

TANGANYIKA



No. 18 OF 1964

I ASSENT,

Julius K. Nyerere.
President

24TH FEBRUARY, 1964

An Act to establish and regulate an Integrated Employees Trade Union, to dissolve the Tanganyika Federation of Labour and its member unions, to require certain employees who are not members of the new Union to become members thereof, to amend the Trade Unions Ordinance, and for purposes connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the National Union of Tanganyika Workers (Establishment) Act, 1964, shall be read as one with the Trade Unions Ordinance, and shall come into operation upon such date as the President shall, by notice in the *Gazette*, appoint.

Short title,
construction
and
commence-
ment
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2. In this Act, unless the context otherwise requires—
“the appointed date” means the date appointed by the President under section 1;

Interpreta-
tion

“the new Union” means the National Union of Tanganyika Workers established by section 3;

“the Federation” means the Tanganyika Federation of Labour, a trade union registered under the Trade Unions Ordinance;

“member union” means a trade union registered immediately before the appointed date under the Trade Unions Ordinance which is, immediately before the appointed date, or at any time has been, a member of the Federation;

“the Rules” means the provisional rules of the new Union set out in the First Schedule to this Act, as amended from time to time, and any rules substituted therefor.

The National Union of Tanganyika Workers

3. There is hereby established the National Union of Tanganyika Workers which shall be deemed to be a trade union and shall, upon the appointed date, be registered as such by the Registrar under the Trade Unions Ordinance.

Establish-
ment of
the new
Union

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Rules of
the new
Union

4.-(1) Subject to, any amendment or modification made in accordance with the Rules, the Rules set out in the First Schedule to this Act, or such other rules as may be substituted therefor in accordance with those Rules, shall be the Rules of the new Union, and the new Union and its affairs shall be governed in accordance therewith.

(2) For the avoidance of doubts it is hereby declared -

(a) that the provisions of the Rules with respect to the functions and powers of the new Union, its parts, officers, trustees and members relate only to their respective capacities as a trade union, its parts, officers, trustees and members, and nothing therein shall authorize the disregard by the new Union or by any of its parts, officers, trustees or members of any enactment or rule of law;

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(b) nothing in section 7 of the Interpretation and General Clauses Ordinance (which relates to, the commencement and publication of certain rules) or in paragraph (b) of section 25 of that Ordinance (which relates to the power to annex penalties to the breach of certain rules) shall apply in relation to any of the Rules.

(3) The new Union shall not be deemed to be in default under any of the provisions of the Trade Unions Ordinance relating to the rules of a trade union and the matters to be contained therein, or be liable to have its registration under that Ordinance cancelled, solely by reason of the omission from the Rules of any such matter; and nothing in paragraph (f) of subsection (1) of section 13 or in section 27 or 36 of that Ordinance shall apply to the new Union.

Dissolution
of new
Union

5.-(1) Where the President is satisfied that the new Union has failed adequately to carry out its objects, he may, by order published in the *Gazette* -

(a) direct the Registrar to cancel the registration of the new Union under the Trade Unions Ordinance; or

(b) establish some other body representative of employees, which shall be deemed to be, and shall be registered by the Registrar under the Trade Unions Ordinance as a trade union, and direct the Registrar to cancel the registration of the new Union under the Trade Unions Ordinance,

and upon the Registrar cancelling such registration of the new Union, the provisions of paragraphs (a), (b), (c) and (d) of subsection (1), and of subsection (2) of section 17 of the Trade Unions Ordinance shall apply as if the registration of the new Union had been cancelled under section 14 of that Ordinance:

Provided that-

(i) if, at the time of any order made under paragraph (a) of this subsection, no provision is made in the Rules for the disposition of the funds of the new Union, the President may include in the order such directions for the disposal of such funds as appear to him to be just and equitable, and, in any such case, the funds of the new Union shall be disposed of in accordance with those directions; and

- (ii) in the case of an order made under paragraph (b) of this subsection, the President shall include in the order such directions for the disposal of the assets of the new Union to such new body and its assumption of the liabilities of the new Union as appear to him to be just and equitable and such directions shall have effect as if they had been set out herein.

(2) For the avoidance of doubts it is hereby declared that the new Union shall not have power to dissolve itself or to make provision for its own dissolution.

6.-(1) Where-

Union shop

- (a) the number of members of the new Union employed by an employer at any place or places in Tanganyika is more than fifty per centum of the total number of persons (other than such as are, by any other written law, prohibited or declared ineligible from being members of a trade union) employed by him at such place or places; and
- (b) in pursuance of section 8 of this Act or of regulations made under paragraph (hh) of subsection (2) of section 52 of the Trade Unions Ordinance, the employer is required to deduct any regular or periodic subscription due to the new Union from the wages of the members of the new Union in his employment at such place or places and to pay the same to the new Union,
- the Minister may, by order in writing, apply this section to the employer and to the persons employed by him at such place or places.

(2) Where this section is applied to any employer and to the persons employed by him at any place or places-

- (a) every person employed by that employer at that place or those places who is not a member of the new Union shall, within two months after the making of the order under subsection (1), or of his commencing such employment, whichever is the later, join the new Union and shall, thereafter during such employment, maintain his membership of the Union,
- (b) the employer shall cease to employ at that place or those places any person who, not being a member of the new Union, fails to join the new Union within two months after the making of the order, or of his commencing employment at such place or places, whichever is the later:

Provided that nothing in this subsection shall be construed as requiring -

- (i) any person who is, by any other written law, prohibited from or declared ineligible for becoming or remaining a member of a trade union; or
- (ii) any person in receipt of a salary of not less than fourteen thousand and forty shillings per annum who performs managerial functions at such place or places aforesaid,

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to become or remain a member of the new Union, or as requiring an employer to cease employing any such person.

(3) Where an employer is required to cease employing any person in pursuance of the provisions of this section, such person's employment may be lawfully terminated with effect from the expiry of the appropriate period of two months aforesaid notwithstanding any agreement for notice or otherwise between the parties or the provisions of any other law relating to notice, and no severance allowance shall be payable under the Severance Allowance Act, 1962, on the occasion of, or in respect of, the termination of employment under this section.

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(4) An employer who, after the expiration of the period of two months aforesaid relevant to the case, continues to employ any person whom, in accordance with the provisions of this section, he is required to cease employing, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred shillings.

(5) In this section, "the new Union" includes any other body established by the President under section 5 of this Act.

Dissolution of Tanganyika Federation of Labour and its member unions

Dissolution

7. On the appointed date the Federation and its member unions shall stand dissolved and their respective registrations under the Trade Unions ordinance shall be cancelled.

Vesting of property and transitional, etc.

Vesting of
assets and
liabilities

8.-(1) Notwithstanding the provisions of section 17 of the Trade Unions Ordinance but subject to the provisions of this Act, all property, rights, liabilities and obligations which, immediately before the appointed date, were property, rights, liabilities or obligations of the Federation or its member unions, shall on the appointed date vest by virtue of this Act and without further assurance in the new Union.

(2) Subject to the provisions of this Act, every deed, bond and agreement (including negotiated agreements and awards, and, subject to the provisions of subsection (6) of this section, agreements for personal service) to which the Federation or a member union was a party immediately before the appointed date, whether in writing or not and whether or not of such a nature that rights or assets thereunder could be assigned by the Federation or the relevant member union, shall, unless its terms or subject matter make it impossible that it should have effect as modified in manner provided by this subsection, have effect from the appointed date as if-

- (a) the new Union were a party thereto;
- (b) for any reference (however worded and whether express or implied) to the Federation or to a member union there were substituted, as respects anything failing to be done on or after the appointed date, a reference to the new Union;

(c) for any reference (however worded and whether express or implied) to any officer or trustee of the Federation or to any officer, trustee or member of a member union, there were substituted, as respects anything falling to be done on or after the appointed date, a reference to the corresponding officer, trustee or member, as the case may be, of the new Union,

(3) Subject to any provision made thereafter by the Minister under paragraph (2) of rule 3 of the Trade Unions (Collection of Union Due) Regulations, 1962, those Regulations shall be deemed to apply to the new Union with effect from the appointed date, and from the appointed date-

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(a) every authorization order made under those Regulations shall have effect as if it had been made in favour of the new Union;

(b) every notice issued by a general secretary of a member union and in force immediately before the appointed date shall be deemed to have been issued by the General Secretary of the new Union, and every employer to whom such notice has been issued shall give effect thereto accordingly, as well in relation to deductions made but not paid to the member union before the appointed date as to deductions made thereafter.

(4) Documents, other than those referred to in subsection (2) or (3) of this section, but (save as provided in subsection (3)) not including written laws, which refer, whether specifically or generally, to the Federation or to a member union shall be construed in accordance with the provisions of the said subsection (2) or (3) so far as applicable.

(5) Without prejudice to the generality of the foregoing provisions of this section, the new Union shall have all such powers necessary to take possession and recover any property, to ascertain, perfect and enforce any right, and to discharge any liability or obligation, vested in the new Union by this section, and to deal therewith, as would have been enjoyed by the Federation or the relevant member union had the same remained vested in the Federation or the member union, as the case may be, and had the Federation or the member union not been dissolved.

(6) Unless the President otherwise directs, nothing in this section or in section 12 shall apply to an agreement between the Federation and an officer of the Federation, or between a member union and an officer of that member union, for such officer's personal services in such office.

(7) In this section "negotiated agreement" and "award" have the meanings respectively ascribed to those expressions in the Trade Disputes (Settlement) Act, 1962.

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9. - (1) Any legal proceedings pending immediately before the appointed date to which the Federation or a member union is a party insofar as they relate to any property, right, liability or obligation vested in the new Union or to any deed, bond, agreement or award or other document which has effect in accordance with subsections (2), (3) or (4) of section 8, may be continued by or against the new Union.

Legal
proceedings

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(2) Where any proceedings are instituted by or against the new Union after the appointed date in respect of any right, liability or obligation vested in the Federation or a member union, the new Union and every other party to the proceedings may take all such objections and exceptions as might have been taken in proceedings by or against the Federation or the member union, as the case may be, including (without prejudice to the generality of the foregoing) any objection or exception under Part IV of the Trade Unions Ordinance.

Effecting
and
securing
vesting

10.-(1) Upon the appointed date, the new Union shall take possession of all movable and immovable property and all certificates of title, share and stock certificates and warrants and other documents creating or evidencing any right to property and all books, papers, documents, minutes, receipts and ledgers relating to the property, rights, liabilities and obligations vested in the new Union by this Act, and the persons who, immediately before the appointed date, were the members of any management committee or the officers of the Federation or the relevant member union shall do all things that are necessary or desirable for the more effectual vesting in accordance with the provisions of this Act of the property, rights, liabilities and obligations vested in the Federation or the relevant member union, immediately before the appointed date.

(2) The President may, by order, provide for any matter which appears to him to be necessary or expedient for the purposes of securing the effective vesting, in accordance with the provisions of this Act, of the property, rights, liabilities and obligations vested in the Federation or a member union immediately before the appointed date, and, without prejudice to the generality of the foregoing, may appoint a person to do any act or sign any document relating to the property and rights vested in the Federation or a member union immediately before the appointed date whereby the provisions of this Act may be more effectually achieved; and every act done or document signed by a person in accordance with the provisions of such an order for such purposes shall be as effectual as if it had been done or made by the Federation or the relevant member union, as the case may be, had the same not been dissolved.

Members of
member
unions

11. Every person who, immediately before the appointed date, is a member of a member union shall, on the appointed date, become a member of the new Union and shall hold his membership thereof in accordance with the Rules:

Provided that the entrance fee provided for in the Rules shall not be chargeable on a person becoming a member of the new Union under the provisions of this section.

Employees
of Federation
and
member
unions

12.-(1) Where, by reason of the foregoing provisions of this Act, the new Union becomes a party to any agreement for the rendering by any person of personal services-

(a) subject to the provisions of paragraph (c) of this subsection, such person shall be deemed to have been appointed to the service of the new Union in such employment as the General Secretary of the new Union shall determine (being employment of a similar nature to that in which he was engaged in the service of

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the Federation or a member union), but otherwise on the terms of such agreement; and, for the purpose of determining any right to gratuity, his service with the new Union under such agreement shall be regarded as continuous with his service with the Federation or the member union immediately before the vesting date;

- (b) such person's employment by the new Union and by the Federation or a member union, as the case may be, shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A;
- (c) unless, within the period of three months immediately after the appointed date, such person is, with his consent, expressly confirmed in his appointment or in some other appointment in the service of the new Union by or on behalf of the General Secretary of the new Union, his employment by the new Union shall, notwithstanding any term of such agreement, terminate at the expiration of such period of three months.

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(2) The termination of a person's employment under the provisions of paragraph (c) of subsection (1) shall, for the purposes of the Employment Ordinance, the Severance Allowance Act, 1962, and any other law (whether written or unwritten) relating to master and servant, constitute a termination of employment by the new Union on three months' notice but without default on the part of the employee, and the new Union shall make such payment to the employee as is due in such cases:

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Provided that-

- (a) no payment shall be made in respect of the inadequacy of such notice save where the employee was engaged under a written agreement made before the twenty-eighth day of January, 1964, which expressly provided for more than three months' notice of termination of employment;
- (b) where a person was the holder of an elective office in the service of the Federation or of a member union and, by reason thereof and of paragraph (a) of subsection (1) of this section, he is deemed to have been appointed to the service of the new Union, he shall not be entitled to any payment in respect of severance allowance.

13.-(1) Subject to the provisions of this section, where, after the twenty-seventh day of January, 1964, any disposition was made, by or on behalf of the Federation or of a member union, of the property or rights of the Federation or of such member union or any person was released or discharged, by or on behalf of the Federation or of a member union, from any liability or obligation to the Federation or such member union, such disposition, release or discharge shall be

Avoidance
of dis-
positions

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deemed to have been void, and nothing therein shall be effectual to divest the Federation or such member union of any such property or rights or preclude the new Union from recovering such property or rights or from enforcing such undertaking or obligation.

(2) Subject to the provisions of this section, where, after the twenty-seventh day of January, 1964, the Federation or a member union has-

- (a) made any payment to any person without consideration or for an inadequate consideration;
- (b) sold or disposed of its property or rights without consideration or for an inadequate consideration;
- (c) acquired any property or rights for an excessive consideration;
- (d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the Federation or such member union; or
- (e) entered into any other transaction of such an onerous nature as to cause a loss to or impose a burden on the Federation or such member union substantially exceeding any benefit accruing to that body,

and such transaction is not avoided under subsection (1) of this section without loss to the new Union, then, unless it is shown by the party sought to be charged that the transaction was effected in the ordinary course of business of the Federation or of a member union and was in no way connected with any provision of this Act or with any anticipation of the making of any such provision, any Person who, being at the time a member of the executive committee of the Federation or of such member union, shall have been a party to authorizing the transaction shall be jointly and severally liable at the suit of the new Union to make good the loss to the new Union:

Provided that no suit shall be instituted under this section without the prior written consent of the Attorney-General.

(3) Nothing in this section shall apply to-

- (a) any disposition, release, discharge or transaction in the ordinary course of business of the Federation or of a member union;
- (b) any disposition, release, discharge or transaction in pursuance of any obligation entered into before the twenty-eighth day of January, 1964, and binding on the Federation or a member union.

(4) For the purpose of subsection (2), there shall be deemed to be a loss to the new Union if the value of the property and rights of the Federation or of a member union, as the case may be (after deducting the value of its liabilities and obligations), is less immediately after the disposition, release, discharge or transaction has been effected than such value immediately beforehand, and the extent of the loss shall be the difference between such values.

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14. Any purported dissolution between the twenty-eighth day of January, 1964 and the day immediately preceding the appointed date (both days included) of a registered trade union which is a combination of workers or the cancellation between such days of the registration under the Trade Unions Ordinance of any such trade union without the consent of the President, is hereby declared to have been void.

Avoidance of certain dissolutions and cancellations

Amendment of Laws

15. The provisions of the Trade Unions Ordinance as set out in the first column of the Second Schedule to this Act are hereby amended in the manner set out opposite thereto in the second column of that Schedule.

Trade Union Ordinance amended

16. The Trade Unions (Revocation of Special Powers) Act, 1962, is hereby repealed.

Repeal of Acts 1962 No.44

THE FIRST SCHEDULE

(Section 4)

THE PROVISIONAL RULES OF THE NATIONAL UNION OF TANGANYIKA WORKERS
(a) Preliminary

1. The name of the Union is the National Union of Tanganyika Workers.
2. The registered office of the Union shall be at Dar es Salaam.

Title

Registered office

3.-(1) The principal objects of the Union shall be the regulation of the relations between workmen and employers and between workmen and workmen, and the provision of benefits for its members.

Objects

(2) The Union shall become affiliated to the Tanganyika African National Union and shall do anything in its power to promote the policies of the Tanganyika African National Union, and shall encourage its members to join the Tanganyika African National Union.

(3) Additional objects of the Union shall be-

- (a) to promote and safeguard the interests of members, and to consult with the Government on all matters concerning a national wages policy;
- (b) to review annually its wages policy for the coming year;
- (c) to facilitate the negotiation of wage agreements on a national and industrial basis in accordance with the national wages policy;
- (d) to negotiate and settle differences and disputes between the members and employers, and between one member and another, by amicable agreement wherever possible;
- (e) to enforce and to assist in the enforcement of collective agreements and awards and a disciplinary code or any other such agreements which are subject to national or local application;
- (f) to give legal advice and legal assistance to members;
- (g) generally to promote the welfare of members;
- (h) to provide social benefits to members;
- (i) to finance and administer a Tanganyika Workers' Investment Corporation;
- (j) any other objects which a trade union may legally perform in the interests of the furtherance of the trade union movement.

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Provided that nothing in this rule shall be construed as purporting to authorize the Union, in the furtherance of its objects, to expend its funds otherwise than for the purposes authorized by or under the Trade Union Ordinance.

(b) *Membership and subscriptions*

Members and application for membership	<p>4.-(1) Subject to the provisions of this rule, the members of the Union shall consist of-</p> <p>(a) those persons who are declared to be members by section 11 of the Act; and</p> <p>(b) those persons who are subsequently admitted to membership of the Union, and such persons shall remain members until their death or retirement, or until their membership ceases in accordance with these Rules.</p> <p>(2) Application for membership may be made at any office of the Union, by any person who at the time of such application is employed or resident in Tanganyika.</p> <p>(3) The Union shall admit to membership every person who applies for membership if he is an employee employed in Tanganyika:</p> <p>Provided that-</p> <p>(a) the Union may refuse to admit to membership any person who has been expelled from the Union or whose membership has ceased under rule 7 (3), unless all arrears of the Union entrance fee, monthly subscriptions or other dues have been paid;</p> <p>(b) the Union shall refuse to admit to membership any person who is prohibited or declared ineligible by law (including persons who are declared ineligible on account of their age) from being a member of a trade union.</p>
Entrance fee	<p>5.-(1) Upon admission to membership, a member shall pay an entrance fee of Shs. 5/- to the Union and a receipt shall be given therefor.</p> <p>(2) Nothing in this rule applies to admission to membership under section 11 of the Act.</p>
Membership cards and register	<p>6.-(1) Every member shall be provided with a printed membership card, on which shall be recorded the member's name, address, trade or occupation, membership number, date of joining the Union, industrial classification and such other particulars as shall from time to time be prescribed by standing orders.</p> <p>(2) Upon admission to membership, the prescribed particulars shown on the membership card shall be entered in the general registers of members maintained for this purpose. Provision shall be made in the general registers of members for the recording of payment of all Union dues by members, and such records shall be maintained up to date.</p>
Monthly subscription and arrears	<p>7.-(1) Every member-</p> <p>(a) in receipt of a wage per month of less than Shs. 400/- shall pay a monthly subscription of Shs. 2/-;</p> <p>(b) in receipt of a wage per month of or greater than Shs. 400/- shall pay a monthly subscription of Shs. 3/-.</p> <p>The monthly subscription shall be paid to the Union on or before the last day of each month.</p> <p>(2) A member whose monthly subscriptions are more than thirteen weeks in arrears shall cease to be a voting member of the Union and shall cease to be entitled to any of the financial benefits of membership:</p> <p>Provided that any member who can prove to the satisfaction of the Executive Council that he has been unemployed for a period of thirteen weeks through no fault of his own may continue to be eligible for all or any of the financial benefits of membership at the discretion of the Executive Council.</p> <p>(3) A member whose monthly subscriptions are more than twenty-six weeks in arrears shall cease to be a member of the Union and his name shall be removed from the registers of members and his membership card recalled.</p> <p>(4) A member whose membership ceases shall cease to have any further right or interest in any property of the Union.</p>
Additional subscriptions	<p>8.-(1) In addition to entrance fees and monthly subscriptions, the General Council may, subject to the approval of the Minister and of the members of the Union, raise additional funds for any special purpose provided for in paragraph (3) of rule 3 by means of a levy.</p> <p>(2) For the purposes of this rule, approval of the member of the Union shall be deemed to have been obtained if the majority of the aggregate of members present and voting at separate meetings of the branches summoned specifically for the purpose shall approve the raising of the levy.</p>

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<p>9.-(1) Where subscriptions are collected by means of the check-off system, a receipt for the aggregate sum received shall be given to the employer and a receipt for the sum deducted and paid by the employer in respect of each member shall be given to the member concerned.</p>	<p>Additional provisions re subscriptions</p>
<p>(2) Where subscriptions are not collected by means of the check-off system, each member shall be issued with a receipt on payment of his subscription.</p>	
<p>(3) Subject to standing orders, all entrance fees and subscriptions shall be paid into a banking account maintained by the headquarters of the Union.</p>	
<p>(4) In this rule, "subscription" shall include any additional subscriptions raised in accordance with rule 8.</p>	
<p>10. A member shall, on demand, and on payment of such sum not exceeding Sh. 1/- for each set of rules or orders as the General Council shall determine, be supplied with a copy of the Rules and any standing orders.</p>	<p>Copies of Rules to be supplied</p>
<p>11. Every member shall be allotted to an industrial section appropriate to his industrial classification, and save the case of the general officers of the Union, to some one of the branches of the Union.</p>	<p>Membership of industrial sections</p>
<p><i>(c) Industrial Sections, Regional Offices, Branches and Departments</i></p>	
<p>12.-(1) There shall be the following industrial sections of the Union: - Dockworkers and seafarers. Agricultural workers. Domestic and hotel workers. Transport and general workers. Government workers. Local Government workers. E.A.C.S.O. workers. Mines and quarry workers. Teachers.</p>	<p>Industrial sections</p>
<p>(2) The Annual Congress may disestablish any industrial section or establish further such sections, or may divide one section into two or more sections, or amalgamate two or more sections.</p>	
<p>13.-(1) Subject to the provisions of this rule, there shall be established, at such places as the General Council thinks fit, regional offices of the Union each of which shall subject to standing orders, be responsible for the co-ordination of the functions and activities of such of the branches as may, from time to time, be declared by the General Council to be subject thereto.</p>	<p>Regional offices</p>
<p>(2) The General Council may disestablish any regional office, or may vary the number or description of branches subject to a regional office.</p>	
<p>(3) Where the General Council establishes or disestablishes a regional office, or declares or varies a declaration of the branches subject thereto it shall report the same to the next Annual Congress and such establishment, disestablishment, declaration or variation shall be subject to the confirmation of the Annual Congress.</p>	
<p>14.-(1) Subject to provision of this rule there shall be branches of the Union for such parts of Tanganyika as the General council sees fit.</p>	<p>Branches</p>
<p>(2) There shall be an office of the Union at the headquarters of each branch:</p>	
<p>Provided that nothing in this paragraph shall preclude the General Council from establishing additional offices of the Union.</p>	
<p>(3) The General Council may disestablish any branch, or may divide one branch into two or more branches, or amalgamate two or more branches.</p>	
<p>(4) Where the General Council establishes or disestablishes a branch, or divides or amalgamates branches, it shall report the same to the next Annual Congress, and such establishment, disestablishment, division or amalgamation shall be subject to the confirmation of the Annual Congress.</p>	
<p>15.-(1) There shall be the following departments at the headquarters of the Union: -</p>	<p>Departments</p>
<p>Education. Accounts. Economics and research. Organization. Publicity. Establishment. International. Legal, Social Security, Welfare and Culture, which shall, subject to standing orders, be subject to the control and directions of the Executive Council.</p>	

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(2) The Annual Congress may disestablish any such department or establish further departments, or may divide one department into two or more departments, or amalgamate two or more departments.

Functions and organization of sections, regional offices, branches and departments

16.- (1) Subject to the provisions of these Rules, the General Council may make standard orders for the constitution of industrial sections, regional offices, branches and departments, and their component parts, for their respective functions, additional functions and powers, and for the disposition of any funds of the Union coming into their hands or collected for the purposes of the Union, and every section, regional office, branch, department or part and the affairs thereof shall be conducted in accordance with such standing orders.

(2) Without prejudice to the generality of paragraph (1), the General Council may make standing orders for the establishment, at shop or industry level, of workers committees as component parts of a branch.

(d) officers of the Union and of its branches, and Committeemen

General officers of the Union

17. The general officers of the Union shall be-

- (a) the General Secretary;
- (b) the Deputy General Secretary;
- (c) the Financial Secretary;
- (d) one assistant general secretary for each industrial section of the union;
- (e) the Director of Organization;
- (f) the Director of Economics and Research.

General Secretary and Deputy General Secretary

18.- The General Secretary and the Deputy General Secretary shall be appointed by the resident of the Republic, and each shall hold office, unless he dies or resigns or sooner vacates office in accordance with these Rules, for a period of five years, and shall be eligible for re-appointment.

(2) The General Secretary shall be the Chief Executive Officer and Chief Spokesman of the Union. He shall attend all General and Executive Council meetings. He shall record the business and generally carry out the out of the Union and the instructions of the Congress and the General Council. He shall be the Union's spokesman at all conferences and General and Executive Council meetings. He shall be responsible for the overall supervision of the Union.

(3) The Deputy General Secretary shall perform such duties as may be assigned to him by the General Secretary.

Other general officers

19.- (1) The officers specified in paragraphs (c), (d), (e) and (f) of rule 17 shall be appointed by the General Secretary after consultation with the voting members of the General Council.

(2) Subject to the provisions of rule 25, an officer to whom this rule refers shall, unless he dies or resigns or he otherwise vacates office in accordance with these Rules, hold office at the pleasure of the General Secretary.

(3) The Financial Secretary shall keep and maintain the accounts of the Union and make such Payments as the Executive Council may order. Subject to standing orders made by the General Council, he shall ensure that all monies received are regularly Paid into the Union's banking accounts. He shall keep and Produce such books, vouchers and documents as may be required by the General Council and the Executive Council. He shall prepare any Present to the General Secretary for submission to the Executive Council not less than quarterly, and at the end of each financial year, appropriate accounts of income and expenditure of the Union during the period under review and shall give such assistance to the auditors of the Union as they shall require. He shall be responsible to the Union for all monies passing through his hands. He shall be responsible for keeping the headquarter's cash book and other books of accounts, the handling of petty cash and the making of payments on behalf of the Union, and for keeping copies of all receipts and expenditure. Subject to standing orders, he shall make and write receipts for all monies received by the union. He

shall prepare all cheques and payment vouchers approved by the Executive council, which must also be signed by at least one Trustee and the General Secretary or his

(4) The functions and duties of assistant general secretaries of the industrial sections shall be prescribed by standing orders.

Regional Secretaries and committeemen

20.- (1) A Regional Secretary shall be in charge of each regional office. The Regional Secretary shall be appointed by the Executive Council.

(2) subject to standing orders the Regional Secretary shall be assisted by a regional committee (of which he shall, the Chairman) composed of as many member as there are industrial sections in the branch established for that part of Tanganyika in which the regional office is situated, one of whom shall be elected by the members of each such section of such branch.

(3) A Regional Secretary and a committeeman to whom this rule refers shall, unless he dies or resigns, or he sooner vacates office in accordance with these Rules, hold office until the conclusion of the next Annual Congress held after he assumed the functions of his office and shall be eligible for re-appointment or re-election.

21.-(1) There shall be the following officers and committeemen for each branch: - Branch officers and committeemen

- a Branch Secretary;
- a Branch Treasurer;
- a sectional secretary;
- such number of committeemen as there are industrial sections represented in the branch.

(2) The Branch Secretary, Branch Treasurer and the sectional secretary shall be appointed by the Executive Council. The committeemen shall each be elected by the members of the industrial section of the Branch whom they represent.

(3) An officer or committeeman to whom this rule refers shall, unless he dies or resigns or he sooner vacates office in accordance with these Rules, hold office until the conclusion of the next Annual Congress held after he assumed the duties of his office and shall be eligible for re-appointment or re-election.

(4) The functions and duties of branch officers shall be prescribed by the Executive Council.

22. All general officers of the Union, Regional Secretaries, Branch Secretaries and Treasurers, sectional secretaries of branches and such other Committeemen of branches as the Executive Council shall determine shall be paid at such rates as may be prescribed by standing orders. Officers, etc, to be paid

23.-(1) There shall be three Trustees of the Union who shall be elected by the Annual Congress. Trustees

(2) A Trustee shall, unless he dies or resigns or he sooner vacates office in accordance with these Rules, hold office until the conclusion of the next Annual Congress held after he assumed the duties of his office and shall be eligible for re-election.

24- No person shall be qualified to be appointed or elected an officer or committeeman or Trustee unless he is a fully paid up member of the Union, and any officer Committeeman or Trustee who ceases to be a fully paid up member shall forthwith vacate his office. Officers, etc, to be paid up members

25-41) The President of the Republic may, by writing under his hand, remove the General Secretary and the Deputy General Secretary from office. Removal and suspension of officers

(2) The Executive Council may remove from office-

- a Regional Secretary;
- a Branch Secretary or Treasurer;
- the sectional secretary of a Branch.

(3) The General Secretary may, after consulting the voting members of the General Council, remove from office any of the general officers of the Union other than the Deputy General Secretary.

(4) An officer removed from, office under the foregoing provisions of this rule shall forthwith vacate his office.

(5) The Executive Council may suspend any of the general officers of the Union, other than the General Secretary or the Deputy General Secretary, from the exercise of his functions until the next meeting of the General Council.

26.-(1) Where the office of General Secretary or Deputy General Secretary falls vacant before the expiration of the normal term of the holder, the President of the Republic may appoint a member to fill the vacancy. Casual vacancies

(2) Where any office falls vacant before the expiration of the normal, term of the holder, being an office to which, in accordance with the foregoing provisions of these Rules, the General Secretary may make an appointment after consultation with the voting members of the General Council, the General Secretary may, after such consultation, appoint a member to fill that vacancy.

(3) Where any office to which the Executive Council may appoint falls vacant before the expiration of the normal term of the holder, the Executive Council may appoint a Member to fill that vacancy.

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(4) Where any office which, in accordance with the foregoing provisions of these Rules, is filled by election falls vacant before the expiration of normal term of the holder, the electoral body may elect a member to fill that vacancy:

Provided that in the case of an office to which the Annual Congress is empowered to elect, the vacancy may be filled by the General Council.

(5) Any member appointed or elected to fill a vacancy under this rule shall hold office during the remainder the term for which the person in whose place he was appointed or elected, unless he dies or resigns or sooner vacates office in accordance with these Rules.

(e) The Congress and the Councils

Composition of Congress

27.-(1) There shall be an Annual Congress of the Union which shall have the general superintendence and control of the Union and its affairs.

(2) The Annual Congress shall be composed of-

- (a) the members of the General Council;
- (b) the members elected, in accordance with rule 29 (3), as members of the General Council for the forthcoming year;
- (c) the Regional and Branch Secretaries;
- (d) the Trustees;
- (e) two members elected from each branch in accordance with standing orders.

(3) All the members of the Annual Congress may speak at the Congress but only those referred to in sub-paragraphs Q and (e) of paragraph (2), and the General Secretary and Deputy General Secretary, may vote thereat.

Meetings of Congress

28.-(1) The Annual Congress shall meet between the first day of January and the thirty-first day of March in each year.

Provided that nothing in this rule shall preclude the summoning of an extraordinary meeting of the Congress of the Union, composed of the members specified in rule 27 (2) (other than those specified in sub-paragraph (b) thereof), at any time.

(2) An extraordinary meeting Of the Congress may be summoned by the General Council.

(3) The functions of the Annual Congress shall include-

- (a) the election of Trustees;
- (b) the consideration of the annual statement of income and expenditure for the previous year and the report of the auditors thereon;
- (c) the consideration of the estimates of expenditure for the current year;
- (d) international affiliation;
- (e) the amendment of these Rules;
- (f) the consideration of such matters as are required to be submitted for the confirmation of the Annual Congress;
- (g) such other matters as may be referred to the Annual Congress by the General Council.

(4) Extraordinary meetings of the Congress shall, subject to these Rules, consider such matters as may be referred to the Congress by the General Council.

General Council

29.-(1) There shall be a General Council of the Union which shall, between the meetings of the Annual Congress and any extraordinary Congress, have the general superintendence, control and management of the Union and its affairs.

(2) The General Council shall be composed of-

- (a) the members of the Executive Council;
- (b) Regional Secretaries;
- (c) the Trustees;
- (d) two members elected at each Regional office meeting in accordance with paragraph (3).

(3) The members of the General Council specified in sub-paragraph (d) of paragraph (2) shall be elected at a Regional office meeting of two delegates each from each branch of the Union subject to the Regional office concerned. Such elections shall be held before the meeting of the Annual Congress which precedes such members assuming their office as members of the General Council and at any time when it is necessary to fill a casual vacancy.

(4) The members of the General Council specified in sub-paragraph (d) of paragraph (2) shall, unless they die or resign or sooner vacate Office in accordance with these Rules, hold office until the conclusion of the next Annual Congress held after they assumed the functions of their office, and shall be eligible for re-election.

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(5) All the members of the General Council may speak at meetings of the Council, but only those referred to in sub-Paragraphs (q) and (d) of paragraph (2), and the General Secretary and Deputy General Secretary, may vote.

(6) The General Council shall meet every four months and at such other times as it may be summoned by the Executive Council.

30. In addition to the functions of the General Council described in paragraph (1) of rule 29 and otherwise specifically conferred by these Rules, the General Council shall have power-

Additional functions

- (a) to make standing orders for such matters as these Rules declare may be Prescribed or regulated by standing orders and generally for the regulation and administration of the Union and its affairs;
- (b) to authorize strikes or other industrial action.

31-(1) There shall be an Executive Council of the Union which shall be composed of the general officers of the Union specified in rule 17.

Executive council

(2) The Executive Council shall be responsible to the General Council for the administration of the Union and its affairs, and, in addition to the functions, duties and Powers specifically conferred on it by these Rules but - subject to the standing orders Prescribed by, or otherwise the directions of the General Council, may exercise on behalf of the General Council any of the functions, Powers, duties or authority of the General Council other than-

- (a) the making of standing orders;
- (b) the raising of a levy for special Purposes;
- (c) the functions of the General Council in relation to Regional offices and branches specified in rule 13 and rule 14;
- (d) the functions of the General Council relating to strikes and other industrial action;
- (e) the exercise of disciplinary powers;
- (f) the removal of officers.

32.-(1) The Executive Council shall hold an ordinary meeting in every month at a time and place determined by the Council.

Meeting of Executive council

(2) Extraordinary meetings of the Executive Council may be summoned-

- (a) by the General Secretary;
- (b) by not less than nine members of the Council.

(f) *General Provisions relating to the Congress and the Councils*

33.-(1) The quorum of the Annual Congress and of the General Council shall be not less than two-thirds of the members entitled to vote thereat. The quorum of the Executive Council shall be the General Secretary or the Deputy General Secretary and not less than two-thirds of the members of the council.

General provisions

(2) The Chairman of the Annual Congress and of the General Council shall be elected by the General Council.

(3) The Chairman of the Executive Council shall be the General Secretary or, in absence, his deputy; and in the event of there being an equality of votes on any business before the Executive Council, the Chairman shall have a casting vote.

(4) Notice of the Annual Congress, together with the agenda, shall be given to every Regional and branch office not less than thirty days Prior to the meeting thereof and notice of a meeting of the General Council, together with the agenda, shall be given to every Regional office not less than fifteen days prior to the meeting thereof. Regional and branch secretaries shall bring any notice received under this Paragraph to the attention of any members affected thereby.

(5) Subject to there being a quorum present, the Proceedings of any meeting of the Congress or a Council shall not be invalidated by any vacancy or the absence of any member, or by the accidental omission or failure to give notice of the meeting to any office entitled to receive the same.

34.-(1) The taking of decisions in respect of the following matters shall be by secret ballot: -

Voting

- (a) election of officers and Trustees and the removal of general officers of the Union;
- (b) amendment of Rules;
- (c) strikes;
- (d) affiliation.

(2) Voting on all other matters may be by show of hands, Provided that any member of the Congress or a Council shall have the right to request a secret ballot to be taken on any matter and his request shall be put to the vote by a show of hands.

(g) *Financial Provisions*

- Property and funds 35-(1) Subject to the provisions of the Ordinance and these Rules, the property and funds of the Union shall be managed, and the accounts thereof maintained, in accordance with standing orders.
- (2) Without prejudice to the generality of the matters which may be provided for in standing orders, such orders may authorize the retention, either in a separate Treasurer's account or in cash, by the Financial Secretary and Branch Treasurers of such sums as may be prescribed therein and the disposal the same for the purposes of the Union or the Branch, as the case may be, but, save as so authorized, all revenue of the Union shall be paid into the general or special banking accounts of the Union within forty-eight hours or so soon thereafter as is practicable from the receipt thereof.
- (3) All cheques drawn upon a banking account of the Union, other than a separate Treasurer's account maintained under standing orders, shall be signed by the General Secretary or his deputy, the Financial Secretary and one Trustee of the Union.
- Expenditure 36.-(1) The funds of the Union may only be expended upon such objects as are provided for in rule 3 of these Rules and section 40 of the Ordinance.
- (2) At no time shall the expenditure of the Union on administration exceed forty per centum of the income of the Union. Sixty per centum of the income of the Union shall be devoted to such social services, and/or investment in Government securities or in the Tanganyika Workers' Investment Corporation as the Minister shall approve: Provided that the Minister may vary the proportions provided for in this rule.
- Audit and account 37-(1) The accounts of the Union shall be audited annually as at the 31st December in each year by a fit and proper person appointed by the Executive Council and approved by the Registrar of Trade Unions, and the accounts shall be presented to the Annual Congress of the following year.
- (2) Every member of the Union shall be permitted to inspect the account books of the Union, provided three days notice in writing is given to the Financial Secretary prior to the day of inspection.
- (3) All the accounts and books of the Union shall be open to inspection by the auditors at all reasonable times.
- Financial limitations 38. The Union shall not enter into any hire purchase agreement, or accept credit or monies by way of a loan, of or of the value of 500 pound or more, without the prior permission of the Minister.

(h) *Disputes and Procedure*

- Strikes 39.-(1) In the event of any industrial dispute arising, the members concerned shall forthwith make it known to the Branch Secretary, who shall immediately report the full facts of the dispute and the issues involved to the Executive Council through the General Secretary. But in no case shall a cessation of work of the members involved take place or be threatened without the prior sanction of the General Council.
- (2) The General Council shall establish a disputes procedure for each industrial section and may, in this respect, delegate to Branch Secretaries functions to be performed concerning such disputes.
- (3) The General Council shall have no power to sanction or to propose strike action in respect of any trade dispute, until the procedures provided by the Trade Disputes (Settlement) Act, 1962, have been fully followed, and, in any event, before any strike action is approved, the majority of members of the Union concerned with the dispute shall signify their wish to participate in strike action by means of a vote taken by secret ballot.
- Acts 1962 No. 43

(i) *Discipline*

- Discipline 40.-(1) If any member infringes any of the rules of the Union or acts in a manner which is detrimental to the Union, the General Council may deprive him of any right to the financial benefits of membership or any of them, or impose a fine on the offender not exceeding Shs. 10/- or, except in the case of a member employed at a place at which, under the provisions of section 6 of the Act, all persons are (subject to the exceptions set out in that section) required to be or to become members of the Union, expel him from the Union.
- (2) If any member fails within fourteen days of a demand in writing by or on behalf of the General Secretary to pay subscriptions which are more than thirteen weeks in arrears, except as provided for in paragraph (2) of rule 7, the General Council may expel him from the Union.
- (3) Any member of the Union shall be entitled, on being charged with any offence or omission, to appear personally before the General Council and to state his case if he so desires at such time or place as the General Council shall decide.

(4) Any member of the Union who has appeared before the General Council in accordance with paragraph (3) shall, if he is dissatisfied with the decision of the General Council and has notified the General Council in writing of his desire to appeal against such decision, have the right to re-state his case before the Annual Congress whose decision in the matter shall be final.

(5) Payment of all fines as provided for by this rule shall be made to the Financial Secretary and shall be taken into account as an item of general revenue of the Union.

(j) Alteration of Rules

41. The Annual Congress may, with the approval of the Minister, but not Otherwise, amend or revoke or replace these Rules or any of them.

Alteration of these Rules

(k) Miscellaneous

42.-(1) The powers and functions of the President of the Republic or the Minister for Labour under these Rules may be exercised on his behalf by any person appointed by him in writing.

Power of the President and Minister

(2) Notice of any appointment under this rule or any revocation of such appointment shall be given to the Executive Council.

(3) The appointment of any person to exercise any power or function under this rule shall in no way preclude the President of the Republic or the Minister for Labour from exercising such power or function.

43. In these Rules, unless the context otherwise requires-

Definitions

"the Act" means the National Union of Tanganyika Workers (Establishment) Act, 1964;

"general officer" means an officer specified in rule 17;

"the Minister" means the Minister for the time being responsible, for labour matters;

"officer" includes a general officer, a regional secretary and a branch officer but does not include a committeeman.;

"the Ordinance" means the Trade Unions Ordinance (Cap. 381 of the Laws) as amended from time to time;

"standing orders" means standing orders made or deemed to have been made by the General Council;

words in the singular include the plural, and words in the plural include the singular;

words importing the masculine gender include females.

(1) Temporary

44.-(1) The first General Secretary and the first Deputy General Secretary shall be appointed by the President of the Republic.

First Executive Council and Trustees

(2) Notwithstanding the foregoing provisions of these Rules, the first Executive Council of the Union, other than the first General Secretary and the first Deputy General Secretary, shall be appointed by the General Secretary after consultation with the Executive Council of the Tanganyika Federation of Labour, and the General Secretary shall assign to the several persons so appointed the several offices specified in paragraphs (c), (d), (e) and (f) of rule 17.

(3) The provisions of paragraph (2) of this rule shall apply for the appointment of the first Trustees.

(4) In this rule, "the Executive Council of the Tanganyika Federation of Labour" means the persons who immediately before the appointed date (within the meaning ascribed to that expression in the Act) were members of that Council, acting as a Council in accordance with the Rules of the former Tanganyika Federation of Labour.

45. The first Executive Council of the Union shall be a caretaker Council and in addition to the functions conferred on the Executive Council by the Act or these Rules, the first Executive Council shall give consideration to these Rules and their amendment or replacement, and shall present its recommendations to the first Annual Congress.

Caretaker council

46. The first officers and Trustees appointed in accordance with rule 44 other than the first General Secretary and the first Deputy General Secretary, shall, unless they die, resign or sooner vacate office in accordance with these Rules, hold office until the Conclusion of the first Annual Congress.

Tenure of first officers

47. Notwithstanding the foregoing provisions of these Rules, the first Executive Council may, at any time prior to the first meeting of the Annual Congress, exercise the powers of the General Council under rules 13 and 14, and to make standing orders; and the exercise of any such power by the Executive Council prior to such meeting shall, on being submitted to and confirmed by the Annual Congress, be deemed to have been and, subject to any amendments to which such confirmation is subject, deemed to be, the exercise of the relevant power by the General Council.

Standing Orders and organization

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First meeting of Annual Congress 48. At the first meeting of the Annual, Congress, the Executive council shall purpose-
 (a) the adoption, either 'with or without amendment, of these Rules; or
 (b) the substitution of other Rules:
 Provided that no amendment or substitution shall be proposed without the approval of the Minister for Labour

THE SECOND SCHEDULE

(Section 15)

Amendment to the Trade Unions Ordinance

(Cap. 381)

sect. 2 (1) The definition "designated federation" is deleted.
 (2) The definition "trade union" is amended by inserting immediately before the words "any combination, in the first line, the words "the National Union of Tanganyika Workers and" and by deleting the words "and includes the designated federation" at the end of the substantive part thereof.
 (3) The following new definition is inserted in its appropriate alphabetical position:
 "the Specified Union' means the National Union of Tanganyika Workers Established by the National Union of Tanganyika Workers (Establishment) Act, 1964, and includes any other body established by the President under section 5 of that Act; -

Acts 1964 No.

sect. 7 (1) Subsection (1) is amended by deleting the word, "other than the designated federation" and by substituting therefor the word, "other than the Specified Union"
 (2) Subsection (3) is amended by deleting the words "other than the designated federation" and by substituting therefor the words "Other than the Specified Union"

Sect. 7A is repealed.
 sect. 7B is repealed.
 sect. 7C is repealed.

sect. 9 (1) Subsection (1) is amended by deleting the full stop at the end of the subsection, substituting a colon therefor, and by adding the following new Proviso :
 "Provided that, so long a, the Specified Union is established, the Registrar shall not register any trade union which is a combination of employees."
 (2) Subsection (2) is deleted.

sect. 13 (1) The Proviso to subsection (1) is deleted.
 (2) Subsection 1A) is deleted.

sect. 14 (1) Subsection (2A) is deleted.
 (2) The following new subsection is added below subsection (6):-
 "(7) Notwithstanding the foregoing provisions of this section, the Registrar shall not cancel the registration of the Specified Union except on the directions of the President given under section 5 of the National Union of Tanganyika Workers (Establishment) Act, 1964, or in any case where the Registrar proposes act under this section, save with the Prior consent of the President."

sect. 15 The following new subsection is added below subsection (3):-
 "(4) Notwithstanding the foregoing Provisions of this section, no appeal shall lie against the refusal of the Registrar to register a trade union which is a combination of employees so long as the Specified Union is established."

sect. 25 (1) Subsection (2A) is amended by deleting the words "the designated federation" and by substituting therefor the words "the specified union".

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- sect. 28 (2) The second proviso to subsection (3) is deleted.
 Subsection (7) is deleted.
- sect. 29 Subsection (8) is deleted.
- sect. 41A is repealed and replaced by the following new section:—
 “Control of 41A.—(1) The Minister shall have power to require
 finances the Specified Union to submit its estimates of
 expenditure and income to him for his approval, and
 to prohibit the Specified Union from making any
 expenditure save in accordance with estimates approved
 by him or, notwithstanding that he has approved such
 estimates, to prohibit any further expenditure on any
 matter provided for therein, and the Specified Union
 and its officers shall comply with any such require-
 ments or prohibitions; and any officer of the Union
 who, knowing of the same, is a party to any breach
 thereof shall be personally liable to refund the
 expenditure to the Union.
- (2) The Minister may require the Specified Union
 to employ as accountant to the Specified Union a
 person with such qualifications and experience as the
 Minister may specify and the Specified Union shall
 comply with such requirement.”
- sect. 41B is repealed.

Passed in the National Assembly on the twenty-first day of February,
 1964.


 Clerk of the National Assembly