

4 April 2017



## New labour regulations issued

- **Reinforces prohibition on child labour**
- **Special rules for employment of children above the age of 14**
- **Short term contracts for professionals and management cadre must be minimum 1 year**
- **Increases time for breastfeeding after maternity leave from three to six months**
- **Sets penalties for contravention of the regulations, which includes imprisonment**
- **Outsource service agreements must now be in writing**
- **Scope of discrimination expanded**
- **Recipients of outsourced services must ensure equal treatment of all outsourced employees**

The Minister of State, Prime Minister's Office, Labour, Youth, Employment and Persons with Disability has recently issued the Employment and Labour Relations (General) Regulations vide Government Gazette No 47 dated 24 February 2017.

The Regulations, which are made under the Employment and Labour Relations Act (ELRA) Cap 366 provide for prohibition of child labour, employment standards, trade unions, employers' associations and federations as well as offences and penalties.

### Prohibition of Child Labour

- Adopts the definition of a child from the ELRA which defines a child as a person under the age of 14 years and in case of employment in a hazardous sector, a person under the age of 18 years.
- Child below the age of 14 cannot be employed (Regulation 3).
- While a child of 14 years of age and above may be employed, such child cannot be employed to perform any hazardous work (Regulation 3(2)).
- The First Schedule to the Regulations lists down the types of hazardous works in the following sectors: Agriculture, Fishery, Mining and Quarrying, Construction, Service sector, Restaurants or Hotels, Community service, Trade, Informal sector operations and Transport.
- Regulation 6 prohibits any overtime or night shifts for children under employment.
- Regulation 8(1)&(2) obliges the employer to keep records of all children employed at work place including their names, ages, places of domicile, level of education, type of work performed, parents'/guardians' particulars.
- The contract of employment for the child must be in writing (Regulation 10(1)).

For further information on legal updates please contact:

**Fayaz Bhojani**  
Managing Partner  
M: +255 784 322751  
E: fbhojani@fbattorneys.co.tz

**Feizin Amlani**  
Head, Corporate Affairs  
M: +255 688 253509  
E: famlani@fbattorneys.co.tz

### About FB Attorneys

FB Attorneys is an all service law firm based out of Dar es Salaam, Tanzania.

We cover all aspects of the law and specialise in all corporate and commercial matters including Mining, Oil & Gas, Tax, Litigation, Competition, Banking & Intellectual Property law.

FB Attorneys has been ranked as a tier 1 law firm by the IFLR 1000 in the Energy & Infrastructure and Financial & Corporate sectors, tier 1 by Legal 500 and band 2 by Chambers and Partners General Business Law.

### FB Attorneys

8th Floor, Amani Place, Ohio Street  
P. O. Box 19813  
Dar es Salaam, Tanzania  
T: +255 22 2135994/5  
F: +255 22 2135996  
E: info@fbattorneys.co.tz  
W: www.fbattorneys.co.tz

### Disclaimer

Information found in this legal update and any attachments are confidential and may be privileged or otherwise protected from disclosure, and intended solely for the use of the individual or entity to whom it is addressed to. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachment from your system. Any views or opinions expressed in the message or its attachments are not necessarily those of FB ATTORNEYS.

© FB Attorneys 2017. All rights reserved.



4 April 2017

## Employment Standards

- (h) The minimum duration for contracts for specified period for professionals and managerial cadre is now mandatorily one year (Regulation 11 read together with Section 14(1)(b) of ELRA Cap 366).
- (i) Employees are obliged to comply with the procedure for application of annual leave set by the employer (Regulation 14(1)).
- (j) An employee is required to apply for annual leave first before entering into an agreement with the employer for payment in lieu of annual leave (Regulation 14(2) read together with Section 31(6) of the ELRA Cap 366).
- (k) A breastfeeding employee is now entitled to a period of six consecutive months after maternity leave to leave office for a maximum of two hours daily for breast feeding (Regulation 15).

## Offences and penalties

- (l) Contravening the provisions of the Regulations is an offence and attracts a penalty of a fine not exceeding one million shillings or imprisonment for a term of one year or both (Regulation 35).
- (m) Where no specific penalty is provided for under the Act or the Regulations, the general penalty is a fine not exceeding one million shillings or imprisonment for a term of one year or both (Regulation 36).

The Minister of State, Prime Minister's Office, Labour, Youth, Employment and Persons with Disability also recently issued the Labour Institutions (General) Regulations vide Government Gazette No 45 dated 24 February 2017.

The Regulations, which are made under the Labour Institutions Act Cap 300, provide inter alia for an obligation to ensure equal treatment of all outsourced employees. The agreement to outsource service from another person must also be in writing and demonstrate a commitment to comply with labour laws and any other written laws (Regulation 9(1)). The remuneration, terms and conditions of employment for the outsourced employees remains the obligation of their employer (Regulation 9(2)) and different treatment of employees for the work of equal value outsourced from different sources or arrangements is deemed to be discrimination (Regulation 9(3)).

Impliedly, the recipient of outsourced services has an obligation to ensure equal treatment of all outsourced employees.

[Click here](#) to read the Employment and Labour Relations (General) Regulations 2017.

To read the Labour Institutions (General) Regulations 2017 [click here](#).

For further information on legal updates please contact:

**Fayaz Bhojani**  
Managing Partner  
M: +255 784 322751  
E: fbhojani@fbattorneys.co.tz

**Feizin Amlani**  
Head, Corporate Affairs  
M: +255 688 253509  
E: famlani@fbattorneys.co.tz

## About FB Attorneys

FB Attorneys is an all service law firm based out of Dar es Salaam, Tanzania.

We cover all aspects of the law and specialise in all corporate and commercial matters including Mining, Oil & Gas, Tax, Litigation, Competition, Banking & Intellectual Property law.

FB Attorneys has been ranked as a tier 1 law firm by the IFLR 1000 in the Energy & Infrastructure and Financial & Corporate sectors, tier 1 by Legal 500 and band 2 by Chambers and Partners General Business Law.

**FB Attorneys**  
8th Floor, Amani Place, Ohio Street  
P. O. Box 19813  
Dar es Salaam, Tanzania  
T: +255 22 2135994/5  
F: +255 22 2135996  
E: info@fbattorneys.co.tz  
W: www.fbattorneys.co.tz

## Disclaimer

Information found in this legal update and any attachments are confidential and may be privileged or otherwise protected from disclosure, and intended solely for the use of the individual or entity to whom it is addressed to. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachment from your system. Any views or opinions expressed in the message or its attachments are not necessarily those of FB ATTORNEYS.

© FB Attorneys 2017. All rights reserved.

