



10 basic employment laws and standards that a Tanzanian employer should know.

In employment law, there are many things that a Tanzania employer needs to know. However, there are 10 basic things that I believe any prudent employer in the country should be aware of and have in place in their organisation to avoid employment disputes. They include;

1. Employment Contract;

This is a basic document an employer should provide to an employee after an employee accepts the job offer. It should cover a range of rights and obligations of the employer and employee. Rights such as terms and conditions, the form of employment, meaning whether the employment is permanent, fixed term, part-time or casual etc. It should also provide probationary period, place of recruitment, job description, commencement date, place and hours of work, salary to mention but a few. If not well written an employment contract may result to future disputes.

2. Recruitment and appointment policy;

Any good employer should have a good recruitment and appointment policy indicating that the organisation is an equal opportunity organisation. That is, recruitment and appointment are made not only on merits but the organisation administers all personnel actions without regard to race, age, colour, tribe, religion, political opinion, marital status, gender, disability etc.

3. Employment rights;

These include a number of issues such as those pertaining to health and safety, various types of leave, freedom of association, minimum pay extra. Other employment rights include contract of service, certificate of service on ceasing of employment, overtime, right to be repatriated to a place of recruitment upon ceasing of employment etc.

4. Hours of work and leave matters;

Any prudential employer should understand that, an employee should work for 45 hours per week, excluding overtime. Meanwhile, at some point in time, employee(s) may request leave, this can be normal annual leave, sick leave, maternity and paternity leave, compassionate leave, bereavement leave, study leave, re-location leave, unpaid and special leave. Therefore, an employer should be aware of the different types of leaves and their duration so as to have a proper leave roaster.



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5. Grievance and disciplinary procedures;

In a workplace setting, grievance is often a symptom of underlying problem. It is therefore important for an employer to redresses grievances as soon as they arise. Furthermore, an employer should put in place policies and procedures of handling grievances before they develop into major problems. The purpose of grievance policy and procedure is to try to formalize mechanism of pre-empting potential problem that may be difficult to solve later. Furthermore, employer should ensure they use a proper disciplinary procedure which intends to regulate standard of conduct within the organisation. The disciplinary procedure should entail what conducts of an employee are unacceptable or may result to the employee being incapable of rendering satisfactory services. Employer needs to ensure that employees are aware of employment rules and expected reasonable standard behaviours in the organisation.

6. Dispute Resolution;

Employer should know that when a problem arises and internal mechanism of solving the problem have failed, then external dispute mechanisms outside the workplace may be involved. These mechanisms can be time-consuming and expensive and therefore it is prudent for an employer to put a clause in a contract of employment on how disputes would be handled before resorting to outside bodies.

7. Workplace Offences;

Any good employer should specify to their employees' relevant offences according to the nature of work or industry they are in. He/she should have tailor-made offences that suit his workplace settings. In some industries, once an offence has been committed, it can lead to termination while others only warning is enough. This calls for an employer to specify the offences and the categories they fall under, hence permit an employer to take the appropriate disciplinary action in the event an offence is committed.

8. Organizational Rights;

It is important for an employer to let the employee join a Trade Union ("TU"). Organisation rights assist the Union in building up a presence in the workplace and thereby lay the foundations of a collective bargaining relationship with the employer. Without TU, employees will be unable to negotiate with the employer collectively. Thus, allowing employees to organize themselves by joining TU creates a healthy situation at the workplace. Therefore, employers should support TU as a positive move that bring about



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harmonious working relationship that can pre-empt grievances, dispute, strike and lock out etc.

9. Termination Procedures;

Perhaps this is the most important thing an employer should be aware of as any error could lead to a claim against the employer at the commission of mediation and arbitration. Therefore, an employer should know the procedures for termination and ensure that the termination is fair. This calls for the employer to clearly understand principals such as substantive fairness (the reasons for termination) and procedural fairness (the manner and method of termination) to follow before termination is executed. For a termination to be fair, both elements of substantive and procedural fairness should be met. The employer should therefore know that procedural and substantive fairness are independent requirements for a fair termination.

10. Confidentiality Clause.

In case an employer wants to protect business confidential information e.g. salaries or intellectual property against divulging the same to public or competitors. The employer should then make it clear to the employees at the time of recruitment of confidential nature of the organisation and incorporate a confidentiality clause in the letter of employment. Furthermore, an employer could have a confidential policy that employees are required to sign as part of their employment.

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