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THE LABOUR LAWS (AMENDMENTS) ACT, 2025

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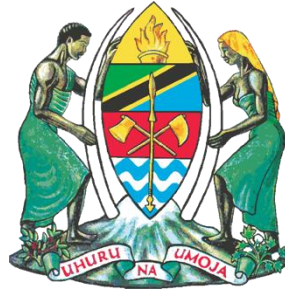


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THE UNITED REPUBLIC OF TANZANIA

NO. 4 OF 2025

I ASSENT

SAMIA SULUHU HASSAN,
President[4th March, 2025]**An Act to amend various Labour laws.****ENACTED** by the Parliament of the United Republic of Tanzania.**PART I**
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Labour Laws (Amendments) Act, 2025.Amendment
of labour laws**2.** The labour laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II
AMENDMENT OF THE EMPLOYMENT AND LABOUR
RELATIONS ACT,
(CAP. 366)

Construction
Cap. 366

3. This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as the “principal Act”.

Amendment
of section 4

4. The principal Act is amended in section 4-

- (a) in the definition of the term “basic wage” by deleting the word “Sunday” appearing in paragraph (c) and substituting for it the words “sunday, rest day”; and
- (b) by adding in the appropriate alphabetical order the following new definitions:

“award” includes-

- (a) agreements reached after mediation;
- (b) decision;
- (c) decree; and
- (d) ruling,

that has the effect of finally determining the matter;

“personal representative” means a person appointed by a party to a dispute for the purpose of representation;

“process server” means a person determined as such under any written law to undertake service of court documents;

“rest day” means a continuous period of not less than twenty-four hours, granted on either a regular or irregular basis, during which an employee is entitled to abstain from performing any work-related duties for the employer;”.

Amendment
of section 9

by-

5. The principal Act is amended in section 9(6)(b),

- (a) deleting the word “and” appearing in subparagraph (i);
- (b) adding immediately after subparagraph (i) the following:
“(ii) has authority or is authorised to hire or terminate an employee; and”; and
- (c) renumbering subparagraph (ii) as subparagraph (iii).

Amendment
of section 14

6. The principal Act is amended in section 14(1) by-
(a) deleting paragraph (b) and substituting for it the following:

“(b) a contract for a specified period of time for an employee who-

(i) is employed on account of a temporary increase in the volume of work which is not expected to endure beyond twelve months;

(ii) is a graduate who is employed for the purpose of being trained or gaining work experience in order to be employed, provided such training does not exceed twenty-four months;

(iii) is employed to work exclusively on a specific project that has a limited or defined duration;

(iv) is a non-citizen who has been granted a work permit for a defined duration;

(v) is employed to perform seasonal work;

(vi) is employed for the purpose of an official public works scheme or similar public job creation scheme;

(vii) is employed in a position which is funded by an external source for a limited period;

- (viii) has reached retirement age as per the applicable laws; or
- (ix) is an employee employed by an employer whose business depends on acquiring tenders;”; and

(b) adding immediately after subsection (2) the following:

“(3) The implementation of a contract under subsection (1)(b)(ii) shall be in accordance with the standards and conditions as may be prescribed in the regulations.”.

Addition of section 16A

7. The principal Act is amended by adding immediately after section 16 the following:

“Agreement in case of emergency

16A.-(1) In case of an outbreak or potential outbreak of infectious disease or other emergency which is likely to affect the safety of employees or disrupt operations and production at work place, the employer and employees shall agree on the best ways to overcome the situation.

(2) The agreement mentioned in subsection (1) shall take into account the interests of both parties.

(3) Where the parties are unable to reach the agreement referred to under subsection (1), any party to the dispute may refer the dispute to the Commission for mediation.”.

Amendment of section 33

8. The principal Act is amended in section 33 by-
(a) adding immediately after subsection (7) the following:

“(8) An employee who gives birth to a premature child is entitled to a paid maternity leave from the date of giving birth up to completion of the forty weeks of

pregnancy and to maternity leave period provided under subsection (6) within the leave cycle.”; and

(b) renumbering subsections (8) to (11) as subsections (9) to (12) respectively.

Amendment
of section 34

9. The principal Act is amended in section 34(1)(a) by inserting the words “or in case of premature birth 7 days,” between the words “days” and “paid”.

Addition of
section 34A

10. The principal Act is amended by adding immediately after section 34 the following:

“Unpaid
leave

34A.-(1) An employer may, upon written application and on such conditions as may be specified in the regulations, grant an employee unpaid leave for a period not exceeding thirty days.

(2) The duration of unpaid leave may be extended to a further period upon agreement between employee and employer.”.

Amendment
of section 37

11. The principal Act is amended in section 37, by adding immediately after subsection (5) the following:

“(6) An employer shall not commence or continue a disciplinary matter against an employee where such matter has been referred to the Commission or Court for determination.”.

Amendment
of section 40

12. The principal Act is amended in section 40(1), by deleting paragraph (c) and substituting for it the following:

“(c) to pay to an employee compensation -

(i) in case the termination is based on unfair procedure, not less than six months remuneration but not exceeding twelve months remuneration;

- (ii) in case the termination is based on unfair reason, not less than twelve months remuneration but not exceeding eighteen months remuneration;
- (iii) in case the termination is based on both unfair procedure and unfair reason, not less than twelve months remuneration but not exceeding twenty months remuneration; and
- (iv) in case the termination is unfair for reasons of discrimination or harassment, not less than twelve months remuneration but not exceeding twenty-four months remuneration.”.

Addition of
section 41A

13. The principal Act is amended by adding immediately after section 41 the following:

“Remedies
for material
breach of
contract

41A. An arbitrator or Labour Court may, on determining that there is material breach of a fixed term contract on part of the employer, order the employer to pay compensation to the employee equal to the remuneration for the remaining term of the contract.”.

Amendment
of section 71

by-

14. The principal Act is amended in section 71(2),

- (a) deleting a full stop appearing at the end of that subsection and substituting for it a colon; and
- (b) adding the following proviso:

“Provided that, for public institutions, the collective agreement shall be binding upon approval by the Permanent Secretary of the Ministry responsible for establishments.”.

Amendment
of section 73

15. The principal Act is amended in section 73(1), by deleting the words “A recognised” and substituting for them the words “One or more”.

Amendment
of section 86

16. The principal Act is amended in section 86-

(a) in subsection (6), by-

(i) adding immediately after the word “dispute” appearing in the opening phrase the words “shall be present and”; and

(ii) adding the words “in the case of an employee,” at the beginning of paragraph (c);

(b) by adding immediately after subsection (6) the following:

“(7) Where a party to a dispute, due to inevitable reason, fails to appear in person as required under subsection (6), he may, in writing, appoint another person to appear in his behalf to proceed with the mediation.”;

(c) in subsection (7)(b), by adding the words “within thirty days from the date of failure of mediation” immediately after the word “arbitration” appearing in subparagraph (i); and

(d) by renumbering subsections (7) and (8) as subsections (8) and (9) respectively.

Amendment
of section 87

17. The principal Act is amended in section 87-

(a) in subsection (3), by deleting the words “decide the complaint” appearing in paragraph (b) and substituting for them the words “mark the dispute failed”; and

(b) in subsection (5), by deleting the words “reverse a decision made under this section” appearing in the opening phrase and substituting for them the words “restore a matter dismissed under subsection (3)(a)”.

Amendment
of section 88

18. The principal Act is amended in section 88-

(a) by adding immediately after subsection (7) the following:

- “(8) Where a party to a dispute admits the claims or part of the claims, an arbitrator shall issue an award in respect of admitted claim.”;
- (b) in subsection (8), by deleting the phrase “as provided for under rule 28 of the Labour Institutions (Mediation and Arbitration Guidelines) Rules” appearing in paragraph (a) and substituting for it the words “or dismissed”;
- (c) by adding immediately after subsection (8) the following:
- “(9) Where a matter has been heard *ex-parte* or dismissed pursuant to subsection (9)(a), an aggrieved party may, within fourteen days from the date of the decision, make an application for setting aside the *ex-parte* order or restoration of the matter.”;
- (d) by adding immediately after subsection (11) the following:
- “(12) Where an arbitrator fails to issue an award within thirty days as provided under subsection (13), the arbitrator shall notify the parties in writing, state the reasons for delay and fix the date for delivering the award or order.”; and
- (e) by renumbering subsections (8) to (12) as subsections (9) to (14) respectively.

Amendment
of section 94

19. The principal Act is amended in section 94 by adding immediately after subsection (3) the following:

“(4) An application for revision shall not lie or be made in respect of any preliminary or interlocutory decision unless such decision or order has the effect of finally determining the matter.”.

Amendment
of section 97

20. The principal Act is amended in section 97, by-

(a) adding the words “or electronically” at the end of paragraph (c) of subsection (1);

- (b) adding immediately after subsection (1) the following:
“(2) A document required to be served under this Act may be served by a process server.”;
and
(c) renumbering subsection (2) as subsection (3).

PART III
AMENDMENT OF THE LABOUR INSTITUTIONS ACT,
(CAP. 300)

Construction
Cap. 300

21. This Part shall be read as one with the Labour Institutions Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

22. The principal Act is amended in section 2-
(a) in the definition of the term “Labour Commissioner”, by deleting the words “and in the absence of the Labour Commissioner, the Deputy Labour Commissioner”; and
(b) in the definition of the term “labour officer”, by deleting the phrase “section 43(3) and include the Labour Commissioner or the Deputy Labour Commissioner” and substituting for it the phrase “section 43(4) and include the Labour Commissioner”.

Amendment
of section 9

23. The principal Act is amended in section 9(1) by deleting the word “Calendar” appearing in paragraph (a) and substituting for it the word “Financial”.

Amendment
of section 15

24. The principal Act is amended in section 15(1) by adding immediately after paragraph (b), the following proviso:

“Provided that, a mediator shall not arbitrate the dispute which he was involved in its mediation;”.

Amendment
of section 16

25. The principal Act is amended in section 16 by adding immediately after subsection (4) the following:

“(5) The Chairperson shall preside over all meetings of the Commission.

(6) Where the Chairperson is absent, members present shall elect one of the members to preside over the meeting.”.

Amendment
of section 19

26. The principal Act is amended in section 19 by deleting subsection (7) and substituting for it the following:
Cap. 366

“(7) This Act or the Employment and Labour Relations Act shall not preclude a person from being appointed as both a mediator and an arbitrator under this section.”.

Amendment
of section 20

27. The principal Act is amended in section 20(1), by adding the words “or recall” immediately after the word “summon” appearing in paragraph (a).

Amendment
of section 27

28. The principal Act is amended in section 27(1) by adding the word “not” immediately after the word “shall”.

Amendment
of section 43

29. The principal Act is amended in section 43-
(a) in subsection (1), by deleting the words “and a Deputy labour Commissioner”; and
(b) in subsection (4), by adding the words “and workers education officers” immediately after the word “officers”.

Amendment
of section 44

30. The principal Act is amended in section 44 by deleting subsection (1) and substituting for it the following:
“(1) The Labour Commissioner may, in writing delegate to the Assistant Labour Commissioners, any labour officer or workers education officer, any of the Commissioner’s powers, functions and duties.”.

Amendment
of section 45

31. The principal Act is amended in section 45-
(a) by deleting the marginal note and substituting for it the following:

- “Powers and functions of labour officers and workers education officers”;
- (b) in subsection (1), by-
- (i) deleting the words “educate, advise and” appearing at the beginning of paragraph (j);
 - (ii) deleting the semicolon and the word “and” appearing at the end of paragraph (k) and substituting for them a full stop; and
 - (iii) deleting paragraph (l);
- (c) by adding immediately after subsection (1) the following:
- “(2) For purposes of the administration of labour laws, workers education officer may-
- (a) plan and conduct training programs to employees, employers, registered trade unions, employers organisations and federations on implementation of labour laws;
 - (b) upon request, provide employees, employers, registered trade unions, employers organisations and federations advice and training in skills for avoidance, prevention and settlement of disputes;
 - (c) advice employers and employees in matters relating to the forum for workers participation in a workplace;
 - (d) facilitates establishment of workers council at workplaces; and
 - (e) scrutinise and process registration of employment policies and collective agreements.”; and

- (d) by renumbering subsections (2) to (6) as subsections (3) to (7) respectively.

Amendment
of section 45A

32. The principal Act is amended in section 45A(1) by deleting paragraph (b) and substituting for it the following:

“(b) the money charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.”.

Amendment
of section 55

33. The principal Act is amended in section 55, by-
(a) deleting the words “of Labour Court” appearing in the marginal note; and
(b) deleting subsection (1) and substituting for it the following:

“(1) The Chief Justice may, in consultation with the Minister, make rules-
(a) to govern the practice and procedures of the Labour Court; and
(b) regulating the conduct of personal representatives representing parties in the Labour Court and Commission.”.

Amendment
of section 56

34. The principal Act is amended in section 56 by adding the words “in the case of an employee,” at the beginning of paragraph (b).

PART IV AMENDMENT OF THE NON-CITIZENS (EMPLOYMENT REGULATION) ACT, (CAP. 436)

Construction
Cap. 436

35. This Part shall be read as one with the Non-Citizens (Employment Regulation) Act, hereinafter referred to as the “principal Act”.

36. The principal Act is amended in section 9, by-

Amendment
of section 9

(a) adding immediately after subsection (2) the following:

“(3) A holder of a work permit class A who intends to engage with another company to which he is a shareholder shall after presenting tax clearance certificate from the relevant authority obtain a written authorisation from the Labour Commissioner.”; and

(b) renumbering subsection (3) as subsection (4).

Amendment
of section 10

37. The principal Act is amended in section 10(2) by adding the words “non-refundable” immediately before the word “fee” appearing in paragraph (a).

Amendment
of section 12

38. The principal Act is amended in section 12, by-
(a) adding immediately after subsection (5) the following:

“(6) Notwithstanding subsections (4) and (5), a work permit issued to a refugee shall remain valid for the period which the refugee maintains the refugee status in accordance with the relevant laws.

(7) Application for renewal of work permit shall be submitted to the Labour Commissioner at least sixty days before expiry.”; and

(b) renumbering subsections (6) and (7) as subsections (8) and (9) respectively.

Passed by the National Assembly on the 31st January, 2025

BARAKA ILDEPHONCE LEONARD
Clerk of the National Assembly