THE UNITED REPUBLIC OF TANZANIA

No. 18 OF 1977

I ASSENT

Julius Nyerere
President
30TH NOVEMBER, 1977

An Act to amend the Permanent Labour Tribunal Act, 1967

[...... NOVEMBER, 1977]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Permanent Labour Tribunal (Amendment) Act, 1977, and shall be read as one with the Permanent Labour Tribunal Act, 1967 (hereinafter referred to as “the principal Act”).

2. Section 3 of the principal Act is hereby amended by deleting the definition “award” and substituting for it the following definition:

“award” means an award made by the Tribunal and includes a negotiated agreement, a decision made by the Minister under section 9a or a voluntary agreement, which is registered by the Tribunal as an award;”.

3. Section 9 of the principal Act is hereby repealed and replaced by the following:

9. The Minister may at any time refer any matter connected with the economic or industrial condition of Tanganyika and affecting labour conditions, terms of service or any other aspect of relations between employers and employees, or relating to wage policy, to the Tribunal and the Tribunal shall inquire into every matter referred to it and report on it to the Minister.”.

4. The principal Act is hereby amended by adding, immediately after section 9, the following sections:

9a.—(1) Subject to subsection (2), where any trade dispute exists or is apprehended, the Labour Commissioner may inquire into the causes and circumstances of the trade dispute and, with the approval of the Minister, refer any matters appearing to him to be connected with or relevant to that trade dispute to the Tribunal and the Tribunal shall inquire into the matters referred to it and report on them to the Minister.
(2) If a trade dispute relates to a matter in connection with which a minimum wage board or a wages council or any other body for the inquiry into or regulation of wages or terms of employment has been appointed under the provisions of the Regulation of Wages and Terms of Employment Ordinance or any other law for the time being in force, that dispute shall be referred to the minimum wage board, the wages council or that other body.

(3) The Labour Commissioner may proceed under this section in relation to any trade dispute whether or not that trade dispute is reported to him under the provisions of this Act.

9a.—(1) Upon receipt of a report made by the Tribunal in respect of any matter referred to it under section 9a, the Minister shall make a decision in relation to the matters contained in the report, and that decision shall be final.

(2) The Minister shall submit to the Tribunal his decision made under subsection (1), and upon receipt of that decision the Tribunal shall register it as an award regarding the matters to which the decision relates.

(3) A decision made by the Minister and registered by the Tribunal under this section shall be deemed to be an award made by the Tribunal in respect of the matters to which the decision relates.”.

5. Section 24 of the principal Act is hereby repealed and replaced by the following:

“Any award may be retrospective to any date which is not—
(a) in the case of a voluntary agreement, earlier than the date agreed upon by the parties; and
(b) in the case of an award made by the Tribunal, earlier than the earliest of the dates covered by the facts from which the trade dispute arose.”.

6. Section 25 of the principal Act is hereby repealed and replaced by the following:

“(1) Every award shall be published in the Gazette.

(2) Every award shall take effect on the date on which it is specified in the award that it shall take effect.

7. Section 27 of the principal Act is hereby amended—
(a) by deleting subsection (2) and substituting for it the following:

“(2) Every award shall be binding on the employers and employees to whom it relates and, as from the date when it takes effect, it shall be an implied term of the contract between
the employers and employees to whom the award relates that
the rate of wages to be paid and the conditions of employment
to be observed under the contract shall be in accordance with
that award until it is varied by a subsequent award or by
agreement.”;
(b) in subsection (3), by deleting the words “of publication in the
Gazette of such award” and substituting for them the words
“on which the award takes effect”.

8. Section 37 of the principal Act is hereby amended in subsection Amendment of section 37
(1)—
(a) by deleting the colon after the word “award” and substituting
for it a fullstop; and
(b) by deleting the provisos to that subsection.

9. Section 39 of the principal Act is hereby amended in subsection Amendment of section 39
(8) by deleting the words “of its publication in the Gazette or such
earlier date as may be specified therein” and substituting for them the
words “on which it is specified in the award that it shall take effect.”.

Passed in the National Assembly on the twenty-sixth day of October,
1977.

[Signature]
Clerk of the National Assembly

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