

THE HUMAN RESOURCES DEPLOYMENT ACT, 1983

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THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1983

I ASSENT,

President

9TH May, 1983

An Act to make provision for the establishment of a machinery designed to regulate and facilitate the engagement of all able bodied persons in productive work and for connected matters

WHEREAS the constitution of the United Republic upholds the principle that every person be enjoined upon to believe that work is a measure of human dignity and to actively put that belief into practice;

AND WHEREAS by a declaration made in Arusha in 1967 our country resolved to build a socialist society;

AND WHEREAS pursuant to our socialist principles our country believes that only children, the aged, the disabled and those for whom the state cannot, at any one time, provide employment are permitted to live on the sweat of others:

AND WHEREAS at its 17th General Conference the Tanganyika African National Union in its 43rd resolution defined work as any lawful income-generating occupation through which a person obtains his livelihood and that in our country agriculture is the major source of income for the majority of the people:

to take seriously the responsibility to work and to so combine hard work and skill as to maximize productivity:

AND WHEREAS at the meeting of the National Conference held in October, 1982 the Party directed the Government that regulations be made to ensure that everybody who is able to work does so more skilfully and productively:

AND WHEREAS it is the duty of the Government at national, regional and other local levels to ensure that this direction is carried out:

AND WHEREAS in order to carry out this direction it is necessary that legislation be made aimed at making provisions to regulate and facilitate the deployment of available human resources towards the eradication of poverty:

NOW, THEREFORE, BE IT enacted by the Parliament of the United Republic as follows:

PART I

PRELIMINARY

| | |
|------------------------------|---|
| Short title and commencement | 1. This Act may be cited as the Human Resources Deployment Act, 1983, and shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. |
| Interpretation | 2. In this Act unless the context requires otherwise- "appropriate authority" in relation to any act, appointment, dismissal, licence, permit, matter or other thing, means the person, committee or other body of persons permitted, required or in any other way made responsible by this Act for doing the act, making the appointment or issuing the dismissal, licence or permit or doing that matter or thing; "area" when used in relation to any local government authority, means the area in which a local government authority is established or empowered by or under the Local Government (District Authorities) Act, 1982, or the Local Government (Urban Authorities) Act, 1982, to exercise jurisdiction; "authority" and "local authority" both mean a local government authority, and when used in relation to a township, means the township authority for that township; "Chairman" — (a) when used in relation to a local authority means the chairman of that authority; (b) when used in relation to any Committee or other body of persons means the Chairman of that Committee or that other body of persons, and includes the Vice-Chairman of the local authority, the Committee or of the other body of persons or any other person acting in the absence of the Chairman and the Vice-Chairman, when he exercises the functions or discharges the duties of the Chairman pursuant to this Act; "Committee" — (a) when used in relation to a local authority means the Committee established or appointed by that local authority under the Local Government (District Authorities) Act, 1982, or the Local Government (Urban Authorities) Act, 1982; (b) when used in relation to this Act means any of the local authority human resources deployment committees established under this Act; "commissioner" means the Commissioner for Labour and includes a person to whom he delegates the power to perform any of the functions of the Commission under this Act; "employ" in relation to the person employing means to use as employer the service of any person under a contract of service; "employer" means any person, firm, or other body of persons who or which has entered into a contract of service to employ any person and includes any agent, foreman, manager or factor of such person, firm, or body of persons who or which is placed in authority over such person employed and where an employee has entered into a contract of service with the Government or with any officer on behalf of the Government, any Government officer under whom such employee is working shall be deemed to be I-As employer. The term also includes the leader of any lawful income-generating project in which any resident is employed; |
| Acts, 1982 Nos. 7 and 8 | |

- "employee" means any person who has entered into or works under a contract of service with an employer whether by way of manual labour, clerical work or otherwise and whether the contract is expressed or implied or is oral or written;
- "employment" means the performance by an employee of a contract of service and includes self employment in any lawful income generating projects and non-wage earning participation in communal development projects;
- "local government authority" means a city council, municipal council, town council, district council, or village council established under the Local Government, (Urban Authorities) Act, 1982, and the Local Government (District Authorities) Act, 1982;
- "Minister" means the Minister for the time being responsible for labour matters;
- "National Committee" means the National Human Resources Deployment Advisory Committee established by section 8 of this Act;
- "resident" means any person who ordinarily resides in the area of jurisdiction of the authority but does not include any person who-
- (a) is under fifteen years of age;
 - (b) is incapable of working due to old age, illness or infirmity;
- "Self employment" means being engaged in any lawful income-generating undertaking;
- "the Party" means Chama cha Mapinduzi.

PART 11

ESTABLISHMENT OF THE HUMAN RESOURCES DEPLOYMENT SCHEME AND ITS CENTRAL ADMINISTRATION

3.-(I) Subject to the provisions of this Act, it shall be the responsibility every local government authority to make such arrangements as will ensure that every resident within its area of jurisdiction engages in productive or other lawful employment.

Responsi-
bility of
Local
Authority

(2) Every local government authority shall prepare short term, medium term and long term plans for the purposes of facilitating the full deployment of human resources available in its area of jurisdiction.

4.-(1) The Minister shall, after consultation with other government departments, the public and private authorities, work out a scheme to be known as the National Human Resources Deployment Scheme involving the Government, public, private and agricultural sectors for the purpose of ensuring that all residents who are capable of working, work more skillfully and productively.

Establish-
ment of the
scheme

(2) In working out the Scheme the Minister shall take into account the need for every local government authority to exercise its functions as independently as possible in-

- (a) formulating properly organized employment generating projects in fields like-
 - (i) agriculture;
 - (ii) small and large scale poultry farming and animal husbandry;
 - (iii) fisheries;
 - (iv) day care centres;
 - (v) small and large scale industries;
 - (vi) small and large scale commercial enterprises;
- (b) making arrangements which will ensure that the undertakings in these projects occupy the residents all year round;

(c) giving guidance stance to the agricultural and other sectors on the proper combination of hard work and skill in the carrying out of their daily functions;

(d) making arrangements cater for the proper allocation and use of skilled and high level manpower and to secure the enforcement of their terms of employment in the best economic interest of the nation.

(3) The provisions of the Second Schedule to this Act shall have effect as an interim scheme which may be adopted by any local government authority in the carrying Out or its functions in relation to this Act.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary or revoke and replace the second Schedule to this Act.

Minister to promote full deployment of human resources

5.-(1) The Minister shall, subject to the provisions of this Act and other written law, be responsible for the promotion of the full deployment of available human resources and for the establishment and development Of organs devoted to that purpose and for securing the effective execution by local authorities under his guidance, control and direction of the national policy for providing a varied comprehensive and nationally beneficial human resources deployment scheme in their respective areas of jurisdiction.

(2) The Minister shall endeavor to provide or facilitate the Provision of adequate Personnel and facilities to carry out the purposes of this Act.

Powers of minister

6. For the purpose of discharging his responsibility under this Act, the Minister may-

(a) subject to the provisions of any written law in that behalf, liaise with any private or parastatal organization for the purposes Of enabling them to so folinulate, prepare or modify their development plans as to accommodate the need to properly and more Productively utilize the human resources available in the country;

(b) after consulting with and obtaining the consent of the Minister for the time being responsible for local government, modify and co-ordinate the development plans of local authorities to incorporate those plans aimed at facilitating the implementation of the provision of this Act;

(c) issue to the appropriate authorities directions of a general or specific nature regarding the use Of public funds generated to facilitate the implementation of this Act;

(d) order or cause research or inquiring to be carried out and returns to be made to him relating to the training and the deployment of human resources within Tanzania;

(e) subject to the provisions of this Act and any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of the full deployment of human resources having regard at all times to the national interests and the interests Of the People Of Tanzania.

Duties of the commissioner for labour

7.-(1) Subject to the provisions of this act and to any direction 9 and instru - ctions given to him by or on behalf of the Minister, the Commissioner shall be responsible for the monitoring and co-ordination of all the activities carried out by the local authorities in connection with the Provisions of this Act.

(2) The Commissioner may under his hand delegate his responsibilities under this Act to any other officer in the area of jurisdiction of the local authority, who, in his day to day functions deals with matters related to the deployment of human resources.

8.-(1) There is hereby established a national Committee to be known as the National Human Resources Deployment Advisory Committee, and-

- (a) the provisions of the First schedule to this Act shall have effect as to the constitution and procedure of the committee.
- (b) the Minister may, by order published in the *Gazette*, amend, add to, vary or replace the First Schedule to this Act:

(2) The Minister shall, by notice published in the *Gazette* appoint a Chair. man of the National Committee.

(3) The Minister may, on the recommendations of the National Committee from time to time establish such sub-committees of the national committee in respect of such areas or aspects of full deployment of national human resources or of such related fields as may be expedient.

(4) The Minister shall, as far as is practicable, appoint to the National Committee persons who have experience in manpower management and such party and government representatives as well as private individuals whose contribution in matters related to full human resources deployment may be of significant advantage to the formulation and execution of the national policy on the full deployment of human resources.

9. The National Committee shall be responsible for consulting with and advising the Minister upon matters relating to the execution of the national policy on the full deployment of human resources and in particular upon-

- (a) the formulation and co-ordination of economically viable employment generating schemes suitable for urban and rural areas;
- (b) making recommendation to the appropriate authorities regarding matters of employment;
- (c) the conducting of research in better ways of using the available human resources more productively in Government, commercial, industrial and agricultural sectors;
- (d) any proposed legislation relating to or affecting the deployment of human resources;
- (e) the evaluation of reports received from local authorities on the activities carried out by the respective committees pursuant to the provisions of this Act;
- (f) laying out fund raising procedures and the preparation of estimates of revenue and expenditure;
- (g) such other matters as will, in its opinion facilitate the implementation of this Act;
- (h) any other matter which may be referred to it by the Minister.

PART III

DIE LOCAL AUTHORITY COMMITTEES

10.-(1) Every local government authority shall be the final authority in respect of matters relating to the implementation of the national human resources deployment scheme within its area of jurisdiction and shall each for that purpose, subject to the provisions of the Act under which it is established, establish a committee to be known as the local authority human resources deployment committee which shall perform the functions prescribed by this Act.

(2) Every committee established by a local government authority under this section shall be deemed to be a standing committee of that authority and shall in discharging its functions under this Act comply with the provisions governing the procedure of a standing committee of a local government authority.

Establishment of the National Committee

Function of the National Committee

Local Authority Human Resources Committee Acts, 1982 Nos.7 and 8

Human Resources co-ordinator
Local authority

11. The delegate of the Commissioner within the area of jurisdiction of the Local Authority shall be the human resources deployment co-ordinator for that authority and shall carry out the functions of the Commissioner in that authority.

Functions of the Local Human Resources Deployment Committee

12. The functions of a local authority human resources deployment committee shall be-

- (a) to receive, evaluate and carry out the policy and plans laid out by the Minister for the purposes of this Act;
- (b) to prepare and submit to the District Development Committee or the Regional Development Committee, plans for the promotion and development of employment generating projects and to carry out the plans approved by the council;
- (c) to prepare and submit to the council estimates of revenue and expenditure for its approval;
- (d) to make recommendations to the Council for the making of by-laws and regulations and the issue of directions for the purpose of facilitating the establishment, enforcement and management of employment generating projects within the area of its jurisdiction;
- (e) subject to any directions of a general or specific nature to give guidance regarding the undertaking and execution of self-help schemes;
- (f) prepare and submit to the Minister annual reports on its activities on the executions of the provisions of this Act;
- (g) subject to the direction of the Minister, to do all such acts and things as may be necessary or expedient for the efficient discharge of its functions.

PART IV

REGISTRATION

Registration of employment

13.-(1) "Every local government authority shall establish and maintain a register to be known as the Employers' Register and may for that purpose establish such number of registration centres in or for its area of Jurisdiction as it may deem necessary or expedient, and shall make annual returns of the registration to the Commissioner."

(2) The Minister may make regulations prescribing the form of the register, the manner in which entries and alterations in and removals from that register shall be made, the particulars in relation to employers in general or in respect of any particular employer or group of employers which shall be provided for such registration, and generally any other particulars which, in the opinion of the Minister ought to be prescribed in order to show the availability and details of employment capable of being offered by employers.

A Register of Residents capable of work

14. Subject to the regulations which the Minister may make in that behalf, the Commissioner shall cause to be established and maintained for every local authority a register of all residents who are capable of working, in which there shall be entered in respect of every resident the following particulars-

- (i) the name of the resident;
- GO postal address;
- (iii) age;
- (iv) marital status;
- (v) number of dependants;

- (vi) Parents' residence;
- (vii) level of education and skill possessed;
- (viii) present employment;
- (ix) present residence and name of residence owner;
- W nationality;
- (Xi) his original or adopted domicile

(2) The register shall be kept in such form, and entries in it and removals from it shall be made in such manner as the Minister may prescribe.

15.--(1) The Commissioner shall, subject to the directions of the Minister in co-operation with employers in the Government, public and private sectors establish and maintain a register of-

A register of non skilled, skilled and high level manpower

- (a) non-skilled manpower;
- (b) skilled manpower;
- (c) high level manpower who are employed within or outside Tanzania.

(2) The register shall be kept in such form and entries in and removals from it shall be made in such manner as the Commissioner may determine.

(3) Every Embassy or consulate representing Tanzania outside Tanzania shall maintain a register of all Tanzanian manpower resident within their area of jurisdiction in such manner as the commissioner may direct.

16. Subject to any other written law, the Minister may make regulations to Prescribe the manner in which the fact that a person's name is for the time being in the register may be Proved, including, without prejudice to the generality of this Power, regulations as to the issue of identification cards for that purpose and as to the custody, use and delivery up of those identification cards.

Identification cards

PART V

TRANSFER, TRAINING AND REHABILITATION OF UNEMPLOYED RESIDENTS

17.--(1) Subject to any Other written law, the Minister may, after consultation with the national committee and other relevant authorities, make arrangements which will Provide for a smooth, co-ordinated transfer and subsequent employment of unemployed residents.

Transfer of unemployed residents to their districts

(2) In making the arrangements provided for in subsection (1), the Minister shall have special regard to the need to secure full deployment of:-

- (a) residents who have retired from the public service;
- (b) residents below or above the age of eighteen who still depend on their Parents or relatives for their livelihood;
- (c) law-abiding adult residents who have no known source of income;
- (d) house-wives;
- (e) non-citizens.

18.-(1) Subject to any Other written law the Minister may in co-operation with other government departments make arrangements for the provision of facilities for the training suited to the residents' age, experience and qualifications in order to render them competent to undertake prescribed employment or work more skillfully and Productively on their Own account.

Training

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|--|--|
| | <p>(2) The Minister may make arrangements with any government department, person or body of persons for the exercise by that department, person or body of persons of any of the powers conferred on him by subsection (1) of this section.</p> |
| Rehabilitation course | <p>19.-(1) The Minister may, subject to other written law, make arrangements for the provision of such rehabilitation courses as will provide for the social or industrial rehabilitation of those residents who need those courses in order to render them fit for undertaking employment suited to their age, experience and qualifications.</p> |
| Employment of registered unemployed residents | <p>20.-(1) Every local government authority shall work out a system which will enable the registered employee to utilize the available registered unemployed residents within its area of jurisdiction.</p> <p>(2) In carrying out the provisions of sub-section (1) the local government authority shall-</p> <p>(a) take into consideration the nature of the employment and the need to employ a person with the necessary skill and experience;</p> <p>(b) take into consideration the nature of the employment or the circumstances of the place of work and the need to work harder and more skillfully.</p> |
| <p>PART VI MISCELLANEOUS PROVISIONS</p> | |
| Power of entry | <p>21.-(1) Subject to any other written law the Commissioner or any other officer authorized in that behalf may at all reasonable times enter any premises of an employer or any premises reasonably suspected of harbouring idle persons for the purpose of inspecting them and to ensure that the provisions of this Act are complied within.</p> <p>(2) Any person who obstructs the Commissioner or any person authorized by him in carrying out his duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.</p> |
| Dissuading persons from work | <p>22.-(1) Any person who, with intent to impede or obstruct any scheme generated by any authority for the purpose of this Act, by doing or omitting to do any act dissuades or attempts to dissuade any person from offering his services or from assisting in that scheme, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.</p> <p>(2) In any prosecution for an offence against this section, a certificate of the appropriate authority that a scheme or kind of work named or described therein were approved by him on or before a specified date shall be conclusive evidence, of such facts.</p> |
| Treat of injury to Officers | <p>23. Whoever holds out any threat of injury to any person responsible for the enforcement of the provisions of this Act or to any person in whom he believes that person to be interested for the purpose of inducing that person to do an act or to forbear or delay to do an act connected with the exercise of the functions of such persons shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings or to imprisonment for three months or to both that fine and imprisonment.</p> |
| General penalty | <p>24. Any person who contravenes any provision of this Act where no penalty has been provided shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.</p> |

25. The Commissioner or any labour officer authorized in that behalf by the Director of Public Prosecutions may, proceedings in respect of proceedings.
26. The Minister shall, after consultations with the National Committee and other Government departments make such arrangements as will provide for a smooth and co-ordinated transfer or any other measure which will provide for the rehabilitation and full deployment of persons chargeable with or previously convicted of being idle and disorderly under section 176 of the Penal Code.
27. The Minister shall, after consultation with the national committee and other government departments make such arrangements as will provide for a for the rehabilitation and full deployment of persons chargeable with or previously convicted of being rogues and vagabonds under section 177 of the Penal Code.
- 28.-(1) The Minister May make Regulations for the better carrying out of the provisions Of this Act*
- (2) Without prejudice to the generality of subsection (1) and subject to Other written law the Minister may make regulations to empower the appropriate authorities to regulate the work required of every resident.
- (3) In carrying out the provisions of subsection (2) the appropriate authorities shall have regard to-
- the nature of work in which the residents are involved;
 - climatic conditions;
 - such other factors as may affect or enhance Productivity-
29. The Labour utilization Ordinance is hereby repealed.
30. Notwithstanding the repeal of the Labour Utilization Ordinance, all subsidiary legislation made thereunder and are in force on or after the commencement of this Act shall be deemed to have been made under this Act and shall remain in force until revoked by subsidiary legislation made, under this Act.

Institution of proceedings

Idle and disorderly persons cap 16

Rogues and vagabonds cap. 16

Regulations

Repeal of cap. 243 saving

FIRST SCHEDULE

THE NATIONAL HUMAN RESOURCES DEPLOYMENT COMMITTEE

(Compositions and Procedure)

Section 8

- The National Human Resources Advisory Committee shall consist of not more than twenty members to be appointed by the Minister.
- A member of the Committee shall, unless his appointment is sooner revoked by the Minister or, for any other cause he ceases to be a member, hold office for a period of four years from the date of his appointment, and shall be eligible for re-appointment:
- (1) The Commissioner for Labour shall be the Secretary to the Committee:
 - The Secretary shall, in consultation with the Chairman or in the absence of the Chairman, in consultation with the Vice Chairman convene meetings of the Committee and shall also keep minutes of the meetings and perform such other secretarial duties as the Committee may require.

FIRST SCHEDULE-(contd.)

- (3) The Secretary shall be an ex-officio member of the Committee but shall have no power to vote at any meeting of the Committee.
- Resignation of Members, casual vacancy, etc 4.-(1) Any member of the Committee may resign by giving notice in writing addressed to the Chairman and as from the date specified in the notice or if no date specified from the date of receipt of the notice by the Chairman the member shall cease to be a member of the Committee.
- (2) The Minister may fill any casual vacancy occurring in the membership of the Committee.
- (3) A member appointed to fill any casual vacancy shall, subject to the provision of this Act hold office for the remainder of the term of his predecessor.
- (4) If during any period any member of the Committee is for any cause unable to perform his duties as a member of the Committee, the Minister may appoint a temporary member for the period during which that member is disabled.
- Powers 5. Subject to the general or specific directions by the Minister, the Committee may prepare and act upon a programme of action on matters which are within the scope of the functions exercisable by the Committee under this Act.
- Meetings and Procedure 6.-(1) The Committee shall meet not less than twice in every period of twelve months and at such additional times as may be fixed by the Chairman or, if he is for any reason unable to act, by the Secretary after consultations with the Minister.
- (2) The Chairman or, if he is for any reason unable to act, the Secretary, shall at the direction of the Vice-Chairman or at the request in writing of any ten members, call a meeting of the Committee as soon as possible after the receipt by him of the direction of the Secretary.
- (3) The Secretary shall give to each member one month's notice of the time and place of every ordinary meeting of the Committee.
- (4) At any meeting of the Committee not less than one half of all members of the Committee shall constitute a quorum.
- (5) At every meeting of the Committee the Chairman of the Committee shall preside in the absence of the Chairman from the meeting, the members of the Committee present at the meeting may, from among their number elect a temporary Chairman who shall preside at the meeting.
- (6) The Chairman may at his discretion invite any person who is not a member of the Committee, to attend and take part, but not to vote, in the proceedings of any meeting of the Committee.
- (7) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting at the meeting and in the event of an equality of votes the Chairman shall be entitled to a casting vote in addition to his deliberative vote.

SECOND SCHEDULE**THE NATIONAL HUMAN RESOURCES DEPLOYMENT (INTERIM)
SCHEME****Section 4 (3)**

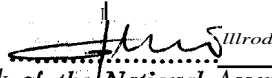
Any local government authority may carry out any of the following activities in the furtherance of the provisions of the Act:-

- (a) *Agriculture and Livestock Farming*;
- (i) Vegetable and Fruit gardens;
- (ii) Irrigation Schemes;
- (iii) Food Crop farming;

SECOND SCHEDULE-(contd.)

- (iv) Cash Crop farming;
- (v) Poultry farming;
- (vi) Meat and dairy farming;
- (vii) Livestock farming;
- (viii) Forestry;
- (ix) Timbering;
- (x) Charcoal manufacturing;
- (xi) Bee keeping.
- (b) *Small Industries:*
 - (i) Soap making;
 - (ii) Shoe making;
 - (iii) Tailoring;
 - (iv) Iron and Tin Smithing
 - (v) Motor Vehicle garages;
 - (vi) Carpentry;
 - (vii) Block and Burnt Brick making.
- (c) *Fishing:*
 - (i) Sea and cold water fishing;
 - (ii) Other fish projects.
- (d) *Commercial Enterprises:*
 - (i) Distribution and Marketing of garden produce;
 - (ii) Transportation;
 - (iii) Co-operative Trading;
 - (iv) Construction Works;
 - (v) Restaurants;
 - (vi) Woodcraft.
- (e) *Wage earning employment:*
 - (i) Private Farms;
 - (ii) Public Farms;
 - (iii) Labour Intensive Public Works.
- (f) Other authorized undertakings.

Passed in the National Assembly on the twentieth day of April, 1983.


Clerk of the National Assembly