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ATTORNEYS**

# LABOR LAW

## PROPOSED AMENDMENT TO THE LABOR LAW IN TANZANIA

The Parliament of Tanzania has introduced the Labor Laws (Amendment) Act, No. 13 of 2024, which proposes to amend the Employment and Labor Relations Act Cap 366 R: E 2019 and the Labor Institution Act Cap 300 R: E 2019, on the following Key changes.

### AMENDMENT TO THE EMPLOYMENT AND LABOR RELATIONS ACT

#### Amending Section 9(6)(b)

The proposed amendment adds to the existing definition of a senior management employee, to further include an employee who has authority to hire, discipline, or terminate an employee.

#### Amending Section 14(1)(b)

The proposed amendment introduces 9 categories of fixed term employment contract, which includes, contract where one is employed on

- on account of a temporary increase in the volume of work which is not expected to endure beyond twelve months.
- As 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.
- To work exclusively on a specific project that has a limited or defined duration.
- To perform seasonal work.
- For the purpose of an official public works scheme or similar public job creation scheme.
- For the purpose of an official public works scheme or similar public job creation scheme.
- Who has reached retirement age as per the applicable laws.
- As an employee employed by an employer whose business depends on acquiring tenders.

## **Introducing Section 16A**

The proposed amendment enables the employer and employee to establish best ways to overcome emergency situations that disrupts the safety of employees, or the operation or production of/at the work place. The agreement must be formed on both parties' best interest.

## **Introducing Section 33(8)**

The proposed amendment extends an additional maternity leave period of 36-week paid maternity leave to an employee who gives birth to a premature child, and to further maternity leave provided under the Law within the leave cycle.

## **Introducing section 34A**

The proposed amendment allows the employer and employee to agree for unpaid leave for up to 30 days.

## **Introducing Section 37 (9)**

The bill barres an employer to carry on a disciplinary action against an employee when the matter is already in court or at the Commission for mediation and Arbitration.

## **Introducing new Subsection 40(1)(C)**

This provision lays out the remedies available to an employee when termination is termed unfair. That is 12-month compensation for unfair reasons and/or procedure. And 24 months compensation for reason of discrimination or harassment basis.

## **Introducing Section 40A**

Remedy for unfair breach of employment contract to be compensation to remuneration equal to the remaining term of contract.

## **Amending Section 86 (7)(b)(i)**

After unsuccessful mediation a party must refer the dispute to arbitration within 30 days from the date mediation is marked failed.

## **Introducing new Section 88(9)**

Provides remedy to a party aggrieved by an ex parte order or matter being dismissed for non-appearance, which is set aside the order or restore the matter within 30 days.

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