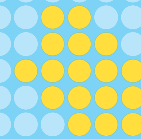


International
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National Profile of Working Conditions in the United Republic of Tanzania



National Profile of Working Conditions in the United Republic of Tanzania

1st edition 2009

International Labour Organization

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About this report

This national profile report presents a concise overview of working conditions in selected sectors of the United Republic of Tanzania, mainland. It is mainly drawn from ILO's eighteen month long project (2008-2009) on "Improving Job Quality in Africa, through concerted efforts by Governments, Employers and Workers". This project was supported by Danish International Development Assistance and carried out in Mozambique and the United Republic of Tanzania.

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I. Introduction:

Improving the quality of working life in the United Republic of Tanzania

Working conditions are key dimensions of decent and productive work. Workers place their wages, working hours, safety, and ability to accommodate their personal and family needs, among their chief concerns regarding the dignity and quality of their working life. These aspects of working life are also important determinants of workplace productivity and competitiveness.

As the Economic and Social Council reported in 2007, global economic growth is increasingly failing to create the kinds of new and better jobs that can lead to a reduction in poverty. Despite high and sustained economic growth in many developing countries, unemployment is rising, a large proportion of the labour force is working below poverty level wages, and the majority of non-agricultural employment is situated in the informal economy. It is of little surprise, then, that in recent years there has been a shift of focus from a singular interest in economic growth to an enlarged concern with improving the quality of work.

Indeed, quality of working life is integral to both human and socio-economic development. The notion of quality of working life has evolved from a preoccupation with certain of the dimensions of paid labour – primarily working hours, wages and maternity protection – towards embracing a more extensive set of elements of both paid and unpaid work. It also encompasses the intersection between the labour market and the lives of workers that take place beyond paid work. This new paradigm embraces dimensions of working life central to concerns about the impact of economic and social changes on workers and their families. These issues are yet to be fully integrated into the most prominent policy responses to the globalized economy.

Governments from across Africa have forcefully called for action to overcome these challenges. The African Union Extraordinary Summit on Employment and Poverty Alleviation in Africa (Ouagadougou, September 2004) overwhelmingly endorsed the ILO's Decent Work Agenda with an

emphasis on the creation of quality jobs. The Government of the United Republic of Tanzania supports this pan-African call for the integration of employment growth and improved quality of work, as reflected in its National Strategy for Growth and Reduction of Poverty 2005–2010 and its National Employment Policy of 2008.

As a response to this pan-African initiative, the present report documents the current status of working conditions in selected sectors in the United Republic of Tanzania, and draws attention to related policy gaps. The report first outlines the framework of labour laws and other relevant policies that govern conditions of work on the mainland. It then examines actual working conditions in the informal economy and in the tourism sector in mainland Tanzania, with the aim of identifying the gaps between the aspirations that are embodied in the legal standards and the realities of working life. Finally, the report outlines a set of policy considerations that can be taken into account by government, the social partners and other interested parties. It concludes with a tripartite policy statement adopted by a national stakeholders' workshop held to discuss the results of the ILO project on which this report is based.

II. Background and context

The United Republic of Tanzania is one of the poorest countries in the world. The effects of the high level of poverty and poor social conditions are illustrated by social indicators such as life expectancy and mortality rate (see table 1).

Table 1. Key social and employment indicators for the United Republic of Tanzania, 1996–2006

	1996	2001	2006
Employment-to-population ratio (% , age group 15-64 years)			
All	86.0	84.3	78.2
Men	88.4	86.4	80.5
Women	83.7	82.2	76.1
Employment status (% of total employment)			
Wage and salaried workers		6.9	10.5
Self-employed workers		89.3	78.1
(Self-employed in the non-agricultural sector)		(5.4)	(10.0)
Contributing family workers		3.8	11.4
All		100.0	100.0
Employment by sector (% of total employment)			
Agriculture		82.1	76.5
Industry		2.6	4.3
Services		15.3	19.2
All		100.0	100.0
Labour productivity (GDP per person employed, constant 1990 US dollar at PPP)	1,006	1,110	1,312 (2005)
Gini index		34.6	
Working poor (% of total employment)			
US 1 dollar or below (per day)		62.9	
US 2 dollars or below (per day)		94.8	
Gross domestic product (GDP) per capita (constant 2000 US dollars)	245	272	330
Trade (% of GDP)	48.2	41.0	43.4
Earnings from tourism (million US dollars)	322	725	1315
Life expectancy at birth (years)	49.9 (1995)	46.8 (2000)	46.3 (2005)
Population (growth rate, %)	2.6	2.5	2.5
Fertility rate (birth per woman)		2.7	2.5
Births attended by skilled health staff (%)			65.0
Mortality rate (under age 5 years; per 1,000 births)		83	86
<i>Sources: ILO Key Labour Market Indicators and other national sources</i>			

Economic performance in recent years (before the global economic crisis began) was relatively good, with an average growth rate of 6 per cent, thanks to economic and political stability. Along with increases in foreign direct investments, the booming tourism sector had been one of the major driving forces of economic growth. By 2006, the sector contributed as much as 16 per cent of the country's GDP (Kamuzora, 2006). A year later, tourism was categorized by the National Economic Survey 2007 (United Republic of Tanzania, 2008) as the most vibrant sector, with increasing opportunities for job creation. This partly explains the rapid increase in service employment, which accounts for about 20 per cent of total employment in the country.

The overwhelming majority of workers are working in the agricultural sector, but their proportion of the workforce has rapidly decreased in recent years (from 82.1 per cent in 2001 to 76.5 per cent in 2006). Employment in the industrial sector has increased, although relatively slowly. Because of this sectoral shift towards service employment, the overall share of self-employment has declined and the number of wage and salaried workers has continued to increase. However, this potentially positive development has been accompanied by increases in the category of contributing family workers, which may point to the informalization of employment, particularly in the urban sector. In addition, the proportion of self-employed in the urban sector almost doubled between 2001 and 2006.

III. Regulatory framework and policies¹

Continued reform efforts

The laws that govern working conditions in the United Republic of Tanzania are rooted in the country's history of colonialism. Legislative measures were initially intended to protect expatriates and local elites. In the 1950s, towards the end of the colonial period, labour legislation was reformed to cover the wider population, and legal standards on maternity protection, hours of work and minimum wages were adopted (see box 1).

In recent years, the Government of the United Republic of Tanzania has made efforts to adjust the regulatory framework for working conditions through a number of important reforms, in the shape of the Employment and Labour Relations Act of 2004, the Labour Institutions Act of 2004, and the National Employment Policy of 2008. These reforms were influenced by the country's international obligations, including ratified ILO Conventions and its commitments under the Millennium Development Goals. The reforms were also a response to the effects of globalization, African trends towards regionalization, and perhaps most significantly the government's National Strategy for Growth and Reduction of Poverty 2005 – 2010.

¹ This section is largely drawn from Ackson (2009).

Box 1. Key legislative standards

Working hours

- 12 hour daily limit
- Overtime payments beyond 45 weekly hours
- 50 hour overtime limit over a 4-week period
- 24 hours weekly rest

Wages

- Sectoral minimum wages of between TZS 56,000 and TZS 350,000 (depending on age and sector)

Maternity protection

- 84 days maternity leave (paid at 100 per cent of previous earnings by the National Social Security Fund) or 100 days where more than one child
- 2 hours per day breast-feeding breaks

Family leave

- 3 days paid paternity leave within 7 days of the birth
- 4 days paid compassionate leave in event of sickness or death

The National Strategy for Growth and Reduction of Poverty: Gender inequality and social protection

Gender inequalities in employment and social protection are a primary concern of the National Strategy for Growth and Reduction of Poverty 2005-2010. In particular, the strategy was designed to tackle: the long working hours of women and children, especially in rural areas; the “double burden” of productive and reproductive work; and the inadequate coverage of social protection benefits, especially for vulnerable groups (the governmental aim being to bring the social protection system into line with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)).

The National Employment Policy: Improving social protection mechanisms

The National Employment Policy addresses: equal treatment of men and women; the improvement of social protection mechanisms in the informal sector; and the provision of adequate maternity benefits.

The Employment and Labour Relations Act, and the Labour Institutions Act are the central state-level legal measures on working conditions. The former is key in that it governs both the individual and collective dimensions of working life, from leave, wages and working hours to freedom of association and collective bargaining. The Labour Institutions Act regulates the establishment and functioning of the country's labour institutions.

Limitations in the scope of laws on working conditions, particularly in the informal sector

While the recent legal reforms are a meaningful step towards improving working conditions in the United Republic of Tanzania (see box 2), certain limitations are apparent. The legal standards on pay, leave and maternity protection, for example, remain inadequate. Although the National Employment Policy asserts that the legal definition of “employee” is broad, informal sector workers still tend not to benefit from the legislation. In particular, the prevalence of contracting, subcontracting, home-based work and self-employment in the informal sector makes the Employment and Labour Relations Act difficult to implement. The precedence of collective agreements over statutory provisions, and the government's authority to specify exemptions from the coverage of the legislation, are also constraints.

Box 2. The regulatory framework: Key legal and policy measures

Employment and Labour Relations Act of 2004:

- covers collective and individual legal entitlements, including working hours, wages, leave, collective bargaining;
- influenced by the relevant ILO Conventions.

Labour Institutions Act of 2004:

- governs the establishment and functioning of labour institutions (functions, powers, duties and so on).

Employment and Labour Relations (Code of Good Practice) Rules of 2007:

- complements the Employment and Labour Relations Act, and the Labour Institutions Act by providing detailed guidance for employers, employees, trade unions, employer organizations, mediators, arbitrators, assessors, judges and government officials.

Labour Institutions (Regulation of Wages and Terms of Employment) Order of 2007:

- sets minimum wages for certain sectors including health services, domestic services, hotels, commerce, trade, transport and so on.

National Employment Policy of 2008:

- promotes equal treatment of men and women; supports improvements in social protection mechanisms, including the extension of benefits to workers in the informal sector; and highlights the role of maternity protection measures as an element of social protection mechanisms.

National Strategy for Growth and Reduction of Poverty 2005–2010:

- emphasizes gender equality as a national policy objective;
- addresses such matters as women's and children's working hours, and the adequacy of the existing social protection benefits, especially for vulnerable groups.

Maternity protection

The 2004 reforms are insufficient to ensure an adequate work/family balance for workers in the United Republic of Tanzania. Although the legislation provides for maternity leave, breast-feeding breaks, maternity benefits and so on, the paternity leave entitlement of three days is too short. Maternity benefit entitlements could also be improved. A major limitation is the conditions attached to the entitlement to maternity protection, which include that the employee must have worked for the same employer for a minimum of six months, and that the employee must not have taken similar leave during a three-year period. Moreover, the employer is under no legal obligation to allow women returning at the end of the maternity leave period to return to the same job or even to an alternative job with the same terms and conditions. The legislation also discriminates against women who have children later in life or at more frequent intervals, because they are permitted to take maternity leave only once every three years.

IV. Actual conditions of work

While the labour laws have influence in the United Republic of Tanzania with regard to minimum standards, the actual working conditions are often not in line with the legal provisions. The substance of labour laws is undermined and employees are subjected to conditions well below the specified minimum working conditions. A survey of the working conditions (see box 3) provides useful insights into the gaps between the law as it stands and the reality of the quality of working life (see table 2).

Box 3. Survey of working conditions in the United Republic of Tanzania

The Global Module for Working Conditions Survey was implemented in 2009, focusing on the urban sector and including three major urban areas (Dar es Salaam, Mwanza and Mbeya), with a total sample size of 1,249. Upon the request of the tripartite constituents, the tourism sector received special attention with a selected sample of 399 drawn solely from the formal sector. For further details, see Kahyarara and Rutasitara (2009).

Table 2.
Overview of working conditions in the United Republic of Tanzania, 2009

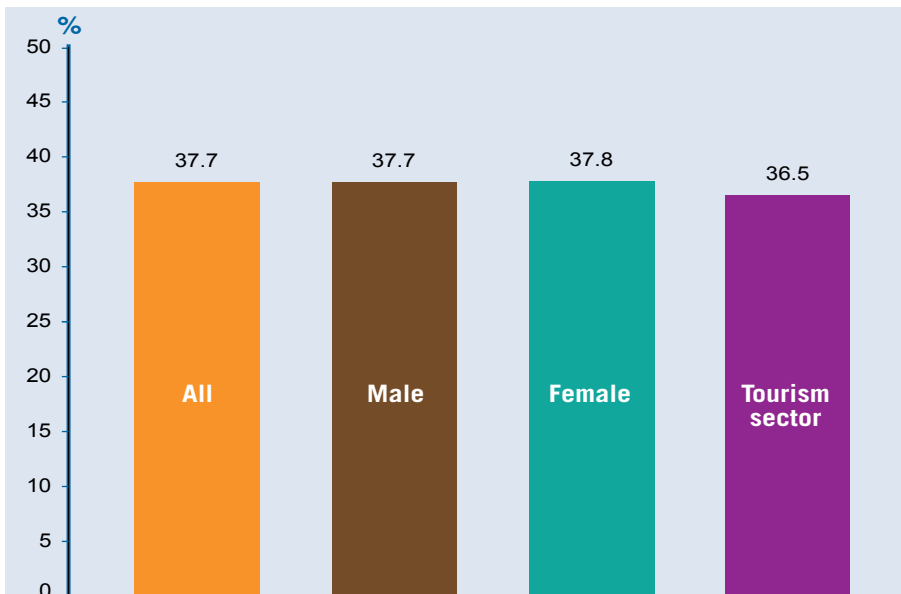
	All	Male	Female	Tourism sector
Employment contract				
Having a written contract or agreement (%)	37.7	37.7	37.8	36.5
Contracts having details on (% of respondents who have a contract or agreement)				
<i>Wages</i>	49.4	50.0	47.9	77.6
<i>Hours of work</i>	51.9	49.2	58.2	84.2
<i>Holidays</i>	30.4	26.9	38.5	73.4
<i>Having a baby</i>	21.6	13.6	21.6	64.7
Covered by a collective agreement (%)	16.5	15.0	20.0	15.6
Legal awareness				
Being aware of legal entitlements (%)				
Minimum wages	73.7	73.6	74.0	84.5
Working time	67.3	66.2	69.8	81.6
Maternity protection	62.1	55.8	77.5	81.4
Leave benefits and protection				
Benefiting from paid annual leave (%)	32.8	30.9	37.5	69.0
Benefiting from paid sick leave (%)	52.0	47.5	63.3	79.4
Benefiting from maternity leave (%)	Not applicable	Not applicable	52.6	69.1 (female only)
Benefiting from dismissal compensation (%)	16.2	14.0	21.6	16.4
Contributions to pension funds (%)	12.6	10.7	17.5	26.6
Working time				
Having more than one job (%)	15.0	14.4	16.2	8.8
Weekly working hours				
<i>Short hours (less than 30 hours)</i>	27.6	26.7	29.8	55.1
<i>Long hours (more than 50 hours)</i>	62.9	64.5	59.1	36.3
Working hour preference compared with current working hours (% of respondents who would prefer)				
<i>More hours</i>	6.2	7.3	3.6	2.6
<i>Same hours</i>	73.1	71.0	78.1	83.8
<i>Less hours</i>	19.8	20.4	18.3	13.5
Working time regularity (% of workers who have fixed starting and finishing time)	55.1	57.0	55.6	80.3
Compatibility between working time and family and social life (% of workers who say that their working time fits family or social commitments)	75.1	77.5	81.3	75.3
Physical work environment and risks				
Physical hazards (% of workers who are exposed to the following hazards around 3/4 of the time or more)				
<i>Noises</i>	37.1	14.0	30.5	10.1
<i>High temperatures</i>	38.9	24.1	34.6	15.0
<i>Smoke, fumes, dust</i>	20.9	27.1	6.6	11.9
<i>Dangerous people (thieves, poachers and so on)</i>	23.1	23.2	23.0	8.9

	All	Male	Female	Tourism sector
Physical work environment and risks				
Being well informed of safety risks (%)	43.3	42.5	45.1	60.0
The way work is organized				
Working at high speed (%, around 3/4 of the time or more)	53.8	55.9	48.7	77.9
Working to tight deadlines (%, around 3/4 of the time or more)	76.6	76.9	75.8	89.7
Having enough time to get the job done (%, "often" and "almost always")	60.5	59.3	63.4	55.8
More training is needed to cope with the current job (%)	53.7	54.9	50.8	22.9
Violence at work				
Physical violence from people from the workplace	15.6	18.4	8.9	10.3
Physical violence from other people	25.9	28.5	19.6	18.5
Bullying and harassment	14.7	15.0	14.0	17.5
Work and health				
Work affects your health (%)	69.5	73.9	58.6	78.7
<i>Backache</i>	53.4	60.1	36.7	62.4
<i>Headache</i>	40.9	45.2	30.4	21.2
<i>Muscular pains</i>	47.0	53.0	32.1	47.0
<i>Injuries</i>	31.9	39.9	12.1	12.9
<i>Stress</i>	49.3	51.1	44.7	63.4
<i>Fatigue</i>	70.0	72.9	62.8	80.9
<i>Anxiety</i>	28.7	27.7	31.2	50.3
Absent due to health problems (%, over the past 12 months)	58.3	56.3	63.3	72.0
Earnings				
Low paid workers (% of workers are earning less than; Tanzanian Shilling)				
<i>Less than 90,000</i>	37.9	34.7	42.6	45.9
<i>Less than 160,000</i>	72.3	69.1	77.0	83.2
Evaluating working conditions				
Working conditions have improved, compared to the previous year (%)	56.9	54.5	63.2	69.7
Job satisfaction				
<i>Pay</i>	47.1	47.7	45.8	23.4
<i>Amount of work</i>	69.3	67.9	70.0	73.4
<i>Working hours</i>	68.6	67.1	71.9	70.7
<i>Training</i>	45.4	43.6	49.6	70.5
<i>Job security</i>	75.0	73.1	77.7	76.7
<i>Workplace safety</i>	74.2	72.0	79.7	82.0
<i>Overall</i>	69.1	67.4	73.4	74.4

Employment relationships: Informal or implicit

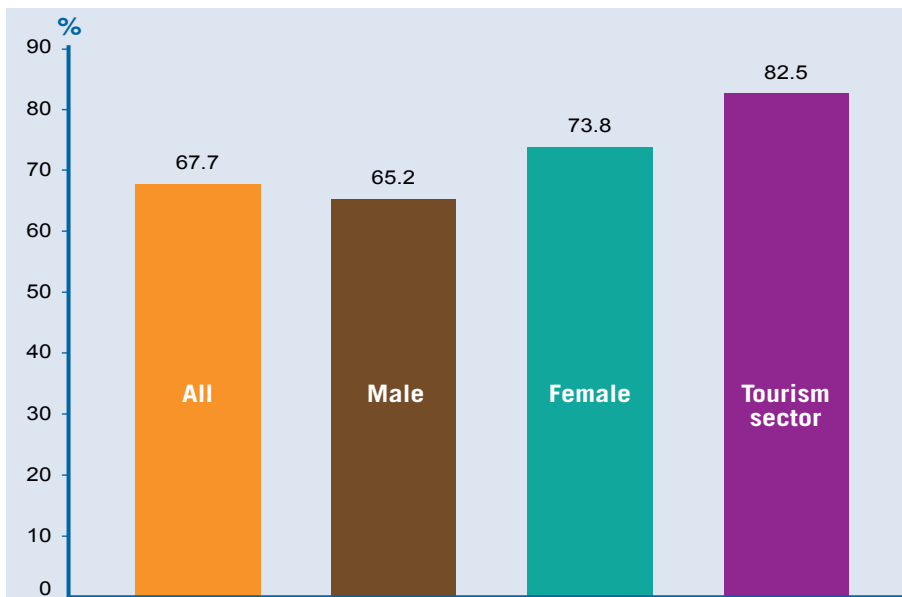
In all sectors of the workforce, a majority of workers' contracts are casual, oral or nonexistent. The informal sector is especially dominated by implicit employment contracts. Collective agreements play an insignificant role for informal sector workers, as exemplified by their inability to bargain for shorter working hours. Formal contracts and written contracts are present in very few sectors – namely, public administration, real estate, financial services, transport and communications. The lack of formal contracts (see figure 1) contributes to problems with conflict resolution when worker concerns arise.

Figure 1.
Percentage of workers with a written contract or agreement,
United Republic of Tanzania, 2009



This informal nature of the employment relationship, coupled with the lack of substantive details in employment contracts, is also related to the fact that a considerable proportion of workers are not aware of their basic legal entitlements in the area of minimum wages, maximum working hours and maternity leave (see figure 2). Research shows that legal awareness can make significant contributions to improving actual conditions (Lee and McCann, 2009).

Figure 2.
Percentage of workers aware of their legal entitlements concerning minimum wages, hours of work and maternity protection, United Republic of Tanzania, 2009

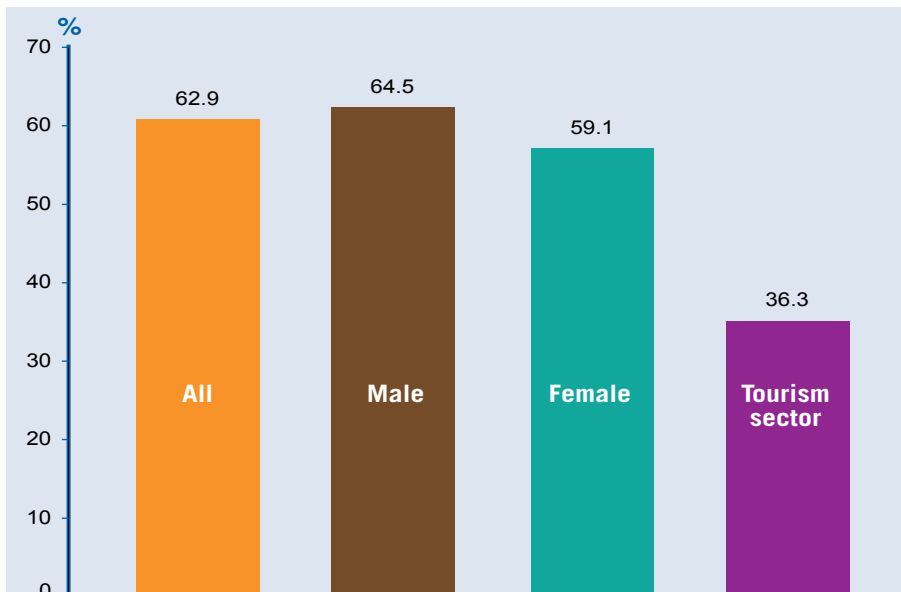


Most workers in the informal economy have little or no social protection and receive little or no social security, either from their employers or from the government. When workers are covered by social security, social security deductions often leave them with very little salary on which to live.

Polarization of working hours

Under the law, employees may work a maximum of 45 hours per week, with a maximum of 50 hours overtime in any 4-week cycle. Overtime payment is legislated as one and a half times the basic wage. In reality, however, working hours are polarized between very long and short hours (workers working short hours tend to be, effectively, under-employed). For instance, 63 per cent of workers are working more than 50 hours per week (see figure 3), while another 28 per cent are working less than 30 hours. Only a rather small minority of workers are working “standard” hours of work: between 30 and 50 hours.

Figure 3.
Percentage of workers who work more than 50 hours per week,
United Republic of Tanzania, 2009



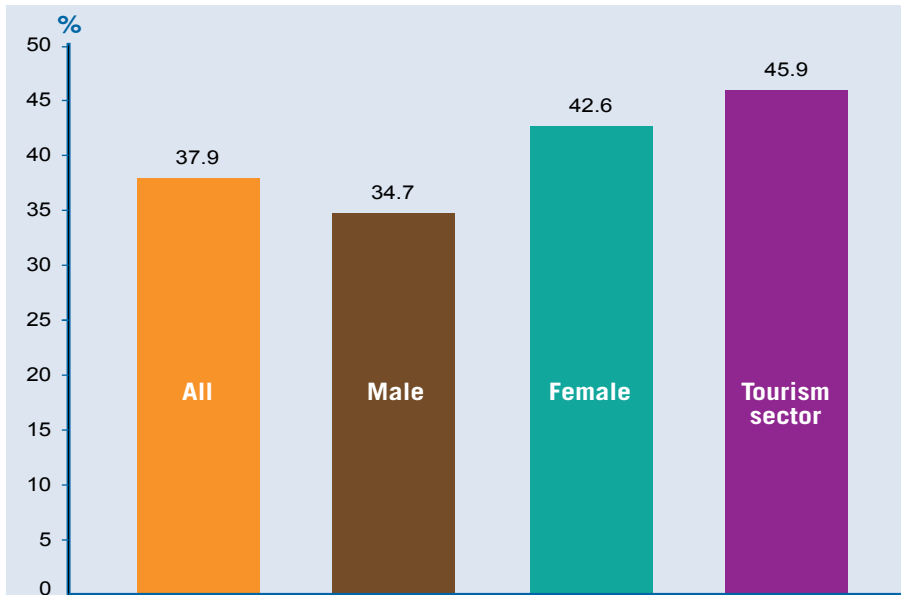
In the service sector, the legislated three 8-hour shifts are often collapsed into a two-shift day, so employees often end up working for 72 hours per week. Additionally, few employers adhere to the overtime pay legislation, and very few employees receive their lawfully provided breaks. The proportion of workers who have a regular pattern of working hours is also relatively low.

Weak collective bargaining in the informal sector affects workers' ability to negotiate their working hours. Furthermore, the very low pay that workers receive makes it difficult for them to refuse long hours, because extended hours often mean opportunities for additional earnings.

Widespread incidence of low pay

The minimum wage in the United Republic of Tanzania varies depending on occupation; the average for workers over 18 years of age is 80,000 Tanzanian Shillings (TZS) per month, with a statutory minimum for overtime of time and a half. However, the benefit of this regulation does not reach a considerable proportion of workers (see figure 4). In 2006, the Integrated Labour Force Survey found that 35.6 per cent of the labour force were working below the nationally-defined poverty line (National Bureau of Statistics, 2007). Additionally, there is inadequate payment for overtime work, working on a holiday and working on a weekend.

Figure 4.
Working poor: percentage of workers who are earning less than TZS 80,000 per month, United Republic of Tanzania, 2009

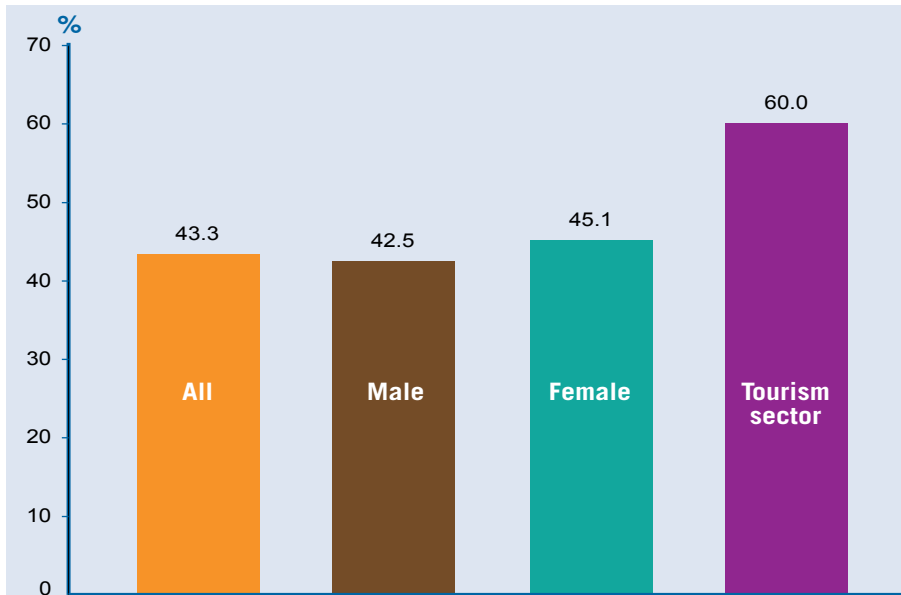


Women are paid comparatively low wages because they are concentrated in the lowest paying jobs, such as domestic service (including work in private houses).

High exposure to physical risks at the workplace

Workers in the United Republic of Tanzania are exposed to various types of physical risks including loud noises and high temperatures. They are often vulnerable to risks from dangerous people (such as thieves and poachers). Workers also widely report inadequate safety and health standards, and environmental hazards. However, they are often poorly informed of the risks at work (see figure 5), which means that they are not well prepared to cope with them.

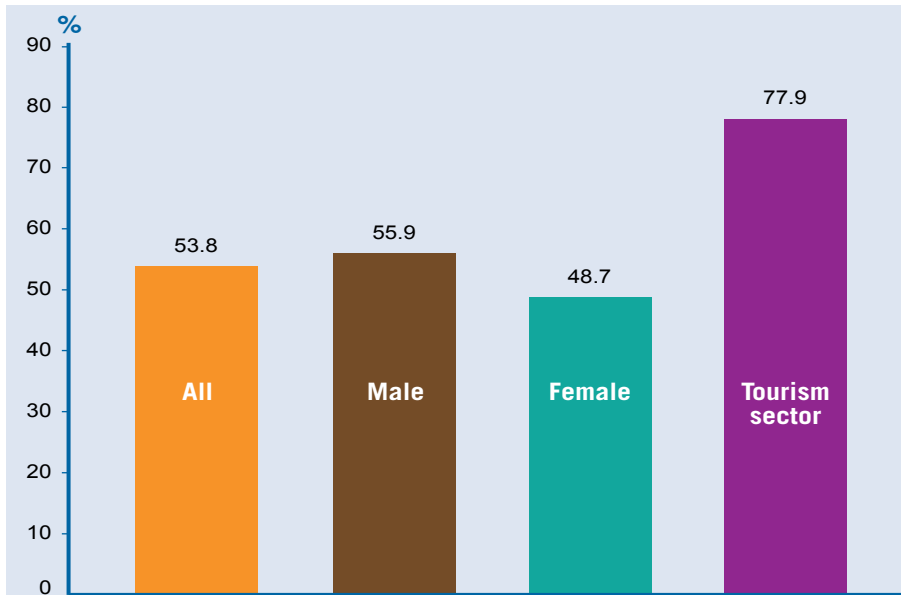
Figure 5.
Percentage of workers who are well informed of safety risks,
United Republic of Tanzania, 2009



Working under pressure

Working hard under pressure characterizes working life for the majority of workers. They are not only working at high speeds (see figure 6), but also under tight deadlines. As a result, the overwhelming majority report that they do not have enough time to get their jobs done. This time pressure at the workplace appears to be related to skill mismatch; many believe that they need more training to cope with their current jobs.

Figure 6.
Percentage of workers who are working at high speed three-quarters of the time or more, United Republic of Tanzania, 2009



Work/family balance, leave benefits, and maternity protection

While the great majority of workers, both men and women, think that their working time is largely compatible with their family and social commitments, the extent to which they can benefit from different leave schemes remains limited. Only one-third of workers can take paid annual leave, and slightly more than half of workers enjoy paid sick leave. Similarly, around half of women can take maternity leave when the need arises.

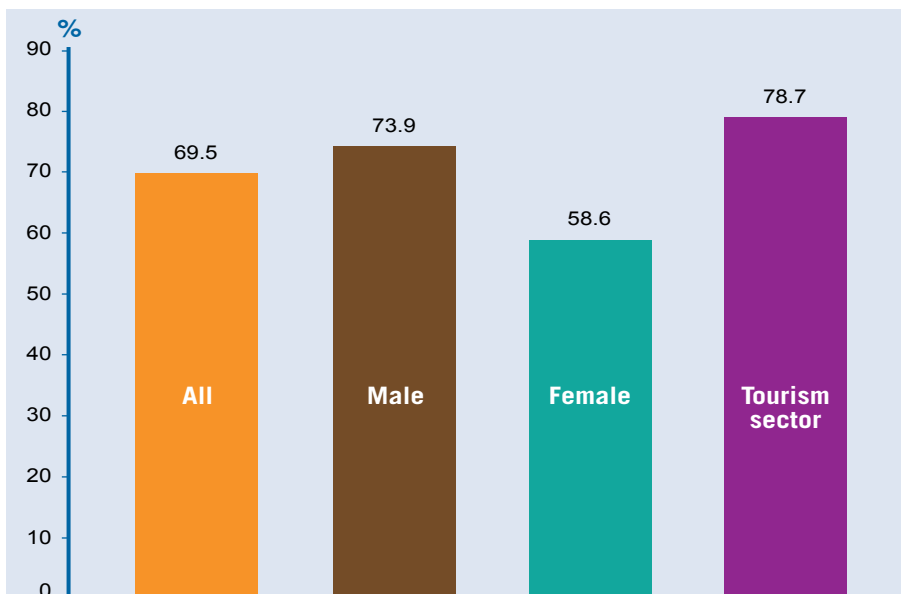
It is also widely reported that daily breast-feeding breaks are not given to working mothers with babies. The most frequently reported reason for this non-compliance with the law is that the long distance between workplaces and workers' residences makes the statutory two-hour breast-feed-

ing breaks impracticable. Ackson (2009) notes that, in many instances, workers depend on collective agreements that allow flexibility of time in order to accommodate breast-feeding.

Influence of work on health

About 70 per cent of workers believe that their health is affected by their work (see figure 7). Overall fatigue, hearing problems and backaches are the most commonly cited negative health effects of work. Respiratory problems, stomach ache, irritability, anxiety and headache are other key health problems mentioned by the respondents. One important consequence of these health effects is the high incidence of absence resulting from health problems. Over a period of 12 months, 58 per cent workers were absent from work at least one day for health-related reasons.

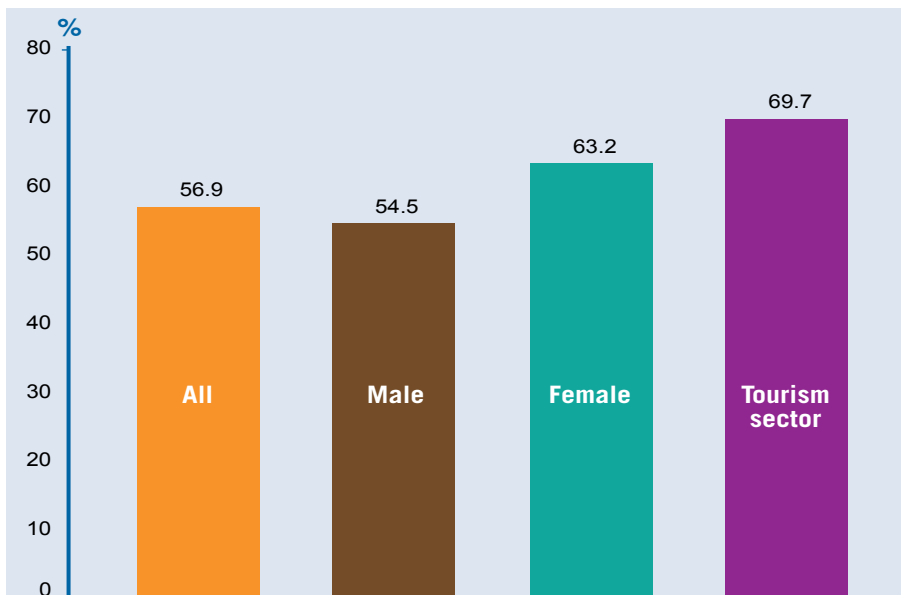
Figure 7.
Percentage of workers who report that work affects their health,
United Republic of Tanzania, 2009



Workers' perception of their working conditions

Among all workers, 57 per cent feel that their working conditions have improved (see figure 8). Women workers are more positive than male workers about recent developments. At the same time, 70 per cent of workers overall are satisfied with their current working conditions. However, the majority of workers are unhappy with pay and training.

Figure 8.
Percentage of workers who report that their working conditions have improved compared to the previous year, United Republic of Tanzania, 2009



V. Policy considerations: Looking forward

This review of legal and actual working conditions in the United Republic of Tanzania highlights a set of primary gaps. First, there are substantial gaps in enforcement in the area of working time and work/family balance, and in the area of social protection in the informal economy and in the tourism sector. Additionally, the weak implementation of legal measures has a particularly harsh impact on women and on workers in the informal sector, most of whom are young.

Towards a healthier workplace

Many informal workers encounter unsafe working conditions. They often work in deteriorating buildings that lack sanitary facilities or drinkable water and that have poor waste disposal systems. Moreover, in the informal sector there is often little difference between working and living conditions. This interaction between occupational hazards and poor living conditions can worsen the health problems of informal sector workers. It is crucial to monitor the relationship between work and health in order to identify the problems of most concern (by sector and occupation) and to develop policies tailored to address them.

Employers in the United Republic of Tanzania often have no access to formal services to help them provide occupational health and environmental services to their employees. To assist employers, the extension of occupational health care to workers in the informal sector should be promoted. This can be done by taking measures such as integrating occupational health into public health care services at the district and local levels, and providing first aid and prevention at the level of the worksite.

Improving labour inspection

It is clear from the National Employment Policy that there is a need to improve the functioning of the Labour Inspectorate. Increasing the number of qualified inspectors should be emphasized, along with increasing

financial resources. Adequately equipped with the tools that they need for their work, labour inspectors would be able to follow up the application of labour legislation, even in establishments in rural areas.

Social security challenges

The need for a social protection framework is closely linked to the poverty and vulnerability of workers in the United Republic of Tanzania. It is a daunting challenge to design social security measures that extend to the informal sector, but such efforts would help to end the vicious cycle of poor job quality, low income and dangerous working environments of workers and children who are without social protection. However, the number of workers engaged in the informal economy in the United Republic of Tanzania is massive and it has been beyond the means of the government to provide social security coverage. Despite the magnitude of the challenge, this must be tackled if successful development is to be ensured.

Gender concerns

Historically, women in the United Republic of Tanzania have engaged in unskilled work and entered the labour market as low-level employees. To a large extent, this is a result of the educational inequalities that have been perpetuated by customary laws and practices, which have downplayed the role and worth of the girl child. Although there have been improvements in laws and policies, the reality is changing only very slowly and there is an urgent need for labour policies that would ensure that women are better protected and, most importantly, well paid. In particular, more efforts need to be made to ensure that women are guaranteed participation in bargaining processes, so that their concerns about wages, working hours and the reconciliation of work and family life are taken into account.

Efforts to promote the development of the labour market should aim at gender equality by encouraging both men and women to take on a wide range of jobs. There is thus a need to embark on gender awareness raising programmes. Improved working conditions of women workers in plantations and factories will have a direct bearing on the welfare of families including the health and education of children.

The informal economy

The most significant challenge for labour law in the United Republic of Tanzania is to extend its reach to the informal sector. Standards relating to working conditions are for the most part observed in the formal sector, but the formal sector accounts for less than 6 per cent of the total labour force. More than 90 per cent of the workforce, then, are vulnerable to work under conditions that are below the minimum labour standards set by the national legal system. It is therefore vital to take measures to ensure that the informal sector is brought within the reach of the regulatory framework.

To this end, awareness of the laws and regulations governing the labour market is critical. A significant majority of workers are aware of the legal standards on the minimum wage, working time and maternity protection. In practice, however, the circumstances of work limit workers' ability to demand that they be accorded treatment in line with the law. It is difficult for workers to compel employers to pay higher wages, for example, because other workers are available who are willing to work for low wages. And regarding working hours, workers often find that long hours are desirable where necessary to make up for low pay.

In principle, trade unions should provide workers with information on their legal entitlements. However, the structure and size of firms in the informal economy in the United Republic of Tanzania are major obstacles in efforts to unionize and raise awareness. More active and creative methods need to be developed to reach out to informal sector workers.

Annex

National policy statement on job quality in the United Republic of Tanzania

This statement was adopted in the national tripartite workshop on 14 April 2009 which discussed the research findings of the new working conditions survey and the regulatory framework review. The national policy statement identified key areas for policy actions.

In recent years, Tanzania has made significant advances towards addressing unemployment and poverty. Most recently, the *National Employment Policy 2008* made income security and social inclusion central objectives of national policy. These advances present an opportunity to make efforts towards pairing job creation policies with an attention to the quality of the jobs that are being created. In part, this new policy objective is intended to advance social justice, by combating the impacts of unacceptable working conditions on the wellbeing of workers and their families. At the same time, as has been highlighted by the global financial crisis, it is necessary to ensure that newly created jobs are of high quality and will therefore prove to be sustainable in the long-term.

The need for sustainability in employment creation policies underlies the International Labour Organization's *Initiative on Job Quality in Africa* (IJQA), which was launched in November 2008 with the goal of supporting research-based policy-making on conditions of work. IJQA was designed to advance rigorous and objective analyses of actual conditions of working and the laws that govern them, and to assess the influence of national legal standards on actual working conditions. Tanzania was selected for pilot-testing of the IJQA methodology and a tripartite national Steering Committee was established to guide the project. The government and the social partners decided to adopt a particular focus on tourism, as among the primary growth sectors of the Tanzanian economy and one in which the quality of jobs has raised concerns. There was also a focus in the project on three of the central elements of conditions of work: wages,

working hours and work/family reconciliation. To this end, two studies were commissioned, to review working conditions in Tanzania and the legal framework.² Both reports were analyzed in depth at this Workshop and have been the subject of vigorous debate. As a result, the Workshop has agreed the following conclusions and policy statements.

Conclusions and policy statements

1. Job quality as a policy goal

In developing national policies on employment and job creation, there is a risk that job quality will be neglected. To avert this risk, it is necessary to consciously endeavour to include working conditions in a broad range of national policies, including on employment, labour law and the informal economy.

Policy statement

The preservation and advancement of quality jobs will be integrated into all employment-related policies. In particular, efforts to create jobs will attend to their quality as well as their quantity. These efforts will reflect the standards for decent working conditions established by the *Employment and Labour Relations Act 2004* and the international legal standards.

² Kahyara and Rutasitara (2009) and Ackson (2009)

2. Gender equality in working conditions

It is clear that poor quality jobs are disproportionately taken up by women across the economy. This is the case in sectors in which women dominate, such as domestic service, and in other sectors in which women are segregated into jobs that tend to be lower paid and subject to other poor terms and conditions. It is essential then, when designing policies and legal measures on working conditions, to ensure that they do not discriminate against women and also respond to their needs.

Policy statement

Policies and practices on working conditions will be reviewed to ensure that they do not have a disadvantageous impact on women and take into account their disproportionate representation in low quality jobs.

In particular:

- It is noted that certain legislative measures, most notably the *Labour Institutions Act 2004*, do not require that women be adequately represented on statutory bodies and do not specify the numbers of women that must be appointed to these posts. Although there are women appointed to the Wage Boards for different sectors, there is currently no statutory requirement for gender balance. The government will introduce such a requirement for the Wage Boards.
- The provisions of the *Employment and Labour Relations Act 2004* on maternity protection will be amended to ensure that new mothers are sufficiently protected and in particular that they can return to the same terms and conditions at the end of the maternity leave; and to specify a minimum duration of entitlement to breastfeeding breaks.

3. Remuneration and working time in the tourism sector

The available evidence on the structure of wages in the tourism sector indicates that there is a worryingly high reliance on service charges and other forms of gratuity in the composition of wages. As a result, workers' income can vary and be highly unpredictable, while employers are not encouraged to introduce rational and sustainable wage systems. In addition, the widespread practice of long hours and unreasonable shift patterns has potentially damaging impacts on workers and their families as well as on enterprise performance.

Policy statement

New remuneration and working time policies will be developed in the tourism sector, to protect employees and advance efficiency.

4. Training in the tourism industry

It is recognized that currently there is inadequate provision of training for employees in the tourism industry. Although substantial advances have been made in this regard, in particular in the enactment of the Tourism Act 2008 and the fact that the National College for Tourism has been established, further efforts are needed.

Policy statement

Standardized training requirements will be established for workers in the tourism industry, all of whom will be required to attend an accredited tourism institution.

5. Enforcement of Working Conditions Laws

Tanzania has made significant efforts towards establishing a sound framework of laws and institutions that are capable of ensuring decent conditions for its workers. The task for all stakeholders is now to ensure that these laws are translated into effective protection across the economy, so that the protections embodied in the legal measures are available to workers in practice.

Policy statement

All stakeholders will seek to uphold the working conditions standards in the ELRA and related measures. In particular,

- The resources available to the Labour Inspectorate, whether financial, technical or human, will be reviewed. As part of this process, the wages of labour inspectors will be examined with the objective of ensuring the retention of competent and skilled staff and averting any risk of corruption. This initiative will be accompanied by efforts to enhance the reliability of labour inspection, for instance through the development of a Code of Ethics and Conduct and of a mechanism to ensure the reliability of Inspectorate reports.
- Recognizing the efforts of the Labour Inspectorate to review its forms and procedures to ensure that they adequately cover working conditions, this work will be intensified. As part of this process, the Inspectorate will consider whether complementary forms of enforcement (e.g. incentives, training, and telephone helplines) can be introduced.
- The use of the 'Ministerial exemption' in sections 39 and 100 of the *Employment and Labour Relations Act 2004* and the *Labour Institutions Act 2004* respectively will be reviewed to determine whether these powers are useful or further procedural protections need to be in place.

6. Working conditions in the ‘informal economy’

The existing labour laws are designed to cover most Tanzanian workers, in a range of working arrangements and including many of those in the ‘informal’ economy. The ELRA covers those who work personally for another person, a broad concept of the protected worker that is also reflected in the NEP 2008. It is often assumed, however, that workers designated as part of the informal economy are not entitled to labour law’s protections.

Policy statement

- All the stakeholders will recognize the expansive coverage of working conditions laws and pursue the objective of ensuring that these legal measures are equally extensive in practice. To this end, the principle of universality will underlie the application of labour laws, in an assumption that the law is intended to cover the vast majority of Tanzania’s workers. These efforts will take into account the ILO Employment Relationship Recommendation, 2004.
- The question of whether workers classified as self-employed are genuinely independent will be analyzed and efforts will be made to support the organization of self-employed workers.
- The Ministry responsible for labour matters will liaise with other relevant institutions with the goal of integrating working conditions into policies on the informal sector. In particular, working conditions issues will be taken into account in programmes on the formalization of informal establishments.
- The government will consider the possible application of section 98(3) of the ELRA by determining whether certain categories of workers are particularly likely to be excluded from the protection of labour law, such as the informal sector.

- Efforts will be made to include in national policy fora organizations that represent informal workers e.g. Vibindo, the Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU) and the Tanzanian Union of Industrial and Commercial Workers (TUICO). Equally, efforts will be made to integrate working conditions, and specifically the application of the relevant legal standards, into the work of these organizations, and to support the self-organization of ‘informal’ workers.

7. National Tripartite Committee on Working Conditions

The policy suggestions outlined in Points 1-6 above are challenging and complex and need to be addressed through social dialogue among all of the stakeholders. For this reason, an effective solution to realizing job quality in Tanzania requires a concentrated effort and the necessary institutional support.

Policy statement

A *National Tripartite Committee on Working Conditions* will be established with the goal of monitoring working conditions in Tanzania through policy review, research, training and information dissemination. To facilitate this process, the Committee will be established as a committee of the Labour, Economic and Social Council (LESCO) and will therefore be constituted of representatives of the government and of organizations representing the interests of employers and workers. Given the need to incorporate research expertise and representatives of workers in the informal economy, certain sittings of the Committee will include the participation of academic researchers familiar with working conditions and their regulation, and bodies that represent workers in the informal economy.

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