

THE WAGES AND SALARIES (GENERAL REVISION) ACT, 1974

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1974

I ASSENT,

Julius K. Nyerere
 President

20TH AUGUST, 1974

**An Act to make provision for a general revision of wages and salaries
 and for purposes connected therewith**

[1st MAY, 1974]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Wages and Salaries (General Revision) Act, 1974 and shall be deemed to have come into operation on the first day of May, 1974. Short title and commencement
2. In this Act, unless the context otherwise requires-
- "commercial enterprise" means the carrying on for gain of any business, trade, profession or other similar activity; Interpretation
- "effective date" means the first day of May, 1974;
- "employment" means employment under a contract of service and includes casual employment; and the expression "employer" and "employee" shall be construed accordingly;
- "factory" shall have the meaning assigned to that expression in the Factories Ordinance; Cap. 297
- "industrial enterprise" means the processing or manufacture of any material or product at a factory;
- "Minister" means the Minister for the time being responsible for matters relating to labour;
- "place of employment" means the place where an employee normally carries out the duties imposed upon him by his contract of service;
- Provided that where an employee's normal place of employment is in an urban area he shall be continued to be paid at the rates applicable to urban area, notwithstanding that he is required from time to time to carry out his duties in a rural area;

- Cap. 300 "statutory minimum wage" means the basic minimum wage payable to an employee at a rate prescribed by a wages regulation order made under section 10 (3C) of the Regulation of Wages and Terms of Employment Ordinance;
- "technical assistance project" means a project wholly or partly financed or materially aided from outside the United Republic and approved by the Minister for Finance as being a technical assistance project;
- "technical assistance officer" means a person other than a citizen of the United Republic, who is employed in the United Republic in connection with any technical assistance project and who is paid from funds financed by a foreign Government or an international aid agency, and in the event of any doubt whether any employee is a technical assistance officer, a certificate in writing by the Principal Secretary to the Treasury certifying whether or not such person is a technical assistance officer shall be conclusive proof of the matters stated therein;
- "urban area" means-
- (a) any area within the jurisdiction of a municipal council or town council and includes, where any area which was on or before the 1st day of January, 1972 an area within the jurisdiction of a municipal council or town council but has since that date, been placed or is hereinafter placed within the jurisdiction of a district council or two or more district councils, the area within the jurisdiction of such district council or each of such district councils;
 - (b) any area within a township;
 - (c) any area within the ward or settlement in which the district headquarters of a district or the regional headquarters of a region is situate;
 - (d) any area which the Minister, may, by notice in the *Gazette*, declare to be an urban area for the purposes of this Act;
- "wages" means the emoluments payable by the employer to his employee and includes salary but does not include any commission or allowance payable by an employer to his employee in addition to such wages.
- Application 3. This Act shall apply to and in relation to all employees other than-
- (a) persons employed in the service of the United Republic;
 - (b) persons employed in the service of a local authority whose terms and conditions of employment are regulated by the Local Government Service Commission,
 - (c) members of the Unified Teaching Service;
 - (d) persons employed in the service of the East African Community or any Corporation within the Community or any wholly-owned subsidiary of such Corporation;
 - (e) any person who is in receipt of monthly wages in excess of five thousand shillings;

- (f) any minister of religion or a religious priest, preacher or teacher employed by a religious organization to perform duties relating to his calling or vocation;
- (g) technical assistance officers.

4.-(1) Subject to the provisions of this Act, but notwithstanding any provision to the contrary in any other written law or in any contract, agreement or other instrument whatsoever, the monthly wages of every employee to whom this Act applies shall, with effect from the effective date be increased and shall be deemed to have been so increased at the rate prescribed by subsection (2) of this section, and the employer shall be liable to pay the employee such increased wages in lieu of the wages payable to the employee immediately preceding the effective date.

General
increase
in wages

- (2) The rate of increase on wages payable under this section shall be —
- (a) in (the case of an employee other than an employee to whom subparagraph (ii) of paragraph (b) applies, whose place of employment is in a rural area, sixty shillings or fifteen per centum of such employee's wages for the month of April, 1974, whichever is the greater:

Provided that such increase shall not exceed three hundred shillings a month;

- (b) in the case of an employee of whatever category-

- (i) whose place of employment is in an urban area; or

- (ii) who is engaged in a commercial or industrial enterprise and whose place of employment is in a rural area,

one hundred shillings or fifteen per centum of such employee's wages for the month of April, 1974, whichever is the greater:

Provided that such increase shall not exceed three hundred shillings a month.

5.-(1) Notwithstanding any provision to the contrary in any other written law or in any contract, agreement or other instrument whatsoever, the rates of wages payable to any employee to whom the provisions of this Act apply together with any increase payable under this Act shall not be altered, whether by the grant of any annual increment or otherwise, during the period commencing on the effective date and expiring on the thirtieth day of April, 1975:

Prohibition
of alteration
of rates of
wages

Provided that nothing in this section shall be construed-

- (a) as precluding any employer from paying to an employee any increase in wages which is or becomes payable to such employee on account of any promotion in the normal course of his employment;
- (b) as precluding the grant of any increase related to any physical productivity scheme and provided for in any agreement between the employer and his employees entered into and approved by the Permanent Labour Tribunal prior to the enactment of this Act.

(2) For the purposes of this section any grant of commission or allowance to which an employee was not entitled immediately preceding the effective date or any increase in the rate of any commission or allowance to which an employee was entitled immediately preceding the effective date shall be deemed to be an increase in the wages of the employee.

Provisions relating to increases granted prior to enactment of this Act
G.N. 1972
No. 152
G.N. 1974
No. 110A

6. Where on or after the effective date but before the enactment of this Act the wages of any employee were increased either pursuant to an agreement between the employer and the employee or by virtue of the operation of the statutory minimum wages introduced by the of Regulation of Wages and Terms of Employment Order, 1972 as amended by the Regulation of Wages and Terms of Employment (Amendment of the Schedule) Order, 1974 the increase under this Act shall be restricted to the difference between-

- (a) such increase on or after the effective date; and
- (b) the increase provided for in this Act.

Recovery of arrears

7. Every employer shall, within thirty days from the date of the, enactment of this Act pay to every employee to whom this Act applies the aggregate amount of the increase in wages which would have accrued to the employee had this Act been enacted prior to the effective date.

Where wages payable otherwise than monthly

8. Where in any case the wages payable to an employee before the effective date were payable-

- (a) at intervals of less than a month, his monthly wages for the month immediately preceding the effective date, shall for the purposes of this Act, be deemed to be the aggregate of the wages paid to him in respect of that month;
- (b) at intervals of more than a month, his monthly wages for the month immediately preceding the effective date shall be the amount which would have been payable to the employee as wages had his wages been payable monthly.

Agreements designed to evade this Act

9.(1) No employer shall, on or after the enactment of this Act, alter, vary or amend (whether or not with the consent of the employee) any term of the contract of employment of the employee or enter into any arrangement whatsoever which is designed to defeat or modify the application of any of the provisions of this Act in relation to the emoluments payable to the employee.

(2) Any employer who contravenes any of the provisions of this section shall be guilty of an offence.

Other offences and penalties

10.(1) If an employer fails to pay an employee to whom the provisions of this Act apply an increase in wages at the rate prescribed by this Act or otherwise contravenes any of the provisions of this Act he shall be guilty of an offence.

(2) Any employer who terminates the employment of an employee to whom this Act applies for the reason only of the increased wages payable to such employee by virtue of the operation of this Act shall be guilty of an offence.

(3) In proceedings for an offence under subsection (2) the burden to prove that the employment was terminated for a reason other than the reason referred to in that subsection shall be on the employer.

(4) Any person convicted of an offence under this Act shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment, and the court may where the offence relates to non-payment of the increase provided for by this Act, order the employer to pay to the employee in relation to whom the offence is committed such sum as is found by the court to represent the difference between the amount which ought to have been paid to the employee by way of wages if the provisions of this Act had been complied with and the amount actually paid to the employee.

11. Any labour officer appointed under the Employment Ordinance may, if it appears to him that any sum of money is due from an employer to an employee by reason of non-payment to such employee of wages at the increased rate, institute on behalf of and in the name of that employee proceedings for the recovery of such sum of money.

Power of
labour
officers
Cap. 366

12. For the avoidance of doubts it is hereby declared that there shall be deemed to be substituted for the definition of the expression "urban area" in the Regulation of Wages and Terms of Employment Order, 1972 the definition provided for that expression in section 2 of this Act and that such substitution shall be deemed to have taken effect as from the date when that Order came into operation.

Amendment
of minimum
wages order

Passed in the National Assembly on the twenty-fourth day of July, 1974.

MMwindadi
Acting Clerk of the National Assembly