

THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 1977

I ASSENT

Julius K. Nyerere
President
30TH NOVEMBER, 1977

An Act to amend the Permanent Labour Tribunal Act, 1967

[..... NOVEMBER, 1977]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Permanent Labour Tribunal (Amendment) Act, 1977, and shall be read as one with the Permanent Labour Tribunal Act, 1967 (hereinafter referred to as "the principal Act").

Short title and construction Acts, 1967 No. 41

2. Section 3 of the principal Act is hereby amended by deleting the definition "award" and substituting for it the following definition:—

Amendment of section 3

"award" means an award made by the Tribunal and includes a negotiated agreement, a decision made by the Minister under section 9B or a voluntary agreement, which is registered by the Tribunal as an award;"

3. Section 9 of the principal Act is hereby repealed and replaced by the following:—

Repeal and replacement of section 9

9. The Minister may at any time refer any matter connected with the economic or industrial condition of Tanganyika and affecting labour conditions, terms of service or any other aspect of relations between employers and employees, or relating to wage policy, to the Tribunal and the Tribunal shall inquire into every matter referred to it and report on it to the Minister."

"Inquiry into economic and industrial conditions

4. The principal Act is hereby amended by adding, immediately after section 9, the following sections:—

New sections 9A and 9B added

9A.—(1) Subject to subsection (2), where any trade dispute exists or is apprehended, the Labour Commissioner may inquire into the causes and circumstances of the trade dispute and, with the approval of the Minister, refer any matters appearing to him to be connected with or relevant to that trade dispute to the Tribunal and the Tribunal shall inquire into the matters referred to it and report on them to the Minister.

"Inquiry into trade disputes

Cap. 300

(2) If a trade dispute relates to a matter in connection with which a minimum wage board or a wages council or any other body for the inquiry into or regulation of wages or terms of employment has been appointed under the provisions of the Regulation of Wages and Terms of Employment Ordinance or any other law for the time being in force, that dispute shall be referred to the minimum wage board, the wages council or that other body.

(3) The Labour Commissioner may proceed under this section in relation to any trade dispute whether or not that trade dispute is reported to him under the provisions of this Act.

Consequences upon inquiry being made under section 9A

9B.—(1) Upon receipt of a report made by the Tribunal in respect of any matter referred to it under section 9A, the Minister shall make a decision in relation to the matters contained in the report, and that decision shall be final.

(2) The Minister shall submit to the Tribunal his decision made under subsection (1), and upon receipt of that decision the Tribunal shall register it as an award regarding the matters to which the decision relates.

(3) A decision made by the Minister and registered by the Tribunal under this section shall be deemed to be an award made by the Tribunal in respect of the matters to which the decision relates.”

Repeal and replacement of section 24

5. Section 24 of the principal Act is hereby repealed and replaced by the following:—

“Awards may be retrospective

24. Any award may be made to have retrospective effect to any date which is not—

- (a) in the case of a voluntary agreement, earlier than the date agreed upon by the parties; and
- (b) in the case of an award made by the Tribunal, earlier than the earliest of the dates covered by the facts from which the trade dispute arose.”

Repeal and replacement of section 25

6. Section 25 of the principal Act is hereby repealed and replaced by the following:—

“Publication of awards and date when awards take effect

25.—(1) Every award shall be published in the *Gazette*.

(2) Every award shall take effect on the date on which it is specified in the award that it shall take effect.

Amendment of section 27

7. Section 27 of the principal Act is hereby amended—

(a) by deleting subsection (2) and substituting for it the following:—

“(2) Every award shall be binding on the employers and employees to whom it relates and, as from the date when it takes effect, it shall be an implied term of the contract between

the employers and employees to whom the award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with that award until it is varied by a subsequent award or by agreement.”;

- (b) in subsection (3), by deleting the words “of publication in the *Gazette* of such award” and substituting for them the words “on which the award takes effect”.

8. Section 37 of the principal Act is hereby amended in subsection (1)— Amendment of section 37

- (a) by deleting the colon after the word “award” and substituting for it a fullstop; and
(b) by deleting the provisoes to that subsection.

9. Section 39 of the principal Act is hereby amended in subsection (8) by deleting the words “of its publication in the *Gazette* or such earlier date as may be specified therein” and substituting for them the words “on which it is specified in the award that it shall take effect.” Amendment of section 39

Passed in the National Assembly on the twenty-sixth day of October, 1977.



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Clerk of the National Assembly