uniforms, boots, helmets, gloves, masks).
- Provision of education on HIV/AIDS to workers on sites should be mandatory.

2.4.11. Concluding remarks

(a) Workforce

The workforce at the site consists of males only: 81 per cent are casual labourers, 15 per cent have annual contracts and the rest (4 per cent) are on permanent terms.

(b) Welfare facilities

Welfare facilities including accommodation, transport to and from home, catering services (food and water) and sanitary facilities are not provided to the casual labourers

(c) Health and safety

Health and safety issues are not adequately dealt with by the contractor.

(d) Remuneration

The remuneration package ranges from Tsh.36,000 for unskilled workers to Tsh.62,000 for machine operators per month. Wages paid to workers are far below the minimum government prescribed wages. Payment of monthly wages is sometimes delayed for a period of between five and seven days.

(e) Working duration

The working duration for a normal day is between ten and twelve hours rather than eight hours as per the government regulations. Workers work seven days a week without a day off with pay. Overtime is rarely paid, but if it is, the rate is Tsh.100 per hour. Likewise, paid vacation is not provided.

(f) Pension scheme and trade unions

Trade unions are non-existent.

(g) Monitoring and enforcement

There appears to be inadequate monitoring and enforcement by government bodies. Workers are ignorant of their working rights. Such a phenomenon can create an environment for workers to be intimidated by the employer.

(h) HIV/AIDS pandemic

There is contradiction between the information provided by the contractors and that by workers regarding awareness raising on HIV/AIDS. While the contractor claimed to provide such information, employees disagreed with him.

2.5. Mbwenkuru – Mingoyo Road Project

2.5.1. Project information

The Mbwenkuru – Mingoyo Road Project covers 95 km. Construction works consist of paved (bituminous) road, bridges, culverts and side drains. The client is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The contract value is US\$51.5 million. The project duration is 32 months effective from February 2003 to October 2005.

The main contractor was still mobilizing construction equipment and plant. He had managed to deploy about 70 per cent of the required construction equipment. The progress of the works was below 10 per cent.

The main contractor for the project is M.A. Kharafi and Sons from Kuwait, while the subcontractor is Franki International from South Africa. The subcontractor has been engaged to design and construct bridges, which involve pile construction on the substructure portion of the bridges. The main contractor has also engaged an association of two consulting firms – Kwezi V3 Engineers from South Africa and Lomo Consult Limited (a local firm) to design the roadworks. The contract is being carried out through “Design and Build” arrangements. The client has engaged a team of consultants comprising Ambicon Engineering Limited (a local firm) and Tecult International Limited from Canada for the supervision of the project.

In this project two supervisors and two labourers were interviewed. The outcome of the interviews is provided below.

2.5.2. Workforce

By the date the site was visited the workforce was 227 people consisting of 200 for the main contractor of whom 20 were females. The subcontractor had 27 male employees. Out of the total workforce of 227 workers, only 62 were permanent workers.

2.5.3. Welfare facilities

The main contractor indicated that they provided housing allowance to all permanent staff who are not residents of Lindi Region – the project location. Temporary workers are not provided with accommodation irrespective of the location of their places of domicile and the project. The other facilities provided are catering services (food and safe drinking water), sanitary services (changing rooms, showers, toilets), and transport to and from home.

Discussion with the labourers on site revealed that they are provided with the following facilities:

- accommodation;
- transport to and from home;
- catering services (food and safe drinking water) – each labourer is paid a meal allowance of Tsh.11,000 per day;
- sanitary facilities (including toilets). However, showers and changing rooms are not provided.

2.5.4. Health and safety

The contractor and subcontractor indicated that they provide the following health and safety facilities and arrangements to the workers on site:

- protective gear (helmets, boots, uniforms, gloves and masks);
- first-aid facilities (nurse to attend emergency cases);
- transport to nearby medical centre in case of severe injury;
- training on health and safety – continuous;
- health and safety officer;
- health and safety representative;
- health and safety committee – meetings are held weekly for all workers;
- insurance;
- compensation to injured workers;
- working height accessories (scaffolding, ladders, platforms, hoisting equipment).

Discussions with the labourers on site confirmed that all the facilities mentioned above are provided by both the main and subcontractors. The highest levels of health and safety standards are adhered to by the contractors.

2.5.5. Remuneration

The contractor indicated that they provided the following remuneration package for different categories of workers:

- Engineers: Tsh.250,000-Tsh.900,000 per month.
- Technicians: Tsh.200,000-Tsh.450,000 per month.
- Foremen: Tsh.200,000-Tsh.350,000 per month.
- Skilled labourers: Tsh.100,000-Tsh.250,000 per month.
- Casual/unskilled workers: Tsh.50,000-Tsh.130,000 per month.

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- Machine operators (bulldozers, excavators, concrete mixers, hoisting equipment): Tsh.200,000 per month.
 - Drivers: Tsh.200,000 per month.
 - Provision of terminal benefits at the end of contract.

Discussions with the workers on site confirmed the contractor's assertion. The general observation on remuneration package indicates that both the contractor and subcontractor are adhering to the government regulations on remuneration package for their employees at site.

2.5.6. Working duration

The contractor and subcontractor provided the following information on working duration:

- The normal working duration in a day was nine and a half hours including one hour break for lunch.
- Working days in a week were six days.
- One day off with pay for monthly workers only – daily workers are not provided.
- Overtime paid at 1.5 times per hourly payment.
- Permanent workers are provided 28 days paid leave annually.

Interviews with the labourers revealed that the information provided by the contractor and subcontractor on the working duration is valid and true to the best of their knowledge. One of the labourers testified that his contract specifies provision of an annual vacation of 21 days with pay and furthermore he receives two days off a week with pay.

2.5.7. Pension scheme and trade unions

The following information was provided by the contractor and subcontractor regarding pension scheme and trade unions:

- Workers are enrolled with the National Social Security Fund (NSSF) and the Parastatal Pension Fund (PPF).
- Workers are allowed to join trade unions.
- Trade unions are permitted to hold meetings on site and recruit workers.

Interviews with the labourers confirmed the authenticity of the information provided by the contractor and subcontractor. However, the site possessed no branch of any trade union, despite the fact that the workers are interested in becoming members.

2.5.8. Monitoring and enforcement

On monitoring and enforcement the contractor and subcontractor provided the following information:

- The Lindi District Labour Officials once visited the site.
- The contractors are aware of the government laws on employment procedures and therefore implement them during employment.
- So far there has not been any labour unrest.

Discussion with the labourers revealed the following:

- The Contractors Registration Board (CRB) has once visited the site. It seems the labourers were not clearly informed who visited the site, as it is the labour officials who visited the site.
- Labourers are aware of the government laws on employment procedures and rights. This information was provided to them by the employer prior to employment.
- There has not been any labour unrest.

2.5.9. HIV/AIDS pandemic

The contractors provided the following information on HIV/AIDS:

- Medical check-ups are not carried out prior to and during employment. Hence, the status of HIV positive cases is unknown.
- Awareness campaign on HIV/AIDS is carried out regularly.
- Education on protective measures against HIV is provided, while protective gear is expected to be provided later.

The workers on site testified that the information provided by the contractors regarding the HIV pandemic is valid.

Generally, it seems the contractors have not taken effective measures to protect their workers and the surrounding villagers against HIV. Lack of medical check-ups and non-provision of protective gear could be devastating to the health of the workers and the surrounding villages along the project site.

2.5.10. Additional information from interviewed field workers

The workers are requesting government authorities to ensure the following:

- formation of workers' associations for the benefit of workers;
- provision of education to workers regarding their employment rights.

2.5.11. Concluding remarks

(a) Workforce

The workforce at the site consists of 91 per cent males and 9 per cent females; 73 per cent are casual or temporary workers, and the rest are permanent.

(b) Welfare facilities

Showers and changing rooms are not provided to workers on site.

(c) Health and safety

The contractors provide their workers with all the necessary health and safety facilities.

(d) Remuneration

Daily workers (casual labourers) are not provided with days off with pay. However there are no complaints on remuneration packages and it seems the contractors adhere to government regulations.

(e) Working duration

The weekly working duration is six days. Workers work nine-and-a-half hours a day including overtime which is paid at 1.5 times the hourly rate. Casual labourers are not provided with a weekly day off with pay, while temporary and permanent workers enjoy this privilege.

(f) Pension scheme and trade unions

The site possesses no trade union branch.

Workers lack the relevant education regarding their employment rights.

(g) Monitoring and enforcement

The Lindi District Labour officials once visited the site. However, the workers were not informed of such a visit. Labourers have been informed by the contractor about government laws on employment procedures and their rights.

(h) HIV/AIDS pandemic

The workers are provided with education on protective measures while protective gear against HIV/AIDS is to be provided later.

2.6. Somanga – Matandu Road Project

2.6.1. Project information

The Somanga – Matandu Road Project covers 33 km. Construction works consist of paved (bituminous) road, bridges, culverts and side drains. The client is the Ministry of Works on behalf of the Government of the United Republic of Tanzania. The contract sum is US\$12.3 million, with contract duration of 30 months effective from July 2002 to December 2004. The contractor for the project is China Geo Engineering Corporation from

China. The progress of the construction of bridges and culverts was 90 per cent, while road works had reached 40 per cent.

The contract is being carried out through “Design and Build” contract arrangements. The client has engaged Parkman Limited – an engineering consulting firm from the United Kingdom – to be the supervising engineers for the project.

In this project one supervisor and two labourers were interviewed. The outcome of the interviews is given below.

2.6.2. Workforce

The total number of workers is 268, of whom only one is a female working at site. There are 18 permanent workers, all male Chinese.

2.6.3. Welfare facilities

On welfare facilities, the contractor indicated the following:

- House allowance of Tsh.5,000 per person per month is paid.
- Transport to and from home is provided.
- Food is sometimes provided.
- Drinking water is not provided.
- Toilets and showers are provided – but mixed, not separate for men and women. Changing rooms are non-existent. However, the facilities are not adequate.

From the above information it is evident that the contractor has failed to provide the essential welfare facilities including food and safe drinking water which are prerequisites for the health and performance of site workers who generally work long hours.

Discussion with the labourers revealed that they are not provided with the following welfare facilities:

- transport to and from home;
- catering service (food and safe drinking water);
- sanitary facilities (toilets, showers, changing rooms).

2.6.4. Health and safety

Regarding health and safety for the workers, the contractor provided the following information:

- Protective gear (helmets, boots, uniforms, gloves, masks) are provided free of charge but not to all workers.
- First-aid facilities are provided (a doctor and nurse attend emergency cases).
- Transport to nearby medical centre in case of severe emergency is provided.

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- Training on health and safety was once carried out by a doctor from the Lindi Municipality.
 - A health and safety officer is available.
 - There are health and safety workers’ representatives.
 - Health and safety committees have not been created.
 - Insurance is provided to the workers.
 - Provision of compensation to injured workers is still being discussed by the management of the contractor. Currently, this facility is not provided to temporary workers and labourers.
 - Working height accessories (scaffolding, ladders, platforms, hoisting equipment) are provided.

Discussion with the labourers revealed that the contractor does not provide the following health and safety facilities:

- protective gear (helmets, boots, uniforms, gloves, masks);
- transport to nearby Medicare centre in case of emergency;
- training on health and safety;
- insurance;
- compensation to injured workers.

Furthermore, there is neither a health and safety officer nor a workers’ health and safety representative.

Inspection at the construction site where road works and bridge construction were being carried out revealed that the workers were carrying out the work without protective gear (helmets, uniforms, boots, gloves, masks). They were dressed in their own clothes, some in shoes and others had sandals on their feet. This scenario provided a clear indication that the contractor is not complying with the health and safety procedures. This could be detrimental to the health and safety of the site workers. One of the interviewed labourers reported that he was once involved in an accident with injuries to the shoulder, but no treatment was provided either on site or off site. He had to pay for his treatment.

2.6.5. Remuneration

The contractor provided the following information on remuneration packages for different types of workers on site:

- | | |
|--|---|
| – Foremen: | Tsh.60,000-Tsh.120,000 per month. |
| – Skilled labourers: | Tsh.1,700-Tsh.2,000 per day
(Tsh.51,000-50,000 per month). |
| – Machine operators (bulldozers, excavators, concrete makers, hoisting equipment): | Tsh.1,800-Tsh.2,000 per day
(Tsh.54,000-60,000 per month). |

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- Drivers: Tsh.1,700-Tsh.2,000 per day
(Tsh.51,000-60,000 per month).

All engineers are Chinese nationals. The interviewed supervisor (Chinese national) was reluctant to provide information on the remuneration package for engineers.

Furthermore, the contractor indicated that he pays salaries and wages as per the government regulations. However, there are no terminal benefits for workers at the end of the contract.

Discussion with the workers provided the following information on remuneration:

- Technicians: Tsh.1,600 per day or Tsh.40,000 per month.
- Casual labourers: Tsh.1,200 per day or Tsh.36,000 per month.
- The employer (contractor) does not adhere to payment of salaries as per government regulations.
- There are no terminal benefits at the end of the contract.
- Salaries are delayed for a duration of three to five days.

2.6.6. Working duration

The contractor provided the following information on working duration:

- The working duration for a normal day is eight hours.
- The weekly working duration is seven days.
- Workers receive a day off with pay on request.
- Overtime is paid at the normal hourly rate.
- Leave with pay is given on request.

Interview with the labourers revealed the following:

- Working hours in a normal day are 12 hours.
- The weekly working duration is seven days.
- There is no day off with pay.
- There is no payment for overtime. If a worker requests overtime payment, he is dismissed.
- Paid leave is not provided.

It appears that the contractor does not adhere to government regulations on working duration. Workers labour for over eight hours a day without paid overtime and are threatened with dismissal if they demand payment for overtime, one of the labourers lamented.

2.6.7. Pension scheme and trade unions

The contractor provided the following information on pension scheme and trade unions:

- There are workers enrolled with the National Social Security Fund.
- There is no workers' association at site.
- Workers are allowed to join trade unions.
- Trade unions are permitted to hold meetings on site and recruit workers.

The workers provided the following information on pension scheme and trade unions:

- There are no workers registered with the NSSF owing to the fact that NSSF recruits workers with monthly salaries exceeding Tsh.50,000. Workers at the site receive less than Tsh.50,000 per month.
- There are no workers' project-based associations.
- There are no trade unions on site, but most of the workers would like to join a trade union.
- The management on site will allow workers to be members of a trade union.

2.6.8. Monitoring and enforcement

On monitoring and enforcement, the employer provided the following information:

- No government body has visited the site to observe the implementation of by-laws and regulations on wages, health and safety.
- The contractor is aware of the government laws on employment procedures and rights of workers.
- There has been one incidence of labour unrest, due to demands for a pay rise. The unrest was resolved by raising the wages of workers.

Discussion with the workers revealed the following:

- There is no government body that has visited the site.
- Some of workers are aware of the laws governing employment and the rights of employees, while others are not.
- There has been one incidence of labour unrest due to demands for a pay rise. Wages were increased slightly.
- There was a small fight between a labourer (Tanzanian) and foreman (Chinese). The case has been reported to the police.

One of the labourers further indicated that, the Chinese foreman who was involved in the wrangle with the labourers had the habit of harassing, intimidating and sometimes physically assaulting the labourers. Labourers were scared of providing detailed information to the interviewer regarding the misconduct of the Chinese foreman, lest they

be dismissed by the employer. This incident gives some clue as to how the labourers are maltreated by their supervisors, and they fear to report such incidents to the authorities, since it may cost them their employment.

2.6.9. HIV/AIDS pandemic

Regarding the HIV/AIDS pandemic, the contractor provided the following information:

- Medical check-ups are not carried out prior to and during employment. Thus, the status of HIV positive cases is unknown.
- Awareness campaign on HIV/AIDS is not carried out.
- Education on protective measures against HIV is not carried. However, protective gear including condoms is provided to workers.

Discussions with the workers confirmed most of contractor's assertions. However, they denied that they are provided with condoms.

From the two discussions, it can be concluded that the contractor has not taken any measures to educate the workers about HIV/AIDS.

2.6.10. Additional information from the interviewed workers

The workers requested the government to ensure that:

- Employers adhere to labour laws and regulations on employment for construction workers so that wages are improved.
- Contractual agreement is signed between employer and employee prior to employment.
- Site workers are not harassed and intimidated by their employers.
- Protective gear is provided to construction workers on site.

2.6.11. Concluding remarks

(a) Workforce

The workforce at the site consists of 99.6 per cent males and 0.4 per cent females (one female); 93 per cent are casual or temporary workers and the rest are permanent.

(b) Welfare facilities

The contractor does not provide essential welfare facilities to the workers.

(c) Health and safety

The contractor does not adhere to all the health and safety regulations.

(d) Remuneration

The remuneration package for casual labourers is below Tsh.50,000 per month, as a result they are not eligible for registration with NSSF. There are delays in paying salaries.

(e) Working duration

Workers work for more than eight hours a day without payment for overtime. Weekly working duration is seven days and no leave is given. Workers do not have written contractual agreements with their employer.

(f) Pension scheme and trade unions

Workers are neither registered with pension schemes nor are they members of trade unions. The labour unrest on site was caused by low pay, mistreatment and harassment by their employer.

(g) Monitoring and enforcement

There is no government body that has visited the site to ensure that employment rights of workers are respected.

(h) HIV/AIDS pandemic

Awareness campaign on HIV/AIDS has not been carried out.

2.7 Songo Songo Gas Development Project

2.7.1. Project information

The Songo Songo Gas Development Project consists of the construction of a gas pipeline of 217 km from Songo Songo Island on the Indian Ocean to Dar es Salaam City, two off shore gas rigs, two gas rigs on the island, a gas processing plant, and infrastructure facilities that include roads and water supply network on the island. The construction of the gas pipeline has been completed. The remaining works are progressing well and it is anticipated that natural gas (methane) will start flowing to Dar es Salaam by May 2004.

The contract value for the construction of the gas processing plant and the infrastructure facilities on the island is US\$7.6 million. The contract duration is 20 months effective from October 2002 to May 2004.

The client for the project is Songas Tanzania Limited on behalf of the Government of the United Republic of Tanzania. The main contractor for the project is Larsen and Toubro from India. The actual construction works have been contracted to four subcontractors, namely: D.B. Shapriya (Tanzanian), Taningra Contractors Limited (Tanzanian), Central Electricals (Tanzanian) and NOREMCO (from Norway). The consultant for the project is John Brown Technologies Limited from India.

At the site of the construction of the gas processing plant, four supervisors and five labourers were interviewed. The outcome of the interview is given below.

2.7.2. Workforce

The main contractor has a workforce of 22 workers who are males. These workers are Indian nationals and are permanent employees. They are engaged in the supervision of the

subcontractors. Owing to reduced amount of work, they sometimes seek employment from the subcontractors with pay. The total workforce on site is 382 workers including four women.

2.7.3. Welfare facilities

The contractor and subcontractors indicated that they provide the following welfare facilities to workers:

- Accommodation – skilled workers who are non-residents of Songo Songo Island are provided with accommodation while unskilled workers are not provided.
- Transport to and from home.
- Catering services including food and safe drinking water.
- Sanitary facilities including changing rooms, showers and toilets.

Discussion with the supervisors and labourers of the subcontractors confirmed most of the contractors' assertion. Labourers, however, indicated that there were no changing rooms. Furthermore, there are no separate showers and toilets for males and females.

2.7.4. Health and safety

The contractor and subcontractors indicated that they provide the following health and safety arrangements and facilities to their workers:

- protective gear (helmets, boots, uniforms, gloves);
- first-aid facilities (doctor on site to attend emergency cases);
- transport to nearby medicare centre in case of emergency;
- training on health and safety;
- health and safety officer;
- insurance;
- recording and reporting all accidents to the client (Songas Tanzania Limited);
- working height accessories (scaffolding, ladders, platforms, hoisting equipment);
- workers' health and safety representatives;
- health and safety committee;
- compensation to injured workers.

Discussion with the labourers revealed that the following facilities are not provided:

- insurance;
- compensation to injured workers.

One of the interviewed labourers (steel fixer) working with D.B. Shapriya, explained that he was once involved in an accident, sustaining an injury to his eye. Unfortunately neither adequate treatment was provided on site nor was he taken to a nearby medical centre. The labourer treated himself while he was in Dar es Salaam on vacation and paid for the treatment. This example exhibits the clear picture at the site on what happens to workers when they are subjected to accidents. It can be deduced that the contractor and subcontractors do not provide the advocated health and safety facilities when accidents occur.

2.7.5. Remuneration

The subcontractors provided the following information on remuneration packages that are being paid to their workers of various categories:

- Engineers: Tsh.300,000-Tsh.800,000 per month.
- Technicians: Tsh.175,000-Tsh.300,000 per month.
- Foremen: Tsh.175,000-Tsh.250,000 per month.
- Skilled labourers: Tsh.75,000-Tsh.240,000 per month.
- Casual/unskilled workers: Tsh.60,000-Tsh.120,000 per month.
- Machine operators: Tsh.150,000-Tsh.240,000 per month.
- Drivers: Tsh.150,000-Tsh.240,000 per month.

Furthermore, the subcontractors indicated that they adhere to payment of salaries and wages as per the government regulations.

Discussion with the workers revealed the following:

- Some of the workers are not aware whether their employers were adhering to government regulations or not on the payment of salaries and wages.
- Payment of wages and salaries is sometimes delayed for two to four days.
- There are no terminal benefits at the end of the contract. However, one labourer working with Taningra Contractors Limited indicated that their employer has promised to provide them with terminal benefits at the end of their contracts.

2.7.6. Working duration

On working duration, the contractors indicated the following:

- The normal daily working duration was eight to nine hours.
- The weekly working duration was five and a half to six and a half days.
- Permanent workers receive one day off with pay while casual labourers do not.
- Overtime is paid at 1.5 times normal hourly rate.
- Permanent workers receive paid leave of 28 to 30 days annually while temporary workers do not.

Discussion with the workers revealed the following:

- Taningra Contractors Limited provides one day off with pay and paid vacation to both casual and skilled workers.
- D.B. Shapriya does not provide days off with pay nor paid vacation to labourers.

It is noted that the two subcontractors working on the same site have differing working durations and related benefits.

2.7.7. Pension scheme and trade unions

The subcontractors provided the following information regarding pension scheme and trade unions:

- Workers are enrolled with either NSSF or PPF.
- There are no workers who are members of TAMICO.
- Workers are allowed to join a trade union.
- Trade unions are permitted to hold meetings on site and recruit workers.

The workers provided the following information on pension scheme and trade unions:

- Some of the workers are enrolled with pension scheme (Taningra Contractors Limited) while others are not (D.B. Shapriya)
- One interviewed supervisor (Tanzanian national) working with a subcontractor reported that NSSF deductions are being made from workers who are not members of NSSF.
- There are no workers' project-based associations.
- There is no TAMICO branch on site.
- Some of the interviewed workers were of the opinion that the management would not allow them to be members of trade unions.

It is noted that the two subcontractors working on the same site have differing arrangements for pension schemes.

2.7.8. Monitoring and enforcement

On monitoring and enforcement, the contractors provided the following information:

- The contractors are aware of laws on employment procedures and the rights of employees.
- There is no government body that has visited the site to monitor adherence to laws and regulations on wages, health and safety.
- There was some labour unrest on 12 January 2004. Workers wanted to work for double pay so as to compensate for some of the days they had neither employment nor pay. The unrest was resolved through forced decision by the subcontractor – D.B. Shapriya. Thirty-two workers who insisted on double pay were dismissed.

Discussion with the workers revealed the following:

- There is no government body that has visited the site to observe the implementation of by-laws and regulations on wages, health and safety.
- Labourers are unaware of the laws and regulations governing employment and rights of employees.
- There was labour unrest in January 2004 when 32 labourers were dismissed due to non-compliance with the contractor's requirements on payment of wages.

2.7.9. HIV/AIDS pandemic

Regarding the HIV/AIDS pandemic, the contractor provided the following information:

- Medical check-ups including HIV tests are not carried out prior to or during employment. Therefore, the status of HIV positive cases is unknown.
- Awareness campaign on HIV is carried out.
- Education on protective measures against HIV and the provision of condoms as protective gear are carried out regularly.

Discussions with the workers confirmed the authenticity of the contractor's assertion.

2.7.10. Additional information from interviewed field workers

The workers are requesting the government to:

- educate them on their employment rights;
- ensure bank services are made available at the construction site for workers to bank their income. It is risky to keep money at site;
- ensure that there are written contractual agreements with the contractors;
- enforce payment of terminal benefits to workers at the end of a contract;
- ensure payment of living wages;
- ensure that the main contractor does not force the subcontractors to employ the redundant staff of the main contractor.

2.7.11. Concluding remarks

(a) Workforce

The workforce at the site consists of 99 per cent males and 1 per cent females; 94 per cent are casual or temporary workers, the rest are Indians on permanent terms.

Construction works at Songo Songo Island are being carried out by subcontractors. The main contractor is supervising the subcontractors. There are cases whereby the main

contractor has forced the subcontractors (Taningra) to employ his redundant workers, despite their reduced competence compared to the locals.

(b) Welfare facilities

Most of the welfare facilities are provided to workers. There are, however, no changing rooms.

(c) Health and safety

The contractor and subcontractors provide almost all the health and safety facilities to their workers. Discussion with the labourers revealed that the contractors do not provide insurance and compensation to injured workers.

There is also a possibility that the subcontractors have some discrimination in provision of health and safety facilities to injured workers.

(d) Remuneration

The pay package appears to be okay for the workers with a minimum of Tsh.60,000 per month for casual labourers. At times there are delays in paying salaries.

(e) Working duration

Terminal benefits are also not paid to workers at the end of their contracts. Workers are provided neither with day off with pay, nor vacation with pay. There are no written contractual agreements between employees and employers.

(f) Pension scheme and trade unions

The two contractors working on the same site have different arrangements for pension schemes. There is no trade union at site.

(g) Monitoring and enforcement

There is no government regulatory body that has visited the site to ensure compliance with labour laws and health and safety issues.

(h) HIV/AIDS pandemic

Medical check-ups including HIV/AIDS tests are not carried out to workers.

2.8. National Housing Corporation Office Complex Project

2.8.1. Project information

The National Housing Corporation (NHC) Office Complex is a project situated along Samora Avenue and Kaluta Street in Dar es Salaam. The Complex when completed will comprise 12 storeys with shops on the mezzanine and ground floor and office suites and apartments on the rest of the floors. The client is the National Housing Corporation (NHC). The contract value is US\$12.7 million. The project commenced in December 2002 and has a planned duration of 67 weeks. The contractor for the project is China Railway Jianchang Engineering Works Limited from China. At the time the survey was conducted the

contractor was working on the formwork and steelwork for casting the second storey of the building.

On this site a total of five workers – one safety officer, one foreman and three artisans – were interviewed. The outcome of the interviews is provided below.

2.8.2. Workforce

The contractor had a total of five expatriate workers on site. The rest of the workers, consisting of 110 males and four female workers are local and are all employed on temporary terms. This includes workers who have been working with the contractor for durations of more than six months. Other workers on site who are not employed by the contractor include a representative of the financiers for the project, Southern Economical and Management (T) Limited, and a clerk of works from the client – the National Housing Corporation (NHC). The terms of employment for the Chinese expatriates could not be ascertained during the interview.

2.8.3. Welfare facilities

All employees on this site are residents of Dar es Salaam. The contractor indicated that they provide the following welfare facilities to workers:

- Costs for accommodation and transport which are included in their salaries/wages.
- Food is prepared off site and then brought on site during lunch hour by three women (“Mama Lishe”) who have an agreement with the contractor to provide the catering facilities. The employees have to purchase the food during lunch break.
- Bottled/treated water is provided free of charge for senior staff e.g. engineers, clerk of works. Other employees use drinking water pumped from a borehole drilled on the site. This water is not treated.
- Toilets are provided on site. Since there are only four females on site there are no specifically designated facilities for women. However, they are allowed to use the senior staff toilet which is not used by a lot of people and is situated near the site offices. This provides some sort of demarcation/privacy to the females.

The interviewees submitted that:

- They were neither provided with accommodation nor transport facilities.
- The condition of toilets was satisfactory.

2.8.4. Health and safety

The contractor submitted that:

- Employees are not subjected to any medical check-ups on recruitment or during the working period.
- All employees are provided with the appropriate personal protective equipment.
- Some of the employees were reluctant to put on the safety gear provided. However, the contractor did not have any course of action against labourers who refuse to wear the safety gear.

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- There was a first-aid box with the necessary medicines for first-aid treatment. A few accident victims who could not be treated on site were transferred to a nearby clinic at the contractor’s expense.
 - No fatal accidents had occurred on site since its inception. Most of the accidents reported are nail pricks and bruises due to tripping on scaffolding and formwork.

One of the interviewees was a “safety officer” who had been transferred from another site managed by the contractor the previous week. He confirmed during the interview that he had no formal training on safety or occupational health. He possesses a basic form IV qualification and holds a diploma from the Business College in a specialization unrelated to either construction or occupational safety and health. Furthermore, all the interviewees confirmed that no one on the site had undergone any first-aid training or formal occupational safety and health (OSH) training to cope with any accidents that might occur on site.

During the survey, it was evidenced that the main form of personal protective equipment provided on this site were helmets and these are only provided to a few employees. Some of the employees who were provided with the helmets did not put them on whilst on duty. Although there was a lot of steel work going on in preparation for casting the second floor, very few workers were provided with gloves and safety boots. Safety harnesses for workers on the second floor were not provided. The contractor had earlier on been penalized by the CRB for not providing safety gear for his employees.

Since all employees on site are employed on a temporary basis, it appears that the contractor has absolved himself of responsibility for their health.

2.8.5. Remuneration

Interviews with the supervisor (Tanzanian) and the other workers confirmed that the following were the prevailing wages on this site:

- Unskilled labourers: Tsh.1,800 per day (Tsh.54,000 per month).
- Skilled labourers/artisans: Ths. 2,500 per day (Tsh.75,000 per month).
- Safety officer/supervisors: Tsh.3,500 per day (Tsh.105,000 per month).

The workers are paid for days worked. No payments are made for sick leave, days off and holidays. All payments are made daily at the close of the business. There were no complaints from the workers on late payment.

2.8.6. Working duration

The interview with the workers and supervisors revealed that:

- The weekly working duration is seven days.
- There is no provision or payment for days off.
- The working hours are 7:30 to 12:30 then there is one hour lunch break and work resumes at 13:30 to 17:00 hrs.

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- Workers are sometimes required to work overtime. The payments for overtime are negotiated with the employer on a person-to-person basis and range between Tsh.200 to Tsh.300 per hour. This is paid the next day.

2.8.7. Pension scheme and trade unions

Due to the nature of employment on this site, all local workers including supervisors and foremen are not covered by any type of social security or pension scheme.

There is no trade union branch on the site. The interviewees are not aware of TAMICO. There was no indication of any restriction by the contractor on their joining any association or trade union. However, bearing in mind that they work seven days a week with no provision for days off, their participation in these associations could be curtailed indirectly due to the existing working conditions.

2.8.8. Monitoring and enforcement

The interview with the contractor revealed that:

- The site has been visited by the Ilala Municipal Engineer and the Contractors Registration Board.
- The contractor is aware of government legislation governing employment procedures and rights of employees.

The interview with the employees revealed that:

- Most of the respondents did not have any idea of government legislation governing their employment, rights and benefits.
- One interviewee confirmed that there had been some labour unrest on site some months back due to disputes over low payment. This was resolved by the contractor raising some of the wages.

2.8.9. HIV/AIDS pandemic

During the interviews it was revealed that there are no reported cases of HIV/AIDS on the site. The workers have not received any education or sensitization of the pandemic.

2.8.10 Additional information from interviewed workers

The following suggestions were made by the interviewees:

- Salaries and wages should be increased.
- They should be employed on permanent terms.
- They should be provided with protective gear including uniforms, boots, helmets, masks, and gloves.

2.8.11. Concluding remarks

(a) Workforce

The workforce at the site consists of 97 per cent males and 3 per cent females; 96 per cent are casual workers and the rest are expatriates on permanent terms. There is repeated casualization on this site. As a result, none of the employees are covered by any form of social security.

(b) Welfare facilities

While the contractor indicated that costs for accommodation and transport are included in workers' salaries and wages, workers submitted that they were provided with neither accommodation nor transport facilities. The condition of toilets was also satisfactory.

(c) Health and safety

The contractor does not have an occupational safety and health programme on site; consequently adequate safety gear and training on safety is not provided on site.

(d) Remuneration

Labourers are paid between Tsh.54,000 and Tsh.75,000 per month. The wages are paid on a daily basis and only for the days worked.

(e) Working duration

The weekly working duration is 7 days. There is no day off with pay. Daily working duration is 9 and a half hours. Overtime rates are negotiated between the labourer and the employer, but the employer is the decision-maker. The rate ranges between Tsh.200 and Tsh.300 per hour. This rate is below the government regulation which stands at 1.5 times the hourly rate.

(f) Pension scheme and trade unions

None of the workers interviewed know the relevant requirements of the labour law as regards their employment and are therefore not in a position to negotiate better conditions. The interviewees are also not aware of the existence of trade unions like TAMICO thus making it more difficult to get sensitized on their rights. The nature of employment – based on task rates – does not allow enrolment in pension schemes.

(g) Monitoring and enforcement

The site has been visited by the Municipal Engineer and officials of Contractors Registration Board (CRB). However, it appears that the government's monitoring and enforcement of existing statutes governing labour and OHS is very weak as witnessed by the poor conditions on this site.

(h) HIV/AIDS pandemic

Workers have not been educated on HIV/AIDS pandemic nor are they provided with protective measurers against HIV.

2.9. Boko Housing Complex Project

2.9.1. Project information

The Boko Housing Complex project is situated in Boko area, 20 km from Dar es Salaam along the Bagamoyo Road. The project entails the construction of 192 medium and low cost houses, which are intended for sale. The National Housing Corporation (NHC) is the client as well as the main contractor for the project. Phase II of the project commenced in June 2002 with a planned duration of 36 months. The project value is TSh.2.5 billion.

The main contractor has subcontracted Estim Construction, a Class II contractor, for the road works and drainage works for the project.

A total of seven people were interviewed on this project. These included three from the subcontractor. The outcome of the interviews is provided below.

2.9.2. Workforce

The main contractor had a skeleton supervisory staff of eight males and one female. These are responsible for contracting, supervision and quality control of the work which is all subcontracted to local artisans – either singly or in groups. At the time of the interviews there were approximately 30 local artisans on site. The subcontractor had about 20 employees at site.

NHC employees are employed on a permanent basis with written contracts. Other employees are employed on a temporary basis with time- or task-based oral contracts.

2.9.3. Welfare facilities

The main contractor provides accommodation and transport to his permanent employees. These benefits are included in their salary packages. The contractor does not provide accommodation to the temporary employees.

The site is approximately 5 km from the main road to Bagamoyo. The contractor used to provide transport to the employees in open trucks but following an accident whereby one of the casual labourers fell off a moving truck, the contractor has withdrawn this service as a matter of policy. However the temporary employees still board the open vehicles to and from site “at their own risk”.

Food is prepared in makeshift kitchens on site by private entrepreneurs (“Mama Lishe”) and sold to the construction workers. The kitchens and eating facilities are very rudimentary and could easily pose a health hazard. There is no running water to clean the utensils before they are reused by the next person.

Tap water is provided to all employees on site. There are toilets available for all employees.

2.9.4. Health and safety

The contractor confirmed that the main form of personal protective equipment provided on this site is a helmet and these are only provided to few employees. The project is at the finishing stage and workers who were carrying out plastering work were provided with neither boots nor gloves. Furthermore, workers carrying out roof work were not provided with safety harnesses.

The contractor believes that the subcontracted artisans have an obligation to provide their own safety gear.

The employees contended that they did not have the means of providing their own safety gear. Since there were no written contracts between the parties, this could be the responsibility of both parties if it were specified. The responsibility for providing safety gear lies squarely on the main contractor.

There was no safety officer on site. However, the two technicians on site had undergone some training on safety and occupational health at college and thus act as first aiders. There was a first-aid box with the necessary medicines for first-aid treatment.

The contractor reported the following accidents that occurred during 2003:

- workers fell from the roofs.
- one person broke a finger, crushed by the door of a truck;
- three persons fell from moving vehicles;
- nail pricks, cuts by roofing iron sheets and bruises.

Minor accidents are treated on site while more serious ones are referred to the nearby clinic for treatment at the contractor's expense.

The two supervisors permanently employed by the main contractor had undergone first-aid and occupational safety and health (OSH) training at college.

2.9.5. Remuneration

The main contractor confirmed that wages for temporary employees are negotiated on either a "term basis" or a "task basis". For example, a roofing contract for a three bedroom house is subcontracted to three persons for Tsh.200,000. Usually such a job is completed in eight days. Salaries for the permanent employees were not provided by the contractor.

The subcontractor provided the following wages:

- Site engineers: Tsh.200,000 per month.
- Site foremen: Tsh.15,000 per week (Tsh.60,000 per month).
- Machine operators: Tsh.2,400 per day (Tsh.72,000 per month).

2.9.6. Working duration

The main contractor and the employees confirmed that the weekly working duration is six days, and the site is operational eight hours a day. There are provisions for overtime as follows:

- In the case of the main contractor – the temporary employees are not paid overtime since their contracts are mainly "task based".
- The subcontractor pays overtime at negotiable rates that range between Tsh.375 and Tsh.500 per hour depending on the employee.

2.9.7. Pension scheme and trade unions

The permanent employees of the main contractor are covered by the NSSF. Temporary staff are not covered by any form of pension fund.

There is no TAMICO branch on the site. However, four of the NHC permanent employees are members of the TAMICO branch of the contractor's head office.

None of the temporary employees are aware of the existence of trade unions nor are they members of TAMICO. There was no indication of any restriction on their joining trade unions.

None of the respondents were aware of the existence of government legislations governing their employment, rights and benefits.

2.9.8. Monitoring and enforcement

The site had once been visited by the Contractors Registration Board. No other government body has visited the site for the purpose of inspecting the working conditions of workers.

2.9.9. HIV/AIDS pandemic

There are no reported cases of HIV/AIDS on the site. No education or sensitization on the pandemic has been conducted on site. Workers are not provided with any protective measure against HIV/AIDS.

2.9.10. Additional information from interviewed workers

The following suggestions were made by the interviewees:

- Salaries and wages should be increased.
- The workers should be provided with better health and safety facilities.
- Labourers should be valued.
- There is need for better working conditions with paid accommodation and transport.
- Employees' rights should be explicit.
- Training and awareness of HIV/AIDS should be conducted at site.

2.9.11. Concluding remarks

(a) Workforce

The workforce is male dominated. Out of the total workforce of 59 only one female was on site. NHC employees are employed on a permanent basis with written contracts. Other employees are employed on a temporary basis with time- or task-based oral contracts.

(b) Welfare facilities

The welfare facilities are provided to a limited level. Temporary workers and labourers are not provided with accommodation and food. They buy food from food vendors (“Mama Lishe”).

(c) Health and safety

The contractor does not provide health and safety facilities for his workers. As a result, during 2003 several accidents occurred, including workmen falling from the roofs and vehicles and sustaining severe injuries.

(d) Remuneration

The contractor subcontracts the works to groups of labourers at agreed labour costs.

(e) Working duration

Weekly working duration is six days. Daily working duration is eight hours. Overtime is paid to temporary employees at a rate of Tsh.375-Tsh.500 per hour which is below the government circular specifying 1.5 times the hourly rate.

(f) Pension scheme and trade unions

Since the small subcontractors are not members of TAMICO it is difficult for them to find an even negotiation platform with the main contractor.

(g) Monitoring and enforcement

The Contractors Registration Board has once visited the site for the purpose of inspecting conditions at site. However, this has not improved the conditions.

(h) HIV/AIDS pandemic

The contractor has not taken any initiative to educate workers on the HIV/AIDS pandemic nor provided protective gear against AIDS.

2.10. Bank of Tanzania Extension Project

2.10.1. Project information

The Bank of Tanzania Extension Project entails the extension of the Bank of Tanzania headquarters building situated along Mirambo Street in Dar es Salaam. The works consist of the construction of two towers of 17 storeys each (Northern Tower and Southern Tower), a conference centre and an underground car park. The project’s value is US\$97 million, and construction works commenced in 2002 with a planned duration of 36 months.

The client is the Bank of Tanzania. The main contractor for the project is Group Five Building East from South Africa. At the time of the study, there were two subcontractors, namely Bulk Building Construction (BBC) – from South Africa – who are responsible for the structures, steel fixing and carpentry, and Capdecor – from South Africa – who are responsible for excavations and block work.

A total of five workers were interviewed in this project. The outcome of the interviews is provided below.

2.10.2. Workforce

The main contractor – Group Five Building East – had recruited a total of 83 employees of whom three were females. Most of the employees were employed as walk-ins, some were recruited through agencies, and others were seconded from Skanska, a contractor with whom the main contractor previously had a joint venture. Workers were mainly employed on permanent terms: professionals and skilled employees have written contracts, while unskilled employees have oral contracts. Periodically, the main contractor hired between ten and 15 casual labourers.

The subcontractors, namely Bulk Building Construction and Capdecor, had 200 employees and 15 employees respectively. The employees of subcontractors included both permanent and casual workers; the numbers for each category was not established.

2.10.3. Welfare facilities

On welfare facilities, the contractor indicated the following:

- Costs for accommodation and transport are included in the salaries/wages.
- They had facilitated the setting up of the canteen and kitchen facilities within the site premises and entered into an agreement with a private caterer to provide the catering facilities on site. The employees have to foot the cost of their meal.
- Tap water is chemically treated by a water treatment plant on site and provided to the employees.
- Toilets, bathrooms and changing rooms are provided.

The interviewed labourers were of the opinion that their salaries should be increased so that the amount earmarked for accommodation and transport is adequate.

2.10.4. Health and safety

Discussion with the safety officer on the site revealed that:

- Employees are not subjected to any medical check-ups on recruitment or during the working period.
- The contractor has a comprehensive safety and occupational health programme which all employees have to adhere to.
- All employees are issued with standard protective gear i.e. helmet, boots, overalls and gloves. In addition to this, all those working at height are issued with safety harnesses while those performing special operations e.g. welding, grinding, etc are issued with the appropriate PPE on withdrawal of the working equipment e.g. a person withdrawing a grinder will be issued with goggles and a dust mask and requested to sign a form that obliges him to use them.
- Penalties in the form of a day's suspension (unpaid) are applied to workers who are found not to be using the prescribed PPE for the jobs they are carrying out.

- There is a Safety Committee comprising seven members and chaired by the Safety Officer. The Committee is responsible for the implementation of the Safety Programme.
- All workers have to attend a one-hour briefing every Monday morning where workers are briefed on different developments on OHS and specific areas that need attention during the coming week.
- There are first-aid facilities with the necessary medicines for first-aid treatment on site. The contents of the first-aid box are replenished weekly. In addition to this, there are six professionally trained first-aiders on the site.

Most accidents reported on this site are nail pricks and bruises due to tripping on scaffolding and formwork. These are treated on site. Those victims who need further medication are transferred to a nearby clinic/hospital at the contractor's expense.

There was one serious accident reported in October 2003 where two persons fell from the first floor and had to be hospitalized for one month. The reason for the accident was a wrong sequencing of a new activity on site.

2.10.5. Remuneration

Wages and salaries are individually negotiated and there was a lot of secrecy on who earns how much on the site. The following is a cross-section of the salaries of the interviewees:

- Foremen: Tsh.7,000 per day (Tsh.210,000 per month).
- Skilled labourers: Tsh.3,000 per day (Tsh.90,000 per month).
- Machine/plant operators: Tsh.6,000 per day (Tsh.180,000 per month.)
- Drivers: Tsh.4,500 per day (Tsh.135,000 per month).
- Casuals/unskilled workers: Tsh.2,000 per day (Tsh.60,000 per month).
- Secretary: Tsh.300,000 per month.
- Electricians: Tsh.80,000 per month.

The permanent employees with written contracts are paid on a monthly basis. Skilled and unskilled labourers are paid fortnightly. There were no complaints of delayed payment from the employees.

2.10.6. Working duration

The contractor and the employees provided the following information on working duration:

- Work commences at 7.30 a.m. and ends at 5 p.m. every day, from Monday to Friday. There is a one-hour lunch break at noon.
- Saturday and Sundays are not working days.
- The overtime of the employees is calculated and paid together with the salary.

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- Paid vacation is not provided to workers.

The employees agreed that payment for their overtime is made with their salaries but none of them knew the rates of overtime paid per hour.

2.10.7. Pension scheme and trade unions

The contractor stated that all permanent staff are covered by the National Social Security Fund (NSSF). There is a TAMICO branch on the site which started in October 2003. This information was confirmed as correct by all the interviewees.

There was no indication of any restriction from the contractor for employees joining any association or trade union. In fact, three of the five interviewees are members of the TAMICO branch.

2.10.8. Monitoring and enforcement

The contractor confirmed that the site has been visited by the officials from the Ministry of Health, Preventive Services Department, and the Contractors Registration Board for routine inspections.

2.10.9. HIV/AIDS pandemic

There are no reported cases of HIV/AIDS on the site. However, no education or sensitization of the pandemic have been conducted on site. Workers are not provided with any protective measure against HIV/AIDS.

2.10.10. Additional information from interviewed workers

The workers on this site made the following recommendations:

- Salaries and benefits such as transport and accommodation should be increased.
- There should be regular meetings with the management for enhancing information sharing.

2.10.11. Concluding remarks

(a) Workforce

The project has a total workforce of 313 people including three females. The numbers of casual labourers who are employed on a daily basis is between ten and 15.

(b) Welfare facilities

The contractors provide most of the welfare facilities. However, the workers requested an increase of the amounts for transport and accommodation.

(c) Health and safety

Workers are provided with adequate health and safety facilities and contractors are adhering to labour and OSH practices. However, there was a serious accident in October 2003, where two labourers fell from the first floor and had to be hospitalized.

(d) Remuneration

The remuneration package for casual and unskilled labourers is Tsh.60,000 per month which is above the minimum wage of Tsh.45,000 per month. Payment of wages is always on time.

(e) Working duration

The normal working week is five days and nine and a half hours per day. There are no days off with pay for labourers. The rate of overtime has not been provided.

(f) Pension scheme and trade unions

The employees were ignorant regarding their conditions of employment as evidenced by the fact that it is to date unclear whether their colleagues injured in 2003 are entitled to compensation or not. Likewise, they are ignorant of other entitlements including annual paid leave. The government and the contractors have not taken any initiatives to raise awareness of workers regarding their employment rights. The opening of a TAMICO branch could improve the awareness of the employees regarding their employment rights.

(g) Monitoring and enforcement

The site has been visited by officials from the Ministry of Health and the Contractors Registration Board. However, there is no indication whether these officials had discussions with the labourers.

(h) HIV/AIDS pandemic

The contractor has not taken any steps to sensitize the workers on HIV/AIDS nor provided protective measures against AIDS, including condoms to the site workers.

2.11. Development of Dar es Salaam primary-school facilities

2.11.1. Project information

The development of Dar es Salaam primary schools facilities project entails the construction of classrooms. The contract sum for the project is Tsh.227.2 million. The project duration is 12 months with effect from March 2003. The progress of construction of the works was 80 per cent at the time when the project was visited.

The client is the Ministry of Education and Culture, on behalf of the Government of the United Republic of Tanzania. Konoike Tanzania Limited is the main contractor. However, the works are being executed by Kibafu Construction Limited as subcontractor. In this project, two supervisors and three labourers were interviewed.

2.11.2. Workforce

The main contractor had a total workforce of 29 employees who included one male supervisor on permanent terms, seven females and 21 males on yearly contracts. The total workforce for Kibafu Subcontractor was 86 people comprising 24 males on yearly contracts, six females on yearly contracts, 45 males on casual or temporary terms, and 11 females on casual or temporary terms.

2.11.3. Welfare facilities

The main contractor provides workmen's compensation and insurance for his employees. The subcontractor has the obligation of providing housing allowance and all other requirements for the employees as per contract agreement. Temporary workers are not provided with accommodation irrespective of the location of their places of domicile and the project. The other facilities including catering services (food and drinking water), sanitary (changing rooms, showers, toilets), transport to and from home were indicated to be provided to workers by the contractor and the subcontractor.

Discussion with the labourers on site revealed that they are provided with almost all welfare facilities, with the exception of catering services, changing rooms and showers.

2.11.4. Health and safety

The contractors indicated that they provide the following health and safety facilities and arrangements to the construction workers:

- protective gear (helmets, boots, uniforms, gloves and masks);
- first-aid facilities (nurse to attend emergency cases);
- transport to nearby Medicare centre in case of severe injury;
- training on health and safety – continuous;
- health and safety officer;
- health and safety representative;
- health and safety committee – meetings are held weekly for all workers;
- insurance;
- compensation to injured workers;
- working height accessories (scaffolding, ladders, platforms, hoisting equipment).

Discussion with the labourers on site, confirmed the contractors' assertions.

The observation at the construction site revealed the following:

- Workers were properly dressed with the necessary protective gear (helmets, boots, uniforms, gloves, masks).
- Two nurses were present at the site in case of emergency.
- A health and safety officer was on site.
- Working height accessories were mounted.

The contractors to the highest levels adhere to the health and safety regulations.

2.11.5. Remuneration

The contractor provided the following remuneration package for different categories of workers:

- Engineers: Tsh.210,000-Tsh.700,000 per month.
- Technicians: Tsh.80,000-Tsh.250,000 per month.
- Foremen: Tsh.150,000-Tsh.300,000 per month.
- Skilled labourers: Tsh.80,000-Tsh.200,000 per month.
- Casual/unskilled workers: Tsh.48,000-Tsh.120,000 per month.
- Machine operators (bulldozers, excavators, concrete mixers, hoisting equipment): Tsh.120,000-150,000 per month.
- Drivers: Tsh.120,000 per month.
- Casual/temporary employees at the rate of Tsh.1,500-3,000 per day (Tsh.45,000-90,000 per month).
- Terminal benefits at the end of contracts.

Discussion with some of the workers on site revealed that they are being provided with the remuneration packages indicated above. However, workers needed to know the scheme and arrangement of wages and how one can reach a certain rate according to his or her qualifications.

2.11.6. Working duration

The contractors provided the following information:

- Working hours in a normal day were eight hours.
- Working days in a week were six days.
- One day off with pay for monthly workers – but not for daily workers.
- Overtime is paid at a rate of 1.5 times the hourly payment.
- Permanent workers are provided with 28 days annual leave with pay.

Discussion with the labourers contradicted some of the information in the following respects:

- No pay is provided to workers for the one day off.
- The working duration is more than eight hours as most of the time they commence work between 6 a.m. and 7 a.m. and finish around 5 p.m. to 6 p.m.

2.11.7. Pension scheme and trade unions

The following information was provided by the contractors regarding pension scheme and trade unions:

- Workers are enrolled with the National Social Security Fund (NSSF).
- Workers are allowed to join a trade union.
- Trade unions are permitted to hold meetings on site and recruit workers.

Discussion with the labourers revealed that few workers are members of the trade unions.

2.11.8. Monitoring and enforcement

On monitoring and enforcement the contractors provided the following information:

- One official from the Municipal Council visited the site once.
- The contractors are aware of the employment laws and regulations and do adhere to their requirements.
- So far there has not been any labour unrest.

Discussion with the labourers revealed the following:

- Not all labourers are aware of the laws governing employment procedures and their working rights, even though the employer provided information on their rights prior to employment.
- There has not been any labour unrest.

2.11.9. HIV/AIDS pandemic

The contractors provided the following information on HIV/AIDS:

- Medical check-ups are not carried out on workers prior to and during employment. Hence, the status of HIV positive cases is unknown.
- Awareness campaign on HIV/AIDS is carried out regularly.
- Education on protective measures against HIV is provided; protective gear is to be provided later.

The workers on site revealed that the information provided by the contractors regarding HIV is inadequate and generally it seems workers are taking the initiative to know about the problem. Non-provision of protective gear could be devastating to the health of the workers and the surrounding villages along the project area.

2.11.10. Additional Information from interviewed field workers

The workers requested government authorities to ensure the following:

- recognition of workers' union for the benefit of workers;

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- provision of education to workers regarding their employment rights;
 - provision of education on occupational health and safety, and awareness on preventing injuries and ill health in the construction sector.

2.11.11. Concluding remarks

(a) Workforce

The workforce in the project consists of males and females on site and off site. Therefore, women have the opportunity of receiving income thus reducing their poverty.

(b) Welfare facilities

Sanitary facilities comprising of showers and changing rooms are not provided to workers on site.

(c) Health and safety

The contractor provided the health and safety facilities to the required level.

(d) Remuneration

The remuneration packages provided by the contractor to his workers at different levels are reasonable and thus in compliance with the government laws on wages.

(e) Working duration

Daily workers are not provided with weekly days off with pay, nor annual leave with pay.

(f) Pension scheme and trade unions

Workers lack the relevant education regarding their employment rights. There are no written contractual agreements between employees and employers.

(g) Monitoring and enforcement

An official from the Municipal Council once visited the site. However, workers have not been informed of their employment rights. There has not been any labour unrest.

(h) HIV/AIDS pandemic

The workers are not provided with education on protective measures and protective gear against HIV.

3. Review of legal and contractual framework

3.1. Introduction

This section reviews the legal and regulatory framework in the United Republic of Tanzania with a view to identifying the rights and obligations of employers and employees under the law in seven selected aspects of labour relations, namely: freedom of association, discrimination, child labour, wages, hours of work, health and safety, and repeated casualization. Are “permanent” workers employed on a casual basis in order to avoid additional costs or obligations?

Additionally, contracts used by the contractors have been reviewed with a view to establishing the rights and obligations of the parties in relation to the labour force. An attempt has also been made to review the institutional framework at the beginning.

3.2. Institutional framework

Labour relations in the United Republic of Tanzania are regulated by legislation and supervised by the Ministry of Labour and Youth Development in tripartite partnership with the trade unions and the employers’ organization. Under the Ministry of Labour three key departments can be found, namely:

- (i) The Office of the Commissioner for Labour appointed under the provisions of the laws of the United Republic of Tanzania. This office is in charge overall and superintendent of labour relations in the country.
- (ii) The Office of the Chief Inspector of Factories and Other Workplaces appointed under section 4 of the Occupational Health and Safety Act.
- (iii) The National Employment Promotion Service established under section 3 of the National Employment Promotion Service Act.

The trade unions movement is another important institutional set-up of labour relations. The trade unions in the United Republic of Tanzania derive their legitimacy from the provisions of the Trade Unions Act.

A third institutional arrangement is composed of employers’ association organized under the Association of Tanzania Employers (ATE).

Currently, the ATE is not registered as a trade union but as an association.

In the United Republic of Tanzania the law creates adjudication and conciliation organs on labour-related disputes and grievances. The Office of the Commissioner for Labour and Labour Officers working under the Commissioner constitutes a very instrumental institutional structure for resolution of workplace grievances before the same find their way for adjudication or reconciliation. The law provides for adjudication organs i.e. the Industrial Court of Tanzania (established under the Industrial Court of Tanzania Act, 1967). Ordinary civil courts are also empowered to deal with labour-related disputes/grievances albeit as limited to reports submitted in court by labour officers.

Conciliation of workplace grievances/disputes at workplaces may also be handled by a forum-style conciliation boards normally established at district levels.

3.3. Freedom of association

The law is permissive as to the formation of trade unions. Once formed and registered, trade unions enjoy statutory protection, immunities and privileges. Section 47 of the Trade Unions Act provides as follows:

No suit or other legal proceeding shall be maintainable in any Civil court against registered Trade Union or other Officer or member of a trade in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that the act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

Liability in tortious acts is exempted under section 48(10) thus:

48(1) A suit against any member or Officer of a Trade Union on behalf of himself and all other members of that Trade Union in respect of any tortious act alleged to have been committed by or on behalf of that Trade Union shall not be entertained by any Court.

Unions are further protected from liability in contract under the provisions of section 49 in the following terms:

49(1) Every trade union shall be liable on any contract entered into by itself or by agent acting on its behalf.

(2) ...

(3) Nothing in this Act shall enable the Court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements:

- (a) An Agreement between members of a trade union as such, concerning the conditions on which any members for the time being of the union shall or shall not sell their goods, transact business, employ or be employed;
- (b) Any agreement for the payment by any person of any subscription or penalty to a trade union;
- (c) Any agreement for the application of the funds of a trade union:
 - (i) to provide benefits to members, other than a benefit under a contributory provident fund or pensions scheme; or
 - (ii) to furnish contributions to any employer or employee not a member of the trade union, in consideration of the employer or employee acting in conformity with the rules or resolutions of the trade union; or
 - (iii) to discharge any fine imposed upon any person by sentence of any Court law;
- (d) any agreement made between a trade union and another;
- (e) any bond to secure the performance of any of the above mentioned agreements.

It is provided in law that at any workplace where ten or more union members are employed a union branch shall be formed.

The obligations of employers towards trade unions are provided for under section 8 of the Security of Employment Ordinance thus:

“S. 8. An employer in whose business a Committee is required to be, or is, established in accordance with this Act-

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- (a) Shall do all such reasonable acts as are necessary, in accordance with the provisions of the First Schedule, to provide for the election of the members of Committee;
 - (b) Shall not discriminate against a member of the Committee on the ground of the latter's membership of the Committee and, in particular and without prejudice to the generality of the foregoing, shall not terminate the employment of a member of the Committee (except for breach of the Disciplinary Code) without the prior approval of a labour officer;
 - (c) Shall make available a suitable room for use by the Committee for its meetings and provide reasonable facilities for the storage of its records;
 - (d) Shall permit the Committee to meet at least once a month (and at such order times as the employer agrees), during working hours and without deduction of pay, to consider disciplinary matters;
 - (e) Shall permit a member of the Committee nominated for the purpose to take part in statutory inspections in respect of which the Committee has function, and without deduction of pay; and
 - (f) Shall not hinder or obstruct a member of the Committee in the reasonable performance of the functions of the Committee under this Act and shall give consideration to any advice, report or recommendations made by the Committee in the exercise of its function.

The same law (section 8(b)) protects individual union leaders against encroachment by the Management by virtue of their being union leaders in the following terms:

An employer in whose business a field branch is required to be, or is, established in accordance with this Act:

- (a) ...
- (b) Shall not discriminate against a member of the committee on the ground of the latter's membership of the Committee and, in particular and without prejudice to the generality of the foregoing shall not terminate the employment of a member of the Committee (except for the breach of the Disciplinary Code) without the prior approval of the Labour Officer."

It is therefore evident that the existing legal framework affords workers the right to organize and join union membership at workplaces and the unions' office bearers enjoy a considerable legal protection.

Currently, there exists one sectoral union to which workers of the construction industry can belong i.e. the Tanzania Mining and Construction Workers Union (TAMICO).

3.4. Discrimination at workplaces

Under the Constitution of the United Republic of Tanzania discriminatory treatment in terms of wages and related privileges at workplaces is expressly prohibited.

It should be noted that, apart from the Constitution, there is no other legal provision on discriminatory practices. The Bill on the new Employment and Labour Relations Act, 2003 has a provision that outlaws discriminatory treatment at workplaces in the following terms:

S.7(1) every employer shall ensure that he promotes an equal opportunity in employment and strives to eliminate discrimination in any employment policy and practice.

At the time of writing this research finding the Bill had being tabled in Parliament for first reading and was yet to be passed into a law.

A victim of any discriminatory practice can obtain remedy in courts of law i.e. the Industrial Court of Tanzania or in the High Court.

3.5. Child labour

The term “child” is defined under section 77 of the Employment Ordinance as a person under the apparent age of 12 years. The real formulation goes thus:

- 77(1) No Child under the prescribed age shall be employed in any capacity whatsoever.
- (2) Any person who employs any child under the prescribed aged shall be guilt of an offence against this part of this Ordinance.
 - (3) For the purposes of this section “prescribed age” means the apparent age of twelve years or such age between twelve years and fifteen years as the Minister may from time to time by order published in the *Gazette* determine to be the prescribed age for the purpose of this section.

Thus, as the law stands at present, a person over 12 years old may be employed in categories of work but it is in law strictly prohibited to employ a young person whose age is below 12 years. Although the law allows employment of a person above 12 years, however, if the employee is below 18 years, such an employee must return home to his/her parents or guardian every day after work and should not be employed near machinery or in work injurious to health.

The Bill on proposed new Employment and Labour Relations Act, 2003 makes it illegal to employ a child of below 14 years. The wording goes thus:

- 5(1) No person shall employ a child under the age of 14 years.
- (2) A child of fourteen years of age shall only be employed to do light work.
- (3) A child under eighteen years of age shall not be employed in a mine, a factory or as crew on a ship. For the purpose of this subsection, “ship” includes a vessel of any description used for navigation.
- (4) No person shall employ a child in employment
 - (a) that is inappropriate for a person of that age;
 - (b) that places at risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development.
- (5) Notwithstanding subsection (3), any written law regulating training may permit a child under the age of eighteen to work
 - (a) on board a training ship as part of the child’s training;
 - (b) in a factory or a mine if that work is part of the child’s training.
- (6) The Minister shall make regulations to prohibit, or place conditions on the employment of children under eighteen years of age.
- (7) It is an offence for any person
 - (a) To employ a child in contravention of this section.
 - (b) To procure a child for employment in contravention of this section.
- (8) In any proceedings under this section, if the age of the child is an issue, the burden of proving that it was reasonable to believe, after investigation, that the child was not under age for the purposes of this section shall lie on the person employing or procuring the child for employment.

The Ministry of Labour and Youth Development is currently running a nationwide programme aimed at elimination of child labour at workplaces in the United Republic of Tanzania. Also the Association of Tanzania Employers runs programmes advocating against child labour.

3.6. Wages

There is no law that prescribes the amount of wages payable to different categories of workers by skills designation and qualification. Salary benchmarking is done by employers depending on their ability to pay.

In the United Republic of Tanzania the determination of remuneration related to employment benefits is regulated to the extent of the mechanism for determination of minimum wage only. Formed under the auspices of the Ministry of Labour a minimum wage board composed of tripartite social partners of the employers, trade unions and the government does occasionally convene to review minimum wages payable by employers. The machinery is provided for under the provisions of the Regulation of Wages and Terms of Employment Ordinance. Once the applicable minimum wage is proclaimed, by way of minimum wage orders, it becomes binding to employers without any option. Any worker and even Labour Officers can in law prosecute defaulting employers in courts of law. The current minimum wages were proclaimed on 28 June 2002 as follows:

- Hourly: Tsh.250
- Daily: Tsh.1,846
- Weekly: Tsh.12,000
- Fortnightly: Tsh.24,000

Subject to contracts of service, wages are supposed to be paid in full and on time.

Since the indicated rates are only the minimum, employers are however free to pay wages over and above the statutory minimum. It will be noted however that:

- The minimum wage order proclaimed under the above indicated machinery regulates the rates of the minimum wage payable in private sector employment. It does not apply to rates payable by the government to its civil servants which are customarily proclaimed by government circulars not meant for public consumption. Thus, it is common to observe a difference (albeit not wide) of the minimum wages payable to workers in the construction industry who are civil servants as compared to those payable in the private sector.
- The machinery only deals with the minimum wage threshold and does not regulate or put in place benchmarks (profiles) of rates payable per skills, qualification and experience. Thus, a contractor may choose to pay lucratively a worker with lesser qualifications and training compared to a highly skilled and trained one without contravening any law as long as such employer pays within or just above the statutory minimum wage.
- The rates apply generally and are not focused on although they are inclusive of employment in the construction industry.

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- Apart from the requirement to pay the minimum wage, employers enjoy the prerogative to determine rates payable to other categories of employment depending on personal and economic motives.

Paradoxically, employers are legally bound to pay statutory minimum rates as fees in respect of quantity surveyors and architects. For instance, an architect is permitted to charge the following hourly rates for providing professional services.

- Principal architect Tsh.45,000.
- Senior architect Tsh.38,000.
- Junior architect Tsh.24,000.
- Architectural assistant Tsh.15,000.
- Draughtsman Tsh.8,000.

Quantity surveyors are by law allowed to charge the following hourly rates:

- Principal quantity surveyor Tsh.35,000.
- Senior quantity surveyor Tsh.30,000.
- Quantity surveyor Tsh.20,000.
- Quantity surveyor assistant Tsh.10,000.

According to Rule 110 of architects and quantity surveyors by-law 2000 the purpose of setting the minimum rate is:

To safeguard the standard of performance and integrity of the profession, the fees for architect's service set out below shall be construed as the mandatory minimum. Architects are free to charge higher rates.

The mandatory minimum fees apply to normal architect's services as set out below. For other services fees shall be based on time charges as provided in this by-law.

The same rationale applies to fees payable to quantity surveyors.

3.7. Hours of work

Hours of work are regulated by the Regulations of Wages and Terms of Employment Ordinance. Normal working hours are 45 per week, i.e. nine hours per day for five working days.

Legally speaking overtime is not compulsory. However, should an employee work for more than the above-prescribed hours, additional wages are paid by way of overtime compensation. The current rate of overtime is 1.5 times the hourly wage per every hour worked overtime on weekdays and two times the hourly wage per every hour worked overtime on Sundays and public holidays.

3.8. Health and safety

The law is considerably explicit on matters of occupational safety and health at workplaces. The Employment Ordinance Act No. 9 of 1999 dedicates the whole of

Part VIII thereof to provisions on health and safety. More specifically section 99 of the Employment Ordinance clearly provides:

S.99(1) Every Employer shall at his own expense provide for his employees and members of their families living with them on the employer's property an adequate and easily accessible supply of wholesome water for drinking, washing and other domestic purposes to the satisfaction of the proper authority and shall take all such measures as are necessary and practicable as the proper authority may by notice in writing require to maintain such supply, and protect it from pollution.

Furthermore, section 100 deals with medical care as follows:

S.100(1) Every employer shall at his own expense provide for his employees and members of their families living with them medical aid in accordance with such scale as may be prescribed.

It should be noted that this facility is available to employees and their respective families if they are resident on the employers' property with the knowledge and consent of the employer.

The construction industry has particular rules on health and safety. They are contained in the Factories (Building Operations and Works of Engineering Construction) Rules, Government Notice No. 18 of 1986. The rules do set out extensively the health and safety standards that are mandatory in the construction industry. Salient clauses are cited hereunder:

Rule 4.

- (1) Every contractor shall comply with the requirements of these Rules designed to ensure the health, safety and welfare of all persons engaged in building operations or works of engineering construction undertaken by him in any activity incidental to and at the site of the building operations or works of engineering construction.
- (2) Wherever two or more contractors with people employed occupy a site at the same time they shall cooperate to ensure safe working conditions.
- (3) Except in any cases which may be prescribed, it shall be the duty of every contractor to prepare and as often as it may be appropriate revise a written statement of his general policy with respect to the health, safety and welfare at building operations on works of engineering construction of his employees and the organization and arrangements for the time being in force for carrying out the policy and to bring the statement and any revision of it to the notice of all his employees.
- (4) Every contractor has a duty to carry out his work in such a way that persons not in his employment who may be affected by it are not exposed to risk their health, safety and welfare.

Rule 6.

- (1) Every contractor who employs more than 20 persons shall, for every site on which there is a contract, appoint one or more persons experienced in the operations or works carried on at the site and suitably qualified for the purpose, to:
 - (a) advise the contractor as to observance of the safety, health and welfare requirement under the Act and under these Rules; and
 - (b) Supervise and ensure the observance of the requirements and promote the safe conduct of work generally at sites.
- (2) A contractor who employs two or fewer persons may appoint either himself or another person to be a safety supervisor in accordance with paragraph 1.
- (3) The person appointed as safety supervisor may be a site engineer, site agent, foreman, or charge hand.

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- (4) The name of every person appointed under this Rule shall be notified to the Chief Inspector and shall also be entered in a copy of the abstract of these Rules maintained by the contractor.

Rule 22

Workers employed on road construction work should be protected from traffic by barricades, signs, lights, watchmen or other effective means.

The Rules also provide safety standards in scaffolds, construction material, construction of working platforms, gangways and guardrails and toeboards to working platforms.

Provision Health and Welfare Rule

129(1)

Subject to the provisions of paragraph (2) and (3) there shall be provided at or in the immediate vicinity of every site for the use of persons employed and conveniently accessible to them:

- (a) adequate and suitable accommodation for taking shelter during interruption of work owing to bad weather or for depositing clothing not worn during working hours being accommodation containing such arrangements as are reasonably practicable for enabling persons to warm themselves and for drying wet clothing.
- (b) adequate suitable accommodation for the deposit of protective clothing used for work and kept, when not in use, at or in the immediate vicinity of site, with such arrangements as are reasonably practicable for the clothing if it becomes wet;
- (c) adequate suitable accommodation, affording protection from the weather and including sufficient tables and seats or benches for taking meals with facilities for boiling water and where a contractor has more than ten persons in his employment on a site and heated food is not otherwise available on the site, adequate facilities for heating food; and
- (d) an adequate supply of wholesome water at convenient point or convenient points and clearly marked "DRINKING WATER" or patently intended to be used as such.

Washing and sanitation facility is taken care of under Rule 130. The law sets the standards as follows: 1 per 25 employees for the first 100 employees and thereafter 1 for 35 for number in excess of 100 employees.

Provision on first-aid rule

134

Provides that first-aid facility shall be made available by the contractor for every employee in a work site.

The contractor is required by law (Ibid Rule 135) to provide first-aid room properly constructed and accessible for purpose of rest and treatment available during working hours. Applicable to contractors who employ 250 and more employees.

Enforcement of Health and Safety Standards can be done by the Chief Inspector or any Inspector appointed by the Chief Inspector and even by Courts of law.

There is also a legal requirement that obliges employers to draw Compulsory Insurance against injuries and fatal accidents that may occur at workplaces.

The Occupational Health and Safety Act 2003 provides for the establishment of Safety and Health Representatives and Committees at factories and other workplaces as follows below:

■ Safety and health representatives

Section 11 of the Act provides:

- (1) Subject to the provisions of subsection (2) and (3), every employer who has more than twenty employees in his employment at any factory or workplace shall:

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- (a) within four months after the commencement of this Act; or
 - (b) after commencing business; or
 - (c) from such time as the number of employees exceeds four designate in writing for a specified period, a health and safety representatives for that factory or workplace, or for the different sections thereof.
- (2) Any employer and his employees or their representatives shall make their own arrangements and procedures for the nomination or election, the term of office; and subsequent designation of health and safety representatives in terms of subsection (1);
- Provided that, where such consultation fails, the matter shall be referred to an inspector for arbitration and decision.
- (3) Every employee employed in a full-time capacity at a specific factory or workplace and is acquainted with conditions and activities at that factory or workplace or section thereof, shall be eligible for designation as a health and safety representative for that factory or workplace or section;
- (4) The number of health and safety representatives at a factory or workplace or section thereof shall:
- (a) in the case of shops and offices be at least one health and safety representative for hundred employees or part thereof;
 - (b) in the case of a factory or workplace at least one health and safety representative for every fifty employees or part thereof:
- Provided that those employees performing work at a workplace other than that where they ordinarily report for duty shall be deemed to be working at the factory or workplace where they so report for duty.
- (5) Where an inspector is of the opinion that the number of health and safety representatives for any factory or workplace or section thereof, including a factory or workplace or a section thereof with four or fewer employees, is inadequate, he may by Notice in writing direct the employer to designate such number of employees as health and safety representatives for that factory or workplace or section thereof as the inspector may determine in accordance with the arrangements and procedures referred to in subsection (2).
- (6) All activities in connection with the designation, functions and training of health and safety representatives shall be performed during ordinary working hours, and any time reasonably spent by any employee in this regard shall for all purposes be deemed to be time spent by him in the carrying out of his duties as an employee.

■ Safety and Health Committees

Section 13 of the Act provides:

- (1) An employer shall in respect of each factory or workplace where two or more health and safety representatives have been designated, establish one or more Committees and, at every meeting of such a Committee, consult with the Committee for the purpose of initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of his employees at work.
- (2) The Committee shall consist of such number of members at least one third of whom shall be women as the employer may from time to time determine except that:
 - (a) where one Committee has been established in respect of a factory or workplace, all the health and safety representatives for that factory or workplace shall be members of the Committee;
 - (b) where two or more Committees have been established in respect of a factory or workplace, each health and safety representative for that factory or workplace shall be a member of at least one of those Committees; and

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- (c) the number of persons nominated by an employer on any Committee established in terms of this section shall not exceed the number of health and safety representatives on that Committee.
 - (3) The persons nominated by an employer on a Health and Safety Committee shall be designated in writing by the employer for such period as may be determined by him, and shall be members of the Committee for the period of their designation in terms of this section.
 - (4) The Committee shall hold meetings as often as may be necessary but at least once every three months at a time and place determined by the Committee;
 - (5) An inspector may by notice in writing direct the members of a Committee to hold a meeting at a time and place determined by the inspector.
 - (6) Where more than ten percent of the employees at a specific factory or workplace has made a written request to an inspector, the inspector may by a written notice direct that such a meeting be held.
 - (7) The Committee shall determine the procedures of the meetings.
 - (8) The Committee may co-opt one or more persons by the reasons of a particular knowledge of health or safety matters as an advisory member or as advisory members of the Committee but such member shall not have the right to vote.
 - (9) If an inspector is of the opinion that the Committee established for any particular factory or workplace is inadequate, he may in writing direct the employer to establish for that factory or workplace such number of Committees as the inspector may determine.

3.9. Casualization

Strictly speaking the law in the United Republic of Tanzania allows employers to hire workers on casual and on longer terms (monthly, weekly and fortnightly). Employers do favour casual arrangement contracts of employment to avoid employment costs. However, the social security legislation and the Employment Ordinance discourage casualization of employment relations.

Under the Employment Ordinance a casual employee is defined as an employee whose wage is paid at the end of every day. And a casual employee who works for an aggregate of 280 days in a given year will be entitled to all the benefits enjoyed by other contractual employees upon termination of his/her contract.

The Bill of the proposed new labour laws does not recognize casual employment contracts. Only three types of contracts are provided namely:

- (a) a contract for an unspecified period of time;
- (b) a contract for a specified period of time for professionals and managerial cadres;
- (c) a contract for a specific task.

3.10. Review of selected standard contracts for works

This review is confined to documents made available from the projects studied, namely:

- (a) The Agreement and Schedule of Conditions of Building Contract (with Quantities), published by the National Construction Council, 2000 Edition; for NHC Office Complex Project and Boko NHC Complex Project.

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- (b) Contract Document Songwe–Tunduma Road Rehabilitation Project.
 - (c) FIDIC conditions of contract by the Fédération Internationale des Ingénieurs Conseils (FIDIC); for Plant and Design-Build for Electrical and Mechanical Plant and for Building and Engineering Works designed by the Contractor – Edition 1999, for:
 - Nangurukuru – Mbwemkuru Road Project;
 - Mbwemkuru – Mingoyo Road Project;
 - Somanga – Matandu Road Project;
 - (d) Contract documents between Konoike Construction Company and subcontractors, Ministry of Works, and Ministry of Education and Culture.
 - (e) Contracts for the Songo Songo Gas Development Project.

It is intended to look into clauses that feature the obligation of parties thereto regarding the seven aspects under review.

3.10.1. Agreement and Schedule of Conditions of Building Contract with Quantities *(published by National Construction Council, 2000 edition)*

Contractors are free to make own agreements for the engagement of all labour, local or otherwise (clause 10.2). No particular terms and conditions are provided. Contractors are equally obliged to provide for insurance against personal injury or death (clause 21.1).

The provision is not specific on workmen’s compensation insurance. Nothing can be read in this document concerning the seven labour relations aspects currently under review.

3.10.2. Contract Document for Songwe – Tunduma Road Rehabilitation Project issued by the Ministry of Works, October 2001

Section 4 contains Conditions of Contract, Part II: Special Conditions.

The relevant clause 34: Conditions and staff welfare, has the following salient aspects:

- The contractor is required to take insurance against accidents to workmen.
- The contractor is required to maintain close contact with Labour Officers for the control of workmen.
- The contractor is allowed to make own arrangements in respect of recruitment of labour, local or otherwise.
- The contractor is encouraged to employ qualified staff and labour from within the United Republic of Tanzania (clause 34.1).
- The contractor is required to pay rates of wages not less favourable than those approved by the government in the district of the site (clause 34.3).

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- Wages must be paid promptly and regularly at customary intervals.
 - Express instruction is given to contractors to strictly comply with labour laws and regulations for the time being in force (clause 34.4).
 - An on-site safety and accident protection officer must be appointed (clause 37.7).
 - It also contains provisions on health and safety that provide for required standards including preclusive measures on HIV/AIDS, (clause 34.8) and epidemics (clause 34.10)
 - Compensation for injury (clause 34.12), and burial of the dead (clause 34.11).
 - Contractor/subcontractor to recognize freedom of workmen to join union membership (clause 34.6).

3.10.3. Road Works Contracts for Nangurukuru – Mbwemkuru, Mbwemkuru – Mingoyo, and Somanga – Matandu based on FIDIC conditions of contract, first edition 1999

Contains clause 6 on working conditions and staff/labour welfare. The following specific aspects are covered:

- Obligation of the contractor to abide by laws of the land regarding employment conditions, health, safety, welfare, immigration, etc.
- Contractor to require employees to obey the law including safety at work.
- On wages: this contract prohibits the contractor from paying wages lower than those established in the trade/industry.
- On hours of work the contract prohibits work on site during rest days and after normal working hours.
- There is no specific mention of freedom of association, the right to organize, discrimination, child labour, which have implicitly been covered by creating obligations to the contractor to abide by the applicable labour laws and regulations

3.10.4. Contract with Konoike Construction Company Ltd.

The subcontract agreement between Konoike and the subcontractors, although simple, contains relevant provisions to the following effects:

- It requires the subcontractor to ensure safety on site for employees, and even third parties.
- A system for controlling safety during the working period should also be provided for.
- There is no mention of freedom of association, wages payable, hours of work, discrimination, or staffing.

The contracts between the contractor and the Ministry of Works and the Ministry of Education and Culture have no provisions on the issues under investigation. The only

provision relating to employees is with regard to expatriate staff, whereby it is provided that in the event that force majeure is likely to endanger an expatriate staff of the contractor, they shall be allowed to leave the site and/or office, giving at least 24-hours' notice to one of the client's staff responsible for the management of the project.

3.10.5. Songo Songo Gas Development Project

Contains few provisions on conditions of work and safety to the following effect:

- Requirement for the client and the contractor to establish site regulations on safety, sanitation, medical care and fire prevention.
- Removal from site of anything that does not comply with Health and Safety Policy.
- Restriction on work out of normal working hours (clause 22.8).

There is no notable treatment of such aspects as freedom of association, rates of wages, discrimination, and child labour.

3.11. Concluding remarks

(a) Freedom of association

It is observed that Tanzanian law adequately provides for freedom of association of employees.

(b) Discrimination

The Constitution of the United Republic of Tanzania prohibits discriminatory treatment at workplaces. The Bill on the new Employment and Labour Relations Act, 2003 has a provision that outlaws discriminatory treatment at workplaces.

(c) Child labour

Child labour is legally restricted; persons below the age of 12 cannot be employed. Those between 12 and 18 may be employed. However, they should not be employed near machinery or in work injurious to health and must return home to parents or guardians every day after work. The new Bill on Employment and Labour Relations Act, 2003, seeks to raise the age from 12 to 14 years.

(d) Wages

There is no law that prescribes the amount of wages payable to different categories of employees. However, there are mechanisms under the Regulations of Wages and Terms of Employment Ordinance-Cap 300 for setting minimum wages in the private sector. The prevailing minimum wages were set in June 2002. Wages for public servants in all sectors and categories, including those in the construction industry, are fixed by way of circulars issued by the President's Office – Public Service Management. The current rates were proclaimed in August 2002.

(e) Hours of work

Hours of work are regulated by the Regulation of Wages and Terms of Employment Ordinance, Employment Order, 2002 Government Notice No. 311 published on 28th June 2002.

(f) Health and safety

There are adequate provisions related to health and safety issues for the construction industry through the Employment Ordinance Cap. 366, and the Factories (Building Operations and Works of Engineering Construction) Rules, Government Notice No. 18 of 1986.

(g) Casualization

The social security legislation and the Employment Ordinance – Cap 366 discourages casualization on employment relations. The Bill of the new Labour Laws does not recognize casual employment contracts.

(h) Provisions in contracts for works

The contracts for works for the studied projects do not provide adequate coverage with regard to freedom of association, discrimination at workplaces, child labour, wages/remunerations, hours of work, health and safety and casualization of employment.

4. General research findings and analysis

This chapter compares the findings on a number of key issues across the 11 research projects. It also summarizes the legal requirements on each issue and assesses the “gap” between common labour practices and the law.

4.1. Forms of employment

The research found that there are three types of employment status for workers on Tanzanian construction sites: permanent employees, workers on annual contracts and temporary or casual workers. On the 11 projects studied, the proportion of the total workforce who are on permanent contracts varies from 1 per cent to 20 per cent, with an average of 7 per cent. Most of the foreign workers (and a few Tanzanians) are on permanent contracts.

It was not possible to establish the number of casual labourers on two projects (Nos. 9 and 10). One project (No. 11) has only half of the workers on casual or temporary terms. The proportion of casual or temporary labourers on the other eight projects ranges from 73 per cent to 96 per cent. All of the casual and temporary labourers are Tanzanians.

Strictly speaking the law allows employers to hire workers on a casual basis. However the social security legislation and the Employment Ordinance both discourage casualization of employment relations. Under the Employment Ordinance a casual employee is defined as one who is paid at the end of each day. Any such employee who works for 280 days in a given year is entitled to all the benefits enjoyed by other contractual employees.

Information on the region of origin of the labourers was provided on only two projects (Nos. 2 and 3). In both cases approximately 40 per cent come from within the region and the rest from outside. The contractors on these two projects said that they are required to agree the modalities for employment on any construction project with the local authorities. But the local authorities are only involved in appointments to sensitive positions like security guards and storekeepers.

4.2. Discrimination

The workforce at the construction sites consists mostly of males. The proportion of females ranges from 0 to 15 per cent. Most of the women are working at the campsites as office workers or ancillary workers. Out of the 11 projects under study only two projects had women working at construction sites. These are the primary school building project in Dar es Salaam (No. 11) and a road project (No. 2). On the latter site women are working as machine operators and flag girls and their presence is attributed to gender mainstreaming by the donor, DANIDA.

The small number of women working in construction could be because women have not been sensitized to this kind of work, despite the fact that the projects are being executed in areas where they could take this opportunity and help reduce their poverty. It could equally be attributed to the fact that the employers (contractors) consider the employment of women as an added cost to the project since sometimes women have to devote part of their time to maternity and childcare issues.

The conditions of contract and the Law on Labour Practices in the Construction Industry in the United Republic of Tanzania do not currently require gender balance in employment at construction sites. However, both the law and the Constitution require that

there should be no discrimination in the payment of wages for men and women carrying out the same type of work for an equal duration. This means that a victim of any discriminatory practice can obtain redress in the Industrial Court of Tanzania or in the High Court. On the few projects where women were found working on site they were reported to receive equal wages for the same amount of work executed.

4.3. Child labour

The construction projects under consideration were found to employ only people who are above 18 years of age. Tanzanian law – section 77 of the Employment Ordinance, Chapter 13 of the Laws of Tanzania as amended by Act No. 5 of 1969 – permits the employment of persons above the age of 12. However, the Bill on the proposed new “Employment and Labour Relations Act 2003” makes it illegal to employ a child of under 14.

4.4. Welfare facilities

Most of the contractors claim to provide accommodation, transport, food and water to all of their workers. But evidence provided by the workers shows that this is seldom the case.

On only two projects in the rural areas was the provision of fresh drinking water confirmed (Nos. 5 and 7). On the other rural projects it seems that fresh water is not provided. On one project in Dar es Salaam (No. 8) the workers drink untreated water from a borehole while the senior staff are provided with bottled water. Drinking water is available on the other sites in the city.

Toilets are provided on all sites in Dar es Salaam, but in only two of the seven rural projects (Nos. 5 and 7). In most cases the workers reported that they have to use the surrounding bushes for toilets. Only one project (No. 10) provides washing and changing facilities.

Accommodation on rural projects is only provided for permanent workers (No. 5) or skilled workers (No. 7). In three projects (two urban and one rural) an allowance for accommodation is supposed to be included in the salary but workers are not always aware of this. On other projects there is no accommodation or allowance provided.

One of the seven rural projects provides food (No. 7) and one provides a meal allowance (No. 5). One project in Dar es Salaam (No. 10) has a canteen but workers have to pay for the food. On all other projects either no provision is made or “mama Lishe” serve food at kiosks on their own initiative. In several instances it was noted that the facilities are not very clean.

Transport to and from work is provided on project No. 5 to permanent workers only. On most of the projects it is not provided.

It can be concluded that three projects provide adequate welfare facilities to their workers (Nos. 5, 7 and 10). But even on these projects some facilities are provided only to permanent workers. In most of the projects the temporary and casual workers who form at least 70 per cent of the workforce are not provided with the following essential facilities: safe drinking water, toilets, showers and changing room, accommodation and transport to and from home. This is contrary to the Employment Ordinance of Chapter 366 of the Laws of Tanzania which requires every employer, at his own expense, to provide for his

employees and members of their families living with them an adequate and easily accessible supply of wholesome water for drinking, washing and other domestic purposes.

It is equally contrary to the Factories (Building Operations and Works of Engineering Construction) Rules that requires the contractor to provide:

- adequate and suitable accommodation;
- tables and seats or benches for taking meals with facilities for boiling water, heated food or adequate facilities for heating food;
- washing and sanitation facilities.

4.5. Health and safety

Most of the contractors interviewed (or their representatives) claim to provide all of the entitlements listed in the questionnaire (protective gear, first-aid facilities, transport to nearest medical centre in case of emergency, training on OSH, presence of a safety officer, insurance provision, recording of accidents and compensation to injured workers). However, interviews with the workers revealed that in many cases these facilities are not actually provided. After discussions with the workers the following picture emerged:

- Only five of the 11 sites visited have a safety officer.
- On only three sites is there clear evidence that the contractor provides training on OSH.
- On only four sites does the contractor provide all the necessary protective gear.
- On two sites only helmets are provided to the workers; on four other sites some helmets are provided but only to a few employees.
- On one site no protective gear of any kind is provided.
- Only two sites have workers' health and safety representatives and OSH committees.
- On no site have workers received information or training on HIV/AIDS.

However most sites do have a first-aid box and about half have provided some first-aid training, although this was generally felt to be inadequate.

Some contractors pay for treatment and offer compensation to workers who suffer injuries at work. But workers are generally unaware of their entitlement in this regard. Many of those interviewed expressed a desire for more information on their entitlements and for training on OSH and HIV/AIDS.

The law in the United Republic of Tanzania obliges:

- both employers and workers to adhere to health and safety rules;
- employers to draw a compulsory insurance against injuries and fatal accidents that may occur at workplaces;
- employers – at own expense – to provide medical aid to employees and members of their families living with them.

The specific rules for the construction industry (1986) require every contractor employing more than 20 persons to appoint a safety officer and to provide first-aid facilities. There are also detailed technical requirements for road or building works.

The Occupational Safety and Health Act 2003 provides for the appointment of health and safety representatives and for their training and duties to be carried out during working hours. It also requires the establishment of a health and safety committee on sites with more than 50 workers.

It is concluded that the 11 projects exhibit a very wide range in OSH standards. Overall an acceptable standard is achieved on four of the projects (No. 5, 7, 10 and 11). On four other projects the provision for OSH is inadequate. On three further projects (Nos. 6, 8 and 9) it is exceptionally poor. On one of these projects (No. 9) the Tanzanian Government is acting as both client and contractor.

4.6. HIV/AIDS pandemic

Contractors in most of the construction sites visited have not taken any initiatives to assist in the struggle against HIV/AIDS.

None of the sites provide facilities for workers to be tested. On eight of the 11 projects no information on HIV/AIDS or advice on prevention is provided. The exceptions are two projects (Nos. 5 and 7) where workers confirmed that they have received information and instruction on how to protect themselves. On one of these projects (No. 7) condoms are also provided. On one other project (No. 1) the Ministry of Works provided a seminar to workers in 2002 but the workers said the seminar was too short and the information inadequate.

The Occupational Health and Safety Act No. 5 of 2003 places obligations on both employers and workers on health and safety matters. The FIDIC General Conditions of Contract (Edition 1999) and other contracts used in the projects also have general clauses on health and safety. But there are no specific clauses on HIV/AIDS. The failure of contractors to take action could be attributed to lack of clarity in both Tanzanian laws and the general conditions of contract on this issue.

4.7. Working duration

The duration of the normal working day ranges from eight to 12 hours. The contractors claim a working day of between eight and ten hours. But on four projects (three rural and one urban) workers say they normally work for 12 hours a day. On three other projects the normal working day is ten or 10.5 hours.

For most projects the normal working week is six days. But on three projects the normal week is seven days. These are two rural projects (Nos. 4 and 6) and one urban project (No. 8).

Generally casual (daily paid) workers are not paid when they are not working and paid leave is for permanent staff only. However one subcontractor on project No. 7 gives skilled and casual workers one day off per week with pay and paid leave. Also on project No. 5 monthly paid workers get a day off each week with pay.

Most contractors maintain that they pay overtime at 1.5 times the normal hourly rate, which means Tsh.375. Two say they pay at the normal hourly rate. Two others negotiate with workers on a one to one basis. However on two projects (Nos. 4 and 6) the workers

denied that overtime is paid. On several other projects the workers are unsure of how much they are paid and how it is calculated.

The Regulation of Wages and Terms of Employment Ordinance (Cap. 300 of the Laws of Tanzania) specifies that:

- normal daily working duration is nine hours;
- weekly working duration is five days hence 45 hours per week;
- overtime should be paid at 1.5 times the hourly wage and two times for Sundays and public rest days;
- workers should get two days off per week with pay and paid vacation of 28 days for those who have worked for more than 280 days in a year.

Contractors are obliged to adhere to the Tanzanian Laws and Regulations governing working hours and pay. The deviations noted for most of the construction sites may be summarized as follows:

- Working hours on seven of the 11 projects are well in excess of 45 per week.
- The maximum number of hours worked per week is 84 on projects Nos. 4 and 6. This is followed by 72 hours on projects Nos. 1 and 8.
- No overtime is paid on at least two projects (Nos. 4 and 6). Casual workers do not generally receive days off with pay.
- Paid leave is for permanent workers only

4.8. Remuneration

Evidence provided by employers and workers suggest a huge range of payments for different types of work, both within and between projects, as indicated below:

- | | |
|-------------------------------|-----------------------------------|
| – Engineers: | Tsh.120,000-Tsh.900,000 per month |
| – Technicians/foremen: | Tsh.42,000-Tsh.450,000 per month |
| – Machine operators/drivers: | Tsh.45,000-Tsh.240,000 per month |
| – Skilled labourers: | Tsh.36,000-Tsh.250,000 per month |
| – Unskilled/casual labourers: | Tsh.36,000-Tsh.130,000 per month |

The law does not indicate the wages for different cadres working at construction sites, apart from the minimum. Minimum wages are specified under the “Regulation of Wages and Terms of Employment Ordinance – Chapter 300” of the Laws of Tanzania, as follows:

- | | |
|----------------|------------|
| – Hourly pay: | Tsh.250 |
| – Monthly pay: | Tsh.45,000 |

Contractors claim to adhere to government regulations on pay. However, the two contracts for which information on wages was provided by both employers and workers (Nos. 1 and 4) show a large gap between what the employers claim to pay and what the

workers say they actually receive. In one instance workers say they receive only 50 per cent of what the contractors claim to be paying.

On the basis of the workers' evidence casual workers on three road projects (Nos. 1, 4 and 6) are being paid only Tsh.36,000 per month, which is clearly below the minimum wage of Tsh.45,000 per month. These three projects also have the longest working hours. On two of them (Nos. 4 and 6) there is no overtime pay.

On the eight other projects, the employers claim to be paying the minimum wage of Tsh.45,000 or above to casual workers (although this could not always be confirmed by the workers). However, the minimum monthly wage is calculated on the basis of the hourly rate and assumes a normal working week of 45 hours (nine hours per day for five days) and a normal month of 180 hours, whereas on most of the projects, the normal working week is far in excess of 45 hours, as outlined in section 5.5. In these cases the minimum legal wage requirement is not being met.

Taking into account the number of hours worked in a "normal" week, it would appear that on only three projects are casual labourers being paid around the legal minimum wage or above. These are project Nos. 5, 7 and 10. In seven of the 11 projects contractors are failing, on their own evidence, to comply with the law on minimum wages. The information on which this conclusion was based is shown in table 1.

It was also observed that in a number of projects, workers complained of delay in the payment of wages to labourers. Monthly wages are delayed for two to five days.

Table 1. Hours worked and payment received

Project No.	Normal working hours/week	Normal working hours per month	Required salary for four weeks work	Actual salary	Underpayment
1	60-72	240-288	60 000 <i>72 000</i>	40 000 <i>36 000</i>	20 000 <i>36 000</i>
2	48-65	192-260	48 000 <i>65 000</i>	45 000	3 000 <i>20 000</i>
3	60	240	60 000	45 000	15 000
4	60-84	240-336	60 000 <i>84 000</i>	40 000 + <i>36 000</i>	20 000 <i>48 000</i>
5	51	204	51 000	50 000 +	Nil
6	56-84	224-336	56 000 <i>84 000</i>	36 000	20 000 <i>48 000</i>
7	54	216	54 000	60 000 +	Nil
8	74	296	74 000	54 000 <i>54 000</i>	20 000 <i>20 000</i>
9	48	192	48 000	n/a	
10	42.5	170	42 500	45 000 <i>60 000</i>	Nil <i>Nil</i>
11	48-72	192-288	48 000 <i>72 000</i>	48 000 + <i>36 000</i>	<i>36 000</i>

Notes: 1. The figures in italics represent the workers' estimates. 2. The higher salaries claimed by workers on project No. 10 is attributed to overtime payment which the workers agree is paid on this project.

4.9. Workers' rights

Pension scheme

The majority of contractors claim that their workers are registered with the National Social Security Fund (NSSF) and with the Parastatal Pension Fund (PPF). Many claim that all workers are registered but others admit that only some are registered. This is usually the permanent workers. In almost all cases the labourers who form the majority of the workforce are not covered.

The exclusion of workers from the NSSF could be because their monthly salary is too low. On one site it was suggested that to be registered with the NSSF you must have a salary above Tsh.50,000 per month and no Tanzanians on that site are being paid that much so none are registered. On another site failure to register with NSSF is attributed to the fact that workers are paid by task. Workers may also be excluded from the scheme because they don't have a written contract.

The workers interviewed on one site who are registered with the NSSF are uncertain of the benefits and this may be a factor deterring others from joining. The possibility of employers making deductions on behalf of workers who are not registered ("bogus deductions") was mentioned on one occasion.

Trade union membership

The contractors' representatives interviewed on all of the 11 sites maintained that workers are allowed to join a trade union and to hold meetings on site. However on two sites (Nos. 3 and 4) the workers disagreed. On one of these sites (No. 3) the workers specifically said that they are interested in joining the union but the management will not allow it.

On the other sites there is no evidence of any restriction. Yet a trade union presence was found on only two of the nine sites (Nos. 2 and 10). And on one of these (No. 2) it was said to be not very effective, with workers expressing the view that the union sides with the management.

On several sites labourers expressed an interest in joining the union. But knowledge of TAMICO and of workers' rights in general was found to be very limited.

Tanzanian laws advocate the following:

- Section 5 of the Security of Employment Act (Cap 574) provides that at workplaces where ten or more union members are employed, a trade union branch shall be formed.
- Section 8 of the Security of Employment Ordinance states that an employer in whose business a workers' committee is required to be, or is, established in accordance with this Act should facilitate the operation of the committee.
- Section 8(b) of the same law protects individual union leaders against encroachment by the management by virtue of their being union leaders.

The FIDIC General Conditions of Contract (Edition 1999) do not have a specific clause on freedom of association. However, the General Conditions of Contract require contractors to abide by the applicable Tanzanian labour laws and regulations.

It may be concluded that Tanzanian labour laws and the General Conditions of Contracts require contractors to allow their workers to join a trade union. However, the research has found that:

- Most of the labourers are not registered with the trade unions.
- There is no evidence of trade union activities on the vast majority of sites.
- In some instances this is due to the fact that contractors have not complied with the law and regulations on this matter.

4.10. Monitoring and enforcement

All but two (Nos. 6 and 7) of the seven rural projects have been visited on at least one occasion by local officials from the labour department (Nos. 1, 2, 3, 4 and 5). Projects in Dar es Salaam have been visited by the municipal council and/or the Contractors Registration Board (CRB).

However on several projects the labourers said they were unaware of these visits. The visiting bodies held discussions with the management (contractors) without involving the labourers who form the majority of the workforce.

All contractors who answered the question said they are aware of the law and their obligations to the workers. But most workers are not aware of the government regulations on employment procedures and their rights as employees. However, on two projects (Nos. 5 and 11) the workers said the employer provided information to them before employment started.

There has been labour unrest on five sites (Nos. 2, 3, 6, 7 and 8). In one instance (No. 6) this led to violence. All disputes were over pay. In two instances some rates were raised slightly. But on project No. 7 the workers who were demanding additional payment (to compensate for days without work) were dismissed.

According to Article 36 of the Constitution of the United Republic of Tanzania, labour relations are regulated by legislation and supervised by the Ministry of Labour and Youth Development. In this regard, the Ministry of Labour has three key departments engaged in monitoring and enforcement as follows:

- The Office of the Commissioner for Labour appointed under the provisions of the Employment Ordinance Cap. 366 of the Laws of Tanzania is the overall in charge and superintendent of labour relation in the country.
- The Office of the Chief Inspector of Factories and other workplaces appointed under section 4 of the Occupation, Health and Safety Act No. 5 of 2003 has the responsibility of ensuring that workplaces are safe and matters of welfare to employees are complied with.
- The National Employment Promotion Service established under section 3 of the Employment Promotion Service Act No. 9 of 1999 has the responsibility of ensuring that jobseekers and employers are connected to each other.

It is clear from the above that government bodies, especially the Ministry of Labour and Youth Development, have the obligation of visiting construction sites to ensure that workplaces are safe and matters of welfare to employees are complied with. Unfortunately, even where government bodies have visited the construction sites, they have not held

discussions with the labourers nor educated them on the employment procedures and their rights. Such a situation culminated in labour unrest on five out of the 11 sites, and one of the cases is already in court (project No. 6).

4.11. Additional information from interviewed field workers

When asked for their suggestions for the improvement of working conditions on construction sites the largest number of responses related to wages. On eight of the 11 sites the workers suggested that wages and/or benefits should be improved.

On five of the 11 sites it was suggested that contractual agreements between employers and workers should be signed prior to employment. On two sites it was specifically proposed that workers with long experience in a company should be on permanent terms with associated benefits.

Workers are also concerned about their health and safety at work. On four sites they requested more information on OSH and for contractors to provide health and safety facilities including protective gear. It was suggested that protective gear should be used by only one person in order to reduce the risk of spreading diseases. HIV/AIDS is also a concern. On three sites, the workers proposed that the provision of HIV/AIDS education by contractors should be made compulsory.

A further issue that was mentioned on a number of sites is workers' rights. There were calls to educate workers on their rights or to make them more explicit on four sites. Some workers see this as the role of government.

Other responsibilities attributed to government are inspection, ensuring written agreements are signed (2), that employers adhere to the law and workers are not harassed by their employers (3).

The final issue raised by workers is that of association. On three sites it was suggested that workers should establish associations and/or trade union branches. Contractors should facilitate this and government should ensure that they do so. It was also proposed on one site that there should be regular meetings with management to share information.

4.12. Comparison between projects

The 11 projects have been evaluated on each of the major issues and relatively good practices or exceptionally bad practices noted. The results are shown in table 2. It can be seen that the highest standards are found in projects Nos. 5, 7, and 10. On all three projects most of the welfare facilities required by law are provided to all workers, there is an adequate standard of OSH, working hours are as prescribed by law and all workers are paid above the minimum wage. Two of the projects (Nos. 5 and 7) are the only sites where contractors are educating workers on HIV/AIDS. A large proportion of workers are registered with the pension scheme on projects Nos. 5 and 10 and project No. 10 is the only one with a trade union branch on site.

Table 2 also shows that the lowest standards were recorded on projects Nos. 1, 4, 6 and 8. These projects have the longest working hours and the lowest pay. They also have an exceptionally poor record on workers' rights and two are among the three sites with the lowest standards of OSH.

Three of the four project sites with the lowest labour standards are operated by Chinese contractors. There is in fact very clear evidence that the Chinese contractors have the lowest standards on a large number of issues. Two of the three projects paying only Tsh.36,000 to their labourers (Nos. 4 and 6) are operated by Chinese contractors. These projects also have the longest working hours and no overtime payments. Chinese sites are the only ones working continuously for 7 days a week. On two sites (Nos. 3 and 4) workers maintained that the management does not allow them to join a trade union. Not surprisingly, three of the five sites (Nos. 3, 6, and 8) where there has been labour unrest are run by Chinese contractors and on project No. 6 this led to violence. In addition, two Chinese sites are among the three found to have the worst standards of OSH. However, the third is a site where the Tanzanian Government (in the form of the National Housing Corporation) is both the client and contractor.

Table 2. Comparison of overall standards on the 11 sites

Project No.	Welfare	OSH	HIV/AIDS	Working hours	Pay	Workers' rights	Overall assessment
1				-	-		-2
2						+	+1
3						-	-1
4				-	-	-	-3
5	+	+	+	+	+	+	+6
6		-		-	-	-	-4
7	+	+	+	+	+		+5
8		-		-		-	-3
9		-					-1
10	+	+		+	+	+	+4
11		+				+	+2

Notes: + is above average (relatively good); - is below average (exceptionally bad).

5. Conclusions and recommendations

The findings on each of the identified issues are summarized in section 5.1 below. section 5.2 contains the major conclusions emerging from the research.

5.1. Summary of findings

The projects studied comprise seven civil engineering works in the rural areas and four building engineering works in Dar es Salaam. The projects are ongoing countrywide and do possess great socio-economic significance to the United Republic of Tanzania. All are in the public sector. On one project the Government is both client and main contractor. On the other ten projects the main contractor is foreign, but Tanzanian firms are working as subcontractors on several projects.

5.1.1. Forms of employment

There is high level of casualization of labour on all of the construction sites. At least 70 per cent of workers on each site were found to be employed on a temporary or casual basis and on some sites the figure is as high as 96 per cent. All casual employees are Tanzanians. The permanent staff averages only 7 per cent, many of whom are foreigners.

The employment of workers on a casual (daily) basis is not specifically prohibited in Tanzanian law but the social security legislation and the Employment Ordinance (Cap 366) both discourage casualization in employment relationships. Also the Bill of the new Labour Laws does not recognize casual employment contracts.

5.1.2. Discrimination

The workforce at the construction sites consists mostly of males. Females constitute less than 15 per cent of the total and most are working in the offices. On only one project are females doing manual work on site. No evidence was found of discrimination in the wages paid to men and women executing the same amount of work.

5.1.3. Child labour

No child labour was found in any of the projects.

5.1.4. Welfare facilities

The law in the United Republic of Tanzania requires that contractors provide the following facilities for all workers and members of their family living with them:

- an adequate supply of fresh water for drinking, washing and other purposes;
- adequate and suitable accommodation;
- catering facilities ;
- sanitary facilities (toilets, showers, changing rooms).

The temporary and casual labourers who form more than 70 per cent of the workforce are not provided with these facilities in most of the projects. Contractors provide welfare facilities mainly to permanent workers. On only three projects is the provision of welfare facilities considered to be adequate. These are project Nos. 5, 7 and 10.

5.1.5. Health and safety

The general conditions of contract for the projects and Tanzanian labour laws place responsibility for the health and safety of the workers on the main contractor. The law and regulations are quite explicit on the steps that have to be taken, which include first-aid facilities, training, protective gear, transport in case of emergency, safety officers, OSH committees, insurance and compensation to injured workers.

But on many of the projects visited the contractor has failed to provide any or all of these services. On only four projects is the standard of OSH considered acceptable (Nos. 5, 7, 10 and 11). On four other projects provision for OSH is clearly inadequate. On three further projects (Nos. 6, 8 and 9) it is exceptionally poor.

5.1.6. HIV/AIDS pandemic

Neither the Tanzanian laws nor the General Conditions of Contract possess specific regulations on how the contractors should assist in the fight against HIV.

Consequently, with two notable exceptions (projects Nos. 5 and 7) contractors have not taken any initiatives to educate their workers on HIV/AIDS or to provide protective measures including condoms to the site workers. As a result, the lives of site workers and the residents of surrounding villages where projects are ongoing are put at risk. The risk of spread of HIV in project areas could be serious if stern measures are not taken.

5.1.7. Working duration

The “Regulation of Wages and Terms of Employment Ordinance (Cap. 300 of the Laws of Tanzania)” specifies a normal working week of 45 hours, after which workers are entitled to overtime pay at 1.5 times the normal hourly rate or two times on Sundays. On seven of the 11 sites visited, working hours are well in excess of 45 per week. The maximum number of hour worked per week is 84 hours on two projects (Nos. 4 and 6) and these are projects where no payment is made for overtime.

The law also states that workers should get two days off per week with pay and paid vacation of 28 days for those who have worked for more than 280 days per year. But on all but two projects (Nos. 5 and 7) temporary and casual workers do not receive any time off with pay.

5.1.8. Remuneration/wages

The Tanzanian Labour Laws specify a minimum monthly wage, currently set at Tsh.45,000. This is based on a working week of 45 hours, or 180 hours per month.

The wages paid by contractors to their casual workers range from Tsh.36,000 to Tsh.60,000 per month and above. But these wages are inclusive of days worked on Saturdays, Sundays and overtime payments. On the basis of evidence provided by contractors themselves it is concluded that on seven of the 11 projects, the laws on minimum wage requirement are not being complied with.

On only three projects (Nos. 5, 7 and 10) are contractors paying their labourers the minimum wage. These same contractors are also providing overtime payment for the extra hours worked.

5.1.9. Pension scheme

In most of the projects there are very few workers registered with the National Social Security Fund (NSSF). Those who are registered are salaried workers on permanent or annual contracts. No casual or temporary workers are registered.

5.1.10. Trade unions

The Tanzanian law encourages trade union membership and protects those engaged in trade union activities.

However the research has found that most of the labourers are not members of the trade union and there is no evidence of trade union activities on the vast majority of sites. Contractors generally claim to allow their workers to join trade unions and to hold union meetings on the site. But there is evidence of limitations on the freedom of association on some project sites (notably Nos. 3 and 4).

5.1.11. Monitoring and enforcement

Tanzanian laws require government bodies, notably agencies under the Ministry of Labour and Youth Development, to visit construction sites regularly and ensure that workplaces are safe and regulations on welfare of employees are complied with.

Most projects have been visited at some time by some government officials. But in cases where site visits were made, the labourers were not informed and did not have the chance to meet with the inspectors, who held discussions with the management (contractors) without involving the labourers.

The contractors maintain that they are aware of the government laws on employment procedures but most are not adhering to them, nor educating the workers on such procedures. Workers generally are not aware of their entitlements. They look to the government to enforce the regulations and ensure that contractors fulfil their obligations. But the government has failed to do this. As a result there has been labour unrest on five sites brought about by mistreatment and intimidation of the workers by their employers.

5.1.12. Workers' priorities

The interviewed labourers are concerned that wages and benefits should be improved. But they also would like to see proper contractual agreements between employers and workers so that they are more aware of their entitlements. The third priority is for education on occupational safety and health and HIV/AIDS and on workers' rights.

5.1.13. Comparison between projects

Comparison of labour practices across the 11 projects revealed three projects (Nos. 5, 7 and 10) with consistently high standards. On these projects, most of the welfare facilities required by law are provided to all workers, there is an adequate standard of OSH, working hours are as prescribed by law and all workers are paid above the minimum wage. However, four projects (Nos. 1, 4, 6 and 8) were found to have exceptionally low standards, with the longest working hours, lowest pay, lowest standard of OSH and a poor record on workers' rights. Three of the four are operated by Chinese contractors.

5.2. Conclusions

It is concluded that the legal framework on labour practices in the construction industry is generally adequate. However, there is a serious lack of monitoring and enforcement. The government and its agencies have been weak in monitoring labour practices on construction sites and enforcing the laws and regulations designed to protect the workers. At the same time, workers are generally not aware of their rights and entitlements under the law and the contract.

Lack of monitoring and enforcement and lack of awareness on the part of the workers' has allowed the contractors the freedom to choose how they wish to treat their labour force and whether or not they will abide by the regulations of the government in this regard.

In the majority of projects studied, contractors have chosen to ignore the regulations governing the overall welfare of the workers at construction sites. On most of the projects, the benefits to which the workers are entitled by law are not provided by the contractors. Such a situation has led to labour unrest on some of the sites.

However there are a few sites where labour practices are of a good standard, workers are treated well and receiving the benefits they are entitled to by law.

The great diversity in labour standards found in the 11 projects is an unexpected finding of the research. International contractors are competing with each other (under international competitive bidding) in order to win contracts in the United Republic of Tanzania. The fact that they practice very different standards in the treatment of their workers raises important questions about the fairness of the competition.

Three of the four project sites with the lowest labour standards are operated by Chinese contractors. This suggests that the success of the Chinese contractors (the "new entrants" to the market) in winning an increasing number of tenders in the United Republic of Tanzania may, to some extent at least, be at the expense of the labour force.

5.3. Recommendations

The study has revealed that generally the laws governing employment and rights of workers are adequate. However, the prevailing labour practices in construction in the United Republic of Tanzania are humiliating the workers at construction sites. In view of this, the Government should be committed to implement the following recommendations:

- regularly visit the sites and ensure the enforcement of all laws governing employment procedures and rights of workers on construction sites;
- create awareness among construction workers of the laws governing their employment rights;
- ensure that contractors allow the creation of trade union branches and workers' associations at construction sites and support their activities as per the relevant laws;
- ensure that clauses on health and safety, welfare facilities, working duration, HIV/AIDS and remuneration packages are incorporated in the Conditions of Contracts for Works and enforced for the well-being of construction workers.

Appendix A

Research projects and workforce

No.	Name of Project	Client	Consultant	Contractor	Contracts examined	Workforce on site	Details of interviewees
A. Civil engineering works							
1.	Makuyuni – Ngorongoro road length 77 km Value US\$22 million Progress 70%	Ministry of Works Government of United Republic of Tanzania	Japanese (also funding)	Konoike Construction Company Ltd. (Japanese)+subcontractors	Contracts between main and subcontractors require OSH observance	Total 99 4 permanent 15 annual 80 casuals 10% female 80% casual	1 supervisor 4 casual labourers
2.	Chalinze – Melela Road length 129 km. Value US\$38 million Progress 67%	Ministry of Works Government of the United Republic of Tanzania	European (COWI-consult) (DANIDA funding)	NCC contractors (Danish)+subcontractors	MOW – no special requirements	Total 737 40 permanent 12% female some on site)	4 supervisors 3 labourers
3.	Songwe – Tunduma road length 70 km Value US\$10 million Progress 41%	Ministry of Works Government of the United Republic of Tanzania	Norwegian (NORAD funding)	China Road and Bridge Corporation (Chinese) + subcontractor	Special conditions for labour included in contract	Total 100 23% female 20% permanent	3 supervisors 4 labourers
4.	Nangurukuru – Mbwemkulu road length 95 km Value US\$39 million Progress below 5%	Ministry of Works Government of the United Republic of Tanzania	Design and build 2 Client's consultants, Tanzanian and S. African	SIETO (Chinese)	FIDIC 1999 Design/build (must obey local laws on OSH, wages, hours)	Total 80 – 50 Chinese 20 permanent 30 Tanzanians technicians and casuals 5% female	2 supervisors 3 casual labourers
5.	Mbwemkulu – Mingoyo road length 95 km. Value US\$51 million Progress below 10%	Ministry of Works Government of the United Republic of Tanzania	Design and build SA subcontractor design bridges Tanzanian SA Consultant: Client consultant Tanzania/Canada	Kharafi Construction Company Ltd. (Kuwaiti/S. African management) subcontractor Franki (South African)	FIDIC 1999 Design/build (contractor must obey local laws on OSH, wages, hours)	Total 227 62 permanent 200 main contractor (20 female, 9%) 27 males with subcontractor.	2 supervisors 2 labourers

No.	Name of Project	Client	Consultant	Contractor	Contracts examined	Workforce on site	Details of interviewees
A. Civil engineering works							
6.	Somanga – Matandu road Length 33 km. Value US\$12 million Progress 40%	Ministry of Works	Design and build UK consultant for client	China Geo Engineering Corporation (Chinese)	FIDIC 1999 Design/build (must obey local laws on OSH, wages, hours)	Total 268 18 permanent male Chinese female (0.4%)	1 supervisor 2 labourers
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project US\$206 million	Songas Tanzania Ltd. On behalf of the Govt. of the United Republic of Tanzania	Indian consultant Various European	Larsen and Toubro (Indian)+ 4 subcontractors (3 Tanzanian, 1 Norwegian)	OSH requirement + restrictions on hours of work	Total 3824 females (1%) 22 permanent Indians with main contractor 50 permanent with sub.	4 supervisors 5 labourers
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	National Housing Corporation/Private Partner		China Railway (Chinese)	National Construction Council 2000 edition (no special conditions)	Total 1195 Chinese 110 Tanzanian males and 4 females, all temporary 3% females	1 safety officer 1 foreman 3 artisans
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	National Housing Corporation (NHC)		National Housing Corporation (NHC)+Subcontractor (Local) For roadworks and drainage	National Construction Council 2000 edition (no special conditions)	Total 59 NHC 9 perm. Subcontractor 20+ 30 local fund is on time or task based oral contracts 0.5% females	7 workers including 3 from subcontractor
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	Bank of Tanzania Government of the United Republic of Tanzania		Group 5 (S. African) 2 subcontractors from South Africa		Total 298 Main contractor 83 1% female 200 + 15 perm. with subs. mixed terms	5 workers interviewed
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	Ministry of Education and Culture United Republic of Tanzania		Konoike Tanzania (Japanese) Kibafu (Tanzanian) actually executing works	Ministry of Education contract has no special requirement for labour	Total 115, 15% F 29 with main contractor 1 perm. 28 annual (1 F), 86 with sub, 30 annual (6F) 56 casual (11F)	2 supervisors 3 labourers

Appendix B

Practices relating to OSH

No.	Name of project	Safety officer	Protective gear	Training	First Aid	Workers representative	Comments
A. Civil engineering works							
1. Not adequate	Makuyuni – Ngorongoro road Length 77 km Value US\$22 million Progress 70%	All engineers responsible	Helmets to all at no cost. Gloves, boots, masks to permanent workers only	Information on the notice board. Daily morning reminders. One seminar on HIV/AIDS from MOW but training inadequate	Medical assistant on site	No	Contractor maintained all is provided. Workers wanted more information on OSH, HIV/AIDS and their entitlements.
2. Not adequate	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	Yes – a safety engineer registers accidents. Safety info. in project docs	Some provided, mostly at crusher and quarry	A few trained in first aid. Not considered adequate. No HIV/AIDS awareness-raising.	Main camp has clinic with 2 nurses. First aid training and kits inadequate. Transport a problem. Misuse of facilities.	No mention	Contractor claims all is provided. Some accidents recorded. Compensation paid but workers not always aware.
3. Not adequate	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	No info. In project docs.	As above	No specific training on OSH or HIV/AIDS	As above	As above	Contractor claims to provide safety gear and training, but does not.
4. Not adequate	Nangurukuru – Mbwemkulu road Length 95 km Value US\$39 million Progress below 5%		Helmets and gloves provided at no cost. No boots or masks.	No awareness campaign or education on HIV/AIDS			Contractor claims to provide all. No accidents on site so far. Workers not informed of entitlements. Want education on HIV.
5. OK	Mbwemkulu – Mingoyo rd. Length 95 km. Value US\$51 million Progress below 10%	Yes	Yes	Yes, training is continuous plus awareness raising on HIV/AIDS	Yes	Yes. Also a committee on OSH which meets weekly.	High level of OSH. But even here workers not tested for HIV and no protective gear offered.

No.	Name of project	Safety officer	Protective gear	Training	First Aid	Workers representative	Comments
A. Civil engineering works							
6. Very poor	Somanga – Matandu road Length 33 km Value US\$12 million Progress 40%	No	No	Once by a doctor from Lindi Municipality. Workers say no training on OSH or HIV		No	No compensation to temporary workers. Very poor conditions observed.
7. OK	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million			Education on HIV and provision of condoms confirmed by workers			Contractor claims to provide all. Workers complained of having to provide own treatment after accidents and no compensation.
B. Building works							
8. Very poor	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	“Safety officer” but with no proper training	Only helmets and only to a few. Steelwork in progress but no gloves, boots or harnesses	None	No first-aid training. A first-aid box on site	No	All employees on a casual basis. Contractor penalized by CRB for not providing protective gear.
9. Very poor	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	No	Helmets only and only to a few. No safety harness for roof work. No boots or gloves for plaster		First aid box. 2 technicians with some training		Contractor says fund should provide own PPE. Several accidents on site – falls from roofs or lorries.
10. OK	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	Yes – and comprehensive policy	Yes – all. On withdrawal of working equipment	One-hour toolbox briefings each Monday. But no education on HIV/AIDS and no protective gear	6 trained first-aiders and a first-aid box	Yes and a OSH committee	High level of OSH but nothing on HIV/AIDS. One serious accident on site.
11. OK	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	Yes	Yes	No training or information on HIV/AIDS	2 nurses at site		Good on OSH.

Appendix C

Welfare facilities

No.	Name of Project	Water	Toilets	Accommodation	Food/eating place	Transport	Comments
A. Civil engineering works							
1.	Makuyuni – Ngorongoro road - Length 77 km Value US\$22 million Progress 70%	No	No (have to use the bush)	No	No	No	Accommodation, transport, food and water only for permanent workers. Contractor says all.
2.	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	No. Have to carry from home or request from nearby villagers	At site camps (not clean) but not at road site or quarry. Depend on nearby villagers	Allowance included in salary but workers not aware of this	No. Mama Lishe serve food at kiosks at own initiative. Not clean	Workers at camps transported to site in tippers	Contractor says all facilities provided. Workers deny it.
3.	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	No	No	Same as project 2	Same as project 2	Same as project 2	Same as project 2.
4.	Nangurukuru – Mbwemkulu road - Length 95 km Value US\$39 million Progress below 5%		No. Use surrounding bushes for toilets			One labourer walks 8 km. to work	Contractor says he provides all. Workers say nothing and/or have to pay.
5.	Mbwemkulu – Mingoyo road – Length 95 km. Value US\$51 million Progress below 10%	Yes	Yes No showers or changing rooms	Permanent workers only	Meal allowance of Tsh.11,000 per month	Yes (permanent only)	

No.	Name of Project	Water	Toilets	Accommodation	Food/eating place	Transport	Comments
A. Civil engineering works							
6.	Somanga – Matandu Road Length 33 km Value US\$12 million Progress 40%	No	No	No	No		Contractor says he provides all.
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	Yes	Yes. No changing rooms and toilets not separate	For skilled workers only	Yes		Labourers confirmed most of contractor's claims.
B. Building works							
8.	Samora/Bridge/Kaluta Complex Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	Water from borehole (untreated) Bottled/treated water for senior staff.	Yes. Satisfactory	All resident of DSM Accommodation, allowance included in pay	Mama Lishe by agreement with contractor at workers' own cost	Included in pay	In DSM city centre.
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	Yes	Yes	Included in salary for permanent employees	Mama Lishe sell on site. No running water to clean utensils	5 km from main road. Used to provide but accident so now at own risk	
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	Yes. Water treatment plant on site	Yes. Washing and changing facilities	Included in pay. Workers want it increased	Canteen on site but workers pay for food		
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	Yes	Yes. No changing room or showers	No	No		Contractor maintained he provides all. Not clear

Appendix D

Wages paid

No.	Name of Project	Casuals	Skilled workers	Machine operators and drivers	Technicians and foremen	Engineers	Comments
A. Civil engineering works							
1.	Makuyuni – Ngorongoro Road length 77 km Value US\$22 million Progress 70%	36,000 (W) 40-80,000 (E)	45-105,000 (W) 48-120,000 (E)	62-120,000 (W) 120-350,000 (E)	45-75,000 (W) 60-120,000 (E)	120-700,000 (E)	Wages paid on time Contractor claimed to adhere to all government regulations.
2.	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	45,000 (E)	80-150,000 (E)	110-350,000 (E)	80-150,000 (E)	160-300,000 (E)	Complaints of delayed payment. Uncertainty re entitlements. Contractor claimed to adhere to all government regulations.
3.	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	45,000 (E)	5,000 (E)	150-200,000 (E)	120-200,000 (E)	150-300,000 (E)	Wages vary and workers not sure of entitlements leading to unrest. Contractor claimed to adhere to regulations but not familiar.
4.	Nangurukuru – Mbwemkulu road – Length 95 km Value US\$39 million Progress below 5%	36,000 (W) 40-80,000 (E)	36,000 (W) 80-150,000 (E)	45-62,000 (W) 120-150,000 (E)	42,000 (W) 80-120,000 (E) 150,000	150-500,000 (E)	Delays in payment up to 5 days. Contractor pays 50% of what he says.
5.	Mbwemkulu – Mingoyo road Length 95 km. Value US\$51 million Progress below 10%	50-130,000	100-250,000	200,000	200-450,000	250-900,000	Workers confirmed these salary levels Terminal benefits also paid for many.

No.	Name of Project	Casuals	Skilled workers	Machine operators and drivers	Technicians and foremen	Engineers	Comments
A. Civil engineering works							
6.	Somanga – Matandu road Length 33 km Value US\$12 million Progress 40%	36,000 (W)	1700-2000 per day = 50-60,000 (E)	1600 = 40,000 (W) 1800-2000 per day = 50-60,000 (E)	60-120,000 (E)	All Chinese nationals. No information	Payment delayed by 3-5 days Workers say employer does not abide by regulations Contractor claims to abide by government regulations.
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	60-120,000 (E)	75-240,000 (E)	150-240,000 (E)	75-300,000 (E)	300-800,000 (E)	Payment delayed by 2-4 days. Workers don't know whether regulations are obeyed. Contractor and subcontractor claim to adhere to regulations.
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	1800 per day 54,000 (W)	2500 per day 75,000 (W)		3500 per day 105,000 (W)-		All workers on daily pay and paid only for days worked.
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	-		2400 per day 72,000 (E)	60,000 (E)	200,000 (E)	
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	2000 per day 60,000 (W)	3000 per day 90,000 (W)	4500-6000 per day 90-180,000 (W)	7000 per day 210,000 (W)	300-800,000 (E)	
11.	Primary schools Dar es Salaam – Value US\$0.23 million Progress 80%	1500-3000 per day 48-120,000 (E)	80-200,000 (E)	120-150,000 (E)	80-250,000 (E)		Workers need information on wages and entitlements.

Appendix E

Working duration

No.	Name of project	Normal working day	Normal working week	Payment for overtime	Days off with pay	Paid holiday	Comments
A. Civil engineering works							
1.	Makuyuni – Ngorongoro road Length 77 km Value US\$22 million Progress 70%	8-10 hours (E) 12 hours (W)	6 days (E) 6 days (W)	1.5 times the normal rate (E)	No	No. Only for permanent staff	Workers confirm payment for overtime but need to know how it is calculated.
2.	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	8 hours (E) 10 hours (W)	6 days (E) - 7 for 2 weeks, 2 off in third: W say 6.57 for 2 weeks, 1 off in third (W)	1.5 times the normal rate (E)			Workers not aware of the regulations and their working rights.
3.	Songwe – Tunduma road Length 70 km. Value US\$10 million Progress 41%	8-10 hours (E)	6 days	1.5 times the normal rate (E)	One (E) None (W)	No. Permanent staff only	Workers are not sure of their salaries and overtime allowances.
4.	Nangurukuru – Mbwemkulu road – Length 95 km. Value US\$39 million Progress below 5%	8-10 hours (E) 10-12 hours (W)	6 days (E) 7 days (W)	1.5 times the normal rate (E) Normally no payment: if paid in Tsh.100 per hour	One (E) None (W)	No. Permanent staff only	
5.	Mbwemkulu – Mingoyo road Length 95 km. Value US\$51 million Progress below 10%	9.5 hours with one hour off for lunch (E) (W)	6 days	1.5 time hourly rate	Monthly workers only	28 days for permanent workers only	Workers generally agreed with management.
6.	Somanga – Matandu road Length 33 km Value US\$12 million Progress 40%	8 hours (E) 12 hours (W)	7 days 7 days	Paid at normal hourly rate (E) No payment for overtime (W)	One day off with pay upon request (E) No paid leave (W)	Given on request (E) No paid leave (W)	Workers said if they ask for overtime pay they are dismissed.

No.	Name of project	Normal working day	Normal working week	Payment for overtime	Days off with pay	Paid holiday	Comments
A. Civil engineering works							
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	8-9 hours (E)	5.5 - 6.5 days (E)	1.5 times normal hourly rate (E)	Permanent workers only 2nd sub on site gives to skilled and casual workers (W).	Permanent workers only 2nd sub on site gives to skilled and casual workers (W).	Two subcontractors working on the same site have difference policies re paid leave for casuals.
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	10.5 hours (E and W)	7 days	Negotiated on one to one basis: Tsh.200-300 per hour	No	No	Supervisors and workers agreed.
9.	National Housing Corporation (NHC) Boko Housing Complex Dar es Salaam Value US\$2.5 million	8 hours (E and W)	6 days	Negotiated with each worker: between Tsh.375 and Tsh.500 Work for main contractor is task based.			
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	9.5 hours with one hour for lunch	5 days	Overtime paid with salaries	No	No	The workers agreed that overtime is paid but didn't know how much.
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	8 hours (E) 11-12 hours (W)	6 days (E)	2.5 times the hourly rate (E)	One day off with pay for monthly workers (E) Workers denied it.		

Appendix F

HIV/AIDS

No.	Name of project	HIV testing	Awareness education	Awareness education	Condoms	Comments	Comments
	A. Civil engineering works		Contractors' view	Workers' view		Contractors	Workers
1.	Makuyuni – Ngorongoro road Length 77 km Value US\$22 million Progress 70%	No	Yes	No. Education on protection inadequate. One seminar from MOW in 2002	No		Seminar too short. Workers would like more information. <i>Providing education should be mandatory.</i>
2.	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	No	No	No. Workers get information from the media in public awareness programmes.	No	Understands that the effect of AIDS is reduced productivity and mortality.	Some workers would be tested if service was available.
3.	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	No	No	Workers get information from the media.	No	Understands the effect of AIDS on productivity but too busy to dwell on it.	Some workers would be tested if the service was available.
4.	Nangurukuru – Mbwemkulu road Length 95 km. Value US\$39 million Progress below 5%	No	Yes. Awareness plus education on protective measures	No. Awareness or education			<i>Providing education on HIV/AIDS to workers on site should be mandatory.</i>
5.	Mbwemkulu – Mingoyo road Length 95 km. Value US\$51 million Progress below 10%	No	Yes	Yes. Workers confirmed	Expected to be provided later		

No.	Name of project	HIV testing	Awareness education Contractors' view	Awareness education Workers' view	Condoms	Comments Contractors	Comments Workers
A. Civil engineering works							
6.	Somanga – Matandu road Length 33 km. Value US\$12 million Progress 40%	No	No	No	No. Contractor claimed to provide but workers denied it		
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	No	Yes	Yes	Yes	Contractor claims to provide regular education and to provide condoms	Workers confirmed the contractor's claims.
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	No	No	No	No		
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	No	No	No	No		<i>Training and awareness of HIV/AIDS should be conducted at site.</i>
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	No	No	No	No		
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	No	Yes	Information provided is inadequate			Workers are using their own initiative to find out about the problem.

Notes: Comments in italics are taken from the "additional comments" from workers at the end of the interview.

Appendix G

Workers' rights

No.	Name of project	Workers with pension scheme	Trade union membership and meetings allowed	Trade union membership and meetings allowed	Trade union presence on site	Comments	Comments
				Contractors' views	Workers' views	Pension scheme	Trade union rights
A. Civil engineering works							
1.	Makuyuni – Ngorongoro road Length 77 km Value US\$22 million Progress 70%	Contractor says yes, but no casual labourers were found to be registered.	Yes	Yes	No		
2.	Chalinze – Melela road length 129 km. Value US\$38 million Progress 67%	Some enrolled with NSSF but uncertain of benefits.	Yes	Yes	Yes, but not very effective	Uncertainty of benefits scares workers away from joining	Workers think trade union sides with management: not sure if they receive benefits from deductions.
3.	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	Contractor says yes, but workers interviewed are not interested.	Yes	No	No (Some sort of workers association but not strong)	Workers not interested because unaware of the benefits	Workers are interested in joining the trade union but management won't allow.
4.	Nangurukuru – Mbwemkulu road Length 95 km. Value US\$39 million Progress below 5%	Contractor says yes but there are no labourers registered with the pension scheme.	Yes	No	No		
5.	Mbwemkulu – Mingoyo road Length 95 km. Value US\$51 million Progress below 10%	Yes. Contractor claims workers are registered and labourers confirmed	Yes	Yes	No		Workers are interested in joining the trade union.

No.	Name of project	Workers with pension scheme	Trade union membership and meetings allowed	Trade union membership and meetings allowed	Trade union presence on site	Comments	Comments
				Contractors' views	Workers' views	Pension scheme	Trade union rights
A. Civil engineering works							
6.	Somanga – Matandu road Length 33 km. Value US\$12 million Progress 40%	Contractor says some are registered. Workers deny	Yes	Yes	No	Workers say none are registered with NSSF as all receive less than Tsh.50,000	Labour unrest on site due to low pay and mistreatment. Workers interested in joining the trade union.
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	Workers with one contractor registered and the other not (both Tanzanian on same site)	Yes	Some workers expressed doubts as to whether management would allow trade union membership	No	One Tanzanian supervisor claimed NSSF deductions made for some who aren't registered	
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	None covered (not even supervisors and foremen) because of employment terms	No evidence of restriction	No evidence	No	Task rate of pay doesn't permit registration with NSSF	No presence of trade union or awareness among workers of TAMICO or of their rights (because long hours of work?)
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	Only permanent employees of NHC covered	No evidence of restriction	No evidence	No		No evidence of trade union activity or awareness of government legislation re employment rights and benefits.
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	All permanent staff covered (a large proportion of total)	Yes	Yes	Yes TAMICO branch on site from October 2003		Accident on site but workers unaware of entitlements for compensation or paid leave. No initiatives to raise awareness- trade union branch may help.

No.	Name of project	Workers with pension scheme	Trade union membership and meetings allowed	Trade union membership and meetings allowed	Trade union presence on site	Comments	Comments
				Contractors' views	Workers' views	Pension scheme	Trade union rights
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	Contractor says yes	Yes	Yes	No (a few members)	There are no written contracts of employment so it seems unlikely that workers will be registered with NSSF.	Workers lack education re employment rights.

Appendix H

Monitoring and enforcement

No.	Name of Project	Official visits to site	Workers aware of site visits	Workers aware of rights	Contractors aware of law obligations	Labour unrest at site	Cause of unrest
A. Civil engineering works							
1.	Makuyuni – Ngorongoro road Length 77 km Value US\$22million Progress 70%	MOW and an official from the labour department	No	No	Yes	No	
2.	Chalinze – Melela road Length 129 km. Value US\$38 million Progress 67%	Labour officials and others from time to time		No Consider the employer is always right in employing and terminating as he wants.		Twice	Contractor deducting from salaries and allowances without telling workers.
3.	Songwe – Tunduma road Length 70 km Value US\$10 million Progress 41%	As above		No Same as above		Twice	As above.
4.	Nangurukuru – Mbwemkulu road Length 95 km Value US\$39 million Progress below 5%	Visits from Lindi regional and district labour officials.	No	No	Yes	No	
5.	Mbwemkulu – Mingoyo road Length 95 km. Value US\$51 million Progress below 10%	Lindi district labour officials once visited the site.	Yes. But thought it was the CRB	Yes This information was provided to them by the employer before employment started.	Yes	No	

No.	Name of Project	Official visits to site	Workers aware of site visits	Workers aware of rights	Contractors aware of law obligations	Labour unrest at site	Cause of unrest
A. Civil engineering works							
6.	Somanga – Matandu road Length 33 km. Value US\$12 million Progress 40%	No	No	Some are aware	Yes	Yes. Once plus a fight between workers and Chinese foreman.	Demand for pay rise: resolved by raising rate.
7.	Songo – Songo Gas Processing plant and infrastructure Value US\$7.6 million Total project 206 million	No		No	Yes	Once	Workers wanted to work for double pay to make up for days without work. 32 workers were dismissed by the subcontractor.
B. Building works							
8.	Samora/Bridge/Kaluta Complex – Dar es Salaam 12 storey complex in city centre Value US\$12.7 million	Ilala municipal engineer and CRB		No	Yes	Once	Dispute over low pay. Contractor raised some wages.
9.	National Housing Corporation (NHC) Boko Housing Complex – Dar es Salaam Value US\$2.5 million	One visit from CRB					
10.	Bank of Tanzania (BoT) Extension – Dar es Salaam 2 x 17 storey towers in city centre Value US\$97 million	Routine inspection from CRB and Ministry of Health (prevention services department).					
11.	Primary schools Dar es Salaam Value US\$0.23 million Progress 80%	One visit from official of the municipal council.		Not all are aware, even though the employer provided information prior to employment.		No	

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