

CHAPTER 243
THE NATIONAL EMPLOYMENT
PROMOTION SERVICE ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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CHAPTER 243

THE NATIONAL EMPLOYMENT PROMOTION SERVICE ACT

An Act to provide for establishment of the National Employment Promotion Service and for other related matters.

[1st July, 2000]

[GN. No. 256 of 2000]

Acts Nos.
9 of 1999
1 of 2015

PART I

PRELIMINARY PROVISIONS

Short title

1.-(1) This Act may be cited as the National Employment Promotion Service Act.

(2) [Omitted.]

(3) This Act shall apply in Mainland Tanzania.

Interpretation
Cap. 243

2. In this Act, unless the context otherwise requires-

“Act” means the National Employment Promotion Service Act;
“appropriate authority” in relation to any act, appointment, dismissal, licence, permit, matter or other thing, means a person, Committee or body of persons, permitted, required or in any other way, made responsible by this Act, for doing the act, making appointment or dismissing, issuing licences or dismissing permit or any other matter or thing under this Act;

“appropriate office” means-

- (a) in relation to a person other than an employer, the employment promotion office established for an area in which he ordinarily resides; and
- (b) in relation to an employer, an employment promotion office established for the area in which the employer carries on business at two or more places; or

(c) in relation to any place, the employment promotion office for the region or area within which the place is situated;

Cap. 287
Cap. 288

“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 or the Local Government (Urban Authorities) Act, to exercise jurisdiction;

Cap. 287
Cap. 288

“Area Committee” when used in relation to a local authority means the Committee established pursuant to the Local Government (District Authorities) Act or the Local Government (Urban Authorities) Act and when used in relation to this Act, means any of the area of a local authority;

“citizen” means a citizen of the United Republic of Tanzania;

“Commissioner” means the Commissioner for Labour and includes a person to whom the Commissioner has delegated his power to perform any of his functions 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;

“employee” means a 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;

“employer” means a person who employs any other person on contract of service, and includes a person acting as an agent of an employer in the selection and appointment of employees, in dealing with matters relating to terms and conditions of service or in payment of remuneration;

“employment promotion office” means the employment promotion centre or any other office or place designated by the Minister under section 5 as an employment promotion office;

“employment promotion officer” means a person with the rights and obligations as more specifically prescribed by

this Act and includes the Commissioner of Employment Promotion Services and the Assistant Commissioner for Employment Promotion Services;

“foreigner” means a person who is not a citizen of the United Republic of Tanzania;

“informal sector” means non-farm small scale and self employed income generating activities based on low level of organisation, low capital and low technology;

“job-seeker” means a person who is looking for a job including unemployed persons and employed persons who want to change employment;

“member” in relation to a Committee means a member of the Committee and includes the Chairperson and the Secretary of the Committee;

“micro-enterprise” means business employing not more than five workers which is capable of growth by creating income in excess of the survival needs of its members and whose productive period extends to more than four months in a year;

“Minister” means the Minister responsible for labour;

“National Employment Advisory Committee” means the National Employment Advisory Committee established by section 7;

“Private Employment Promotion Agency-PEPA” means the employment promotion agency as approved by the Commissioner under section 21;

“self-employed person” means a person who is involved in any lawful self-employment income-generating activity;

“self-employment” means a lawful income-generating undertaking;

“service” means the National Employment Promotion Service established under section 3;

“young person” means a person below or over the apparent age of fourteen years but under the apparent age of eighteen years.

PART II

ESTABLISHMENT OF THE SERVICE

Establishment
and composition
of Service

3.-(1) There is hereby established a government service to be known as the National Employment Promotion Service.

(2) The Service established under subsection (1) shall be composed of the Commissioner who shall be appointed by the President and other members as may be appointed for the Service.

Functions
of Service

4.-(1) The Service shall provide placement, vocational guidance and employment counselling, active labour market intervention, labour market and occupational information and advisory services for lawful income generating undertakings and promotion of self employment, and co-ordination of training needs.

(2) Without prejudice to the generality of subsection (1) other functions of the service shall include to-

- (a) make nominations for employment;
- (b) provide advice to persons registered for nomination as employees or employers;
- (c) distribute suitable and reliable information relating to careers and training opportunities;
- (d) promote employment within the context of national economic and social development plans;
- (e) provide for and carry out occupational aptitude and proficiency test of applicants, for employment;
- (f) keep registers and records;
- (g) co-operate with educational and training authorities and institutions relating to vocational guidance and employment counselling;
- (h) participate in the formulation and execution of measures having a bearing on employment promotion within the context of national economic and social development plans;

- (i) provide or make arrangement for the registration, employment, counselling, vocational rehabilitation and placement of persons with disability; and
- (j) do acts and things as may be necessary to give vocational guidance.

Organisation of
Service

5. The Service shall operate as National Employment Promotion Office and an area for employment promotion offices as may be established by this Act.

Functions of
Commissioner

6.—(1) The Commissioner of the Service appointed under section 3 shall be responsible for the total administration of the provisions of this Act.

(2) The Commissioner shall, subject to the provisions of this Act and to any directions and instructions given to him by or on behalf of the Minister, be responsible for the monitoring and co-ordination of the activities carried out by the committees in connection with the provisions of this Act.

PART III

ADVISORY COMMITTEES

Establishment
of National
Employment
Advisory
Committee

7.—(1) There is hereby established a Committee to be known as the National Employment Advisory Committee.

(2) The provisions of the Schedule shall have effect as to the composition and procedure of the Committee.

(3) The Minister may by order published in the *Gazette*, amend, vary or replace the Schedule.

Functions
of National
Employment
Advisory
Committee

8. The National Employment Advisory Committee shall be responsible for consulting with and advising the Minister upon matters relating to the execution of the provisions of this Act on-

- (a) economically viable employment generating schemes suitable for urban and rural areas;
- (b) consulting and making recommendation to the appropriate authorities regarding matters for employment;

- (c) the conducting of research in better ways of using the available human resources more productively in government, commercial, industrial agricultural land and informal sectors;
- (d) proposed legislation relating to or affecting the deployment of human resources;
- (e) placement functions vocational guidance on employment counselling;
- (f) issues concerning the employment of persons with disabilities;
- (g) monitoring the activities of the informal sector and micro enterprises;
- (h) establishment of centres for informal sector promotion and special funds for the purpose of financing informal sector activities;
- (i) other matters as may, in its opinion, facilitate the implementation of this Act; and
- (j) any other matter which may be referred to it by the Minister.

Area committees

9. A local government authority shall be the final authority in respect of matters relating to the implementation of the National Employment Promotion Service within its area of jurisdiction and for that purpose and subject to the provisions of the Act under which it is established, shall establish a Committee to be known as the Local Authority Employment Promotion Committee which shall perform the functions prescribed under this Act.

Functions of area committees

10.-(1) The area committees established under section 9 shall perform duties and functions as may be delegated or assigned to them by the National Employment Advisory Committee.

(2) Without prejudice to subsection (1), the functions of the area committees may include-

- (a) to receive, evaluate and carry out the policy and plans laid out by the Minister for purposes of this Act;

- (b) to prepare plans for the promotion and development of employment generating projects and carry out plans approved by the National Employment Advisory Committee;
- (c) to initiate the making of by-laws and regulations for the purpose of facilitating the establishment, enforcement and management of employment generating projects within the area of its jurisdiction;
- (d) to give guidance on undertaking and execution of self help schemes;
- (e) to advise the National Employment Advisory Committee on matters relating to employment within the area; and
- (f) to do the acts and things as may be necessary for the efficient discharge of its functions.

PART IV

DUTIES AND POWERS OF THE SERVICE

Registers and records

11. There shall be maintained at an employment promotion office a Register of-

- (a) applicants for employment or job-seekers;
- (b) employers who apply for nomination of employees;
- (c) Private Employment Promotion Agencies; and
- (d) persons with disabilities.

Contents of Register

12. A Register maintained under section 11 shall be in a form and contain particulars as may be prescribed.

Ethics of Service

13.-(1) In the performance of its function under this Act, the Service shall-

- (a) perform functions without political, gender, religious, ethnic, or any discrimination;
- (b) strive to serve the interests of employees and employers in Mainland Tanzania;
- (c) maintain neutrality in trade disputes; and

(d) not accept any notification of vacancy for employment, where there is a strike or lock-out where the vacancy occurs as a result of strike or lock-out.

(2) The Service shall, in making nominations for employment, accord preference in order of registration of persons applying for employment.

(3) It shall be lawful for the Service to accord preference to citizens and in making nominations, the Service shall have regard to the educational qualifications, the background, the character and antecedents of the nominee and to the national economy, and accord preference accordingly.

Vocational
guidance and
employment
counselling

14. The Service shall do the acts and things as may be necessary to give vocational guidance and offer advice to persons registered for nomination as employees and employers and in the case of school leavers, college graduates and other persons who seek assistance have regard to their aptitude, qualifications and antecedents and endeavour to advise them as to the type of gainful employment activities they can engage in which are most advantageous in the furtherance of national development.

Service to
promote
employment

15. The Service shall, in promoting employment, participate in the formulation and execution of measures having a bearing on employment promotion within the context of national economic and social development plans.

Application for
registration

16.-(1) A person who wishes to be an employee or employer under this Act shall submit an application for registration in the manner and form as may be prescribed.

(2) An application for registration either as an applicant for employment or as an employer shall be made to the appropriate office or Private Employment Promotion Agency or agent for requested nominations.

Service to charge fees **17.**—(1) Nominal fees shall be charged by the appropriate office in respect of any service rendered by it.

(2) Where the Service is required to obtain any information or to publish any advertisement or to require the person making the request, out of occupational aptitude tests, it shall be lawful for the Service to request in addition to nominal fees under subsection (1) to reimburse the Service for the expenses incurred by it.

PART V

PRIVATE EMPLOYMENT PROMOTION AGENCY

Establishment and duties of Agencies or agents **18.**—(1) There shall be recognised and registered agencies to be known as the Private Employment Promotion Agencies or agents.

(2) The Agencies or agents recognised under subsection (1) shall carry out their duties in accordance with the provision of this Act and operate on the basis of complementing each other to ensure efficiency, effectiveness and trustfulness in delivering the services.

Agencies to charge fees **19.** The Agency or agent shall in performing its duties charge fees as may be prescribed by the Minister for the service rendered.

Application for registration as Agency or agent **20.**—(1) An application for registration as Private Employment Promotion Agency or agent shall be made to the Commissioner in the prescribed form.

(2) The application made under subsection (1) shall be accompanied by fees as may be prescribed and printed copies of the Memorandum and Articles of Association of the agencies or agents and the statement containing the following particulars—

- (a) name, address and location of the office of the Agency or agent;
- (b) other information regarding activities as the Commissioner may require to be furnished.

Date of
establishment
of Agencies or
agents

21.—(1) For the purpose of this Act, the Private Employment Promotion Agency shall officially start operation upon receiving approval from the Commissioner.

(2) The Commissioner shall upon approval under subsection (1) issue a certificate of registration to the approved Agency or agent.

Cancellation of
registration

22. A certificate of registration of a Private Employment Promotion Agency or agent may be cancelled or withdrawn by the Commissioner where he is satisfied that—

- (a) the certificate was obtained or issued by fraud or mistake;
- (b) the Memorandum and Articles of Association of the Agency or agent or its executive is unlawful;
- (c) the Agency or agent has been or is likely to be used for any unlawful purpose contrary to its objects or rules;
- (d) the Agency or agent has contravened any provision of this Act; or
- (e) the Agency or agent has ceased to exist.

Appeal

23.—(1) A person aggrieved by the refusal or cancellation of the certificate by the Commissioner may appeal against the refusal or orders of the Commissioner to the Minister who shall determine the matter.

(2) The applicant may where he is not satisfied with the decision of the Minister under subsection (1) appeal to the High Court.

PART VI

EMPLOYMENT OF FOREIGNERS

Repealed

[ss. 24–27. Repealed by Act No. 1 of 2015 s. 27]

PART VII

MISCELLANEOUS PROVISIONS

Employer to
reimburse
travelling
expenses

28.—(1) Where a person is nominated for employment by an employer at the request of the employer, and the employer refuses or fails to employ the person, the employer shall be liable to reimburse the person the expenses incurred by him; or where the expenses have been paid by the Service, to reimburse the Service for the same expenses.

(2) Where at the request of an employer for nomination of an employee for employment, the Service nominates any person for the employment the employer shall be liable for expenses incurred by him in travelling from his residence to the place of employment and from there back to his residence where the employer refuses or fails to employ the person.

(3) A sum payable by a person under subsections (1) and (2) may be recovered by a civil suit commenced by the Commissioner on behalf of the person nominated for employment or on behalf of the Service, as the case may be.

Power to enter
and inspect places
of employment

29.—(1) It shall be lawful for the Commissioner, or an officer in charge of the employment promotion office, or any other officer of the Service on production of a certificate under the hand of a Commissioner, to enter on and inspect any place of employment, call for and examine record and documents relating to employment for purposes of ensuring compliance with the provisions of this Act.

(2) A person who, with intent to deceive, makes any false statement or representation to any officer, in the Service, commits an offence and on conviction, shall be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term not less than three months, or to both.

Appeal

30. A person aggrieved by an order or decision of the Commissioner or any officer of the Service may appeal to the Minister.

Protection of
members of
committee

31. A matter or thing done by any member, officer, servant or agent of any Committee established by or under this Act shall not subject any person to an action, liability, claim or demand whatsoever, if done *bona fide* in the execution or purported execution of the functions of the Committee.

Directives

32. The Minister may give to the Commissioner, any officer of the Service or any Committee established by or under this Act, directives of a general character or in relation to any particular matter as to the performance of functions by the Commissioner, or any officer of the Service or the Committee under this Act and the directives shall be given effect accordingly:

Provided that, the Minister shall not give any directives inconsistent with the provisions of this Act.

Regulations

33. The Minister may make regulations for the better carrying out purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations-

- (a) prescribing the procedure at meetings of any Committee established by or under this Act, and fixing the quorum of such meetings;
- (b) requiring employers to furnish particulars as the Minister may consider fit;
- (c) prescribing forms of applications, permits and orders made under this Act and providing for payment of fees on any application;
- (d) providing for the making of returns to the Service, the forms of the returns, the persons by whom and the times within which they are to be made;
- (e) establishing a fund or funds into which payments received under the provisions of this Act may be deposited, and providing for and regulating payments out of any fund or funds; and
- (f) prescribing any thing which may under the provisions of this Act be prescribed.

Repeal

34. [Repeals the Human Resources Deployment Act, No. 6 of 1983]

SCHEDULE

(Made under section 7(2))

THE NATIONAL EMPLOYMENT ADVISORY COMMITTEE

Composition of
Committee

1.—(1) The Committee established under section 7(1) shall be composed of a Chairman and other members appointed by the Minister in accordance with subsection (2).

(2) Members of the Committee appointed under subsection (2) shall include—

- (a) Chairman appointed by the Minister;
- (b) Secretary who shall be the Commissioner; and
- (c) eleven other members to be appointed as follows:
 - (i) two members who shall be appointed by the Minister after consultation with body of persons which in the opinion of the Minister, represents the interests of the employers in Mainland Tanzania;
 - (ii) two members who shall be appointed after consultation with body of persons which in the opinion of the Minister, represents the interests of the employees in Mainland Tanzania;
 - (iii) representative of informal sector associations;
 - (iv) representative of non-governmental organisations;
 - (v) representative of Private Employment Promotion Agencies;
 - (vi) Commissioner General of Immigration or his representative;
 - (vii) Commissioner of Trade or his representative;
 - (viii) representative from Association of Local Authorities of Tanzania; and
 - (ix) Director of Tanzania Investment Centre or his representative.

Tenure of office

2. 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 three years from the date of his appointment and be eligible for re-appointment.

Cessation of
membership

3. A 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 is specified from the date of receipt of the notice by the Chairman, the member shall cease to be a member of the Committee.

Casual vacancy	4.—(1) The Minister may fill any casual vacancy occurring in the membership of the Committee. (2) A member appointed to fill casual vacancy shall hold office for the remainder of the term of his predecessor.
Temporary member	5. Where 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.
Secretary to convene meetings	6. The Secretary shall, in consultation with the Chairman or in his absence the Vice-Chairman, convene meetings of the Committee and keep minutes of meetings and perform other secretarial duties as the Committee may require.
Procedure	7. The Committee shall ordinarily meet not less than twice in every year and at additional times as may be fixed by the Chairman.
Notice of meeting	8. The Secretary shall give to each member one month's notice of the time and place of ordinary meeting of the Committee.
Vice-Chairman	9. The Members shall elect one of their members to be the Vice-Chairman of the Committee and any member elected as Vice-Chairman shall subject to his continuing to be a member, hold office for a term of one year from the date of his election but shall be eligible for re-election.
Quorum	10.—(1) At any meeting of the Committee not less than one half of the members of the Committee shall constitute a quorum. (2) At the meeting of the Committee the Chairman or in his absence the Vice-Chairman shall preside at the meeting.
Invitation of non-member	11. The Chairman may at his discretion invite any person who is not a member of the Committee to attend and take part, but such a member shall not vote in the proceedings of any meeting of the Committee.
Decisions of Committee	12. The questions at the 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.
Powers of Committee	13. Subject to directions by the Minister, the Committee may prepare and act upon matters which are within the scope of the functions exercisable by the Committee under this Act.
Committee to regulate its procedure	14. The Committee shall have the power to regulate its own procedure.