THE NON-CITIZEN (EMPLOYMENT REGULATION) ACT, 2014
INTRODUCTION

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Introduction

- The Non-Citizen (Employment Regulation) Act, of 2014 was enacted by the Parliament of the United Republic of Tanzania on 18th March 2015, and assented by the President of the United Republic of Tanzania on May 2015.
- The Non-Citizen (Employment Regulation) Act, 2014 has repealed part VI of the National Employment Promotion Services Act No.9 of 1999 CAP 243[R.E. 2002]
Reasons/Purpose For Enactment of the Law

• the contradiction of the laws which gave powers to different Authorities to grant work permit.


• The Institutions responsible for enforcing these laws had authority to grant work permit.

• Such contradiction made the process of monitoring the foreign employment and Labour Market trends difficult.
Reasons/Purpose For Enactment...

- Lack of accountability - the existing regime made it difficult for an institution or an individual to be held accountable.
- Uncoordinated labour Market Information.
- Lack of specific document called Work Permit this lead to the use of Residence permit as a work permit.
Expectations

• The law will Promote conducive environment for investment and avoid bureaucracy.
• To have proper mechanism for skills transfer/succession plan.
• The law will facilitate efficient compliance of regional integration, Bilateral Agreements and International Conventions which Tanzania is a signatory.
• To put in place one coordinating Authority for proper issuance of work permit.
Expectations...

- To enable proper coordination of the Labour Market Information
- The law will facilitate employment and other engagement in occupations for persons who are non citizens.
- To coordinate efforts for proper Supervision of foreign Employees.
- The law will facilitate mainstreaming of other laws responsible for regulating Investments and employment of foreigners.
Main Parts of the law

The law is divided into five main parts

Part One:
• Part one provides for the preliminary matters which include the
• Title,
• Date of commencement
• Application of the Act - Tanzania Mainland.
• provides for the interpretation of the terms
This party consists of section 4-8 of the Act.
Powers and Functions of the Minister are explained under section 4 of the Act:
- the overall of all activities under this Act.
- to declare class of employment or engagement of which Non-Citizen may be employed
- issue exemption
- Administer appeals
- Make regulations
Role and Powers of the Labour Commissioner

- explained under section 5 of the Act.
- To supervise day to day implementation Act
- Issuance of work permit, Cancellation of work permit
- Extension/renew of work permit
- Issue certificate of exemption
- Supervise the Implementation of succession plan
- Keep work Permit Register
- Advise the Minister in all matters relating to the employment of non-citizens

Despite all these powers the Labour Commissioner may delegate any of his functions or powers to any Public Institution or person.
Succession plan

- Any person who intends to engage/employ a non-citizen in any employment or occupation shall be required to prepare effective training program of the local employees. Section 7 of the Act.
Part Three:

Regulation of employment of non-citizens

- This part constitutes section 9-17 it is mainly concerned with laying down procedures and conditions relating to application for work permit, cancellation of Work Permit, how to recover the lost and stolen work Permit,

- It also provide for incentives to investors as provided for in the investment laws.
Categories/Classes For Work Permit and Their Fees as Provided For in The Law is as Follows:

<table>
<thead>
<tr>
<th>CLASS</th>
<th>ITEM</th>
<th>FEE (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Investor who is Self employed Person</td>
<td>1,000</td>
</tr>
<tr>
<td>B</td>
<td>Non-Citizen in possession of prescribed professions</td>
<td>500</td>
</tr>
<tr>
<td>C</td>
<td>Non-Citizen in possession of other professions</td>
<td>1,000</td>
</tr>
<tr>
<td>D</td>
<td>Non-Citizen employed or engaged in approved religious and charitable activities</td>
<td>500</td>
</tr>
<tr>
<td>E</td>
<td>Refugees</td>
<td>Gratis</td>
</tr>
</tbody>
</table>
Party Four: General Provisions

Party four consist of section 18-24 dealing with:

• **Offences**: this party provides for General offences and Penalties.

• **Appeals**: any person aggrieved with the decision of the Labour Commissioner on refusal to grant or cancel a work permit has the right to appeal to the Minister within 30 days.

• **Powers to Inspect Work Permit**: Labour officers in collaboration with other Public officers as the case may be, may enter and inspect any places of employment on matters related to work Permit.

• **Powers to make Regulations**: This part also provides for powers for the Minister to make and unmake regulations.
Party Five: Consequential Amendments

- This party consists of section 25-31 of the Act.
- Consequential amendments to other written laws namely the Education Act, the Export processing zones Act, the National Employment Promotion Services Act, the Immigration Act, the Special Economic Zones Act, the Tanzania Investment Act and the Refugees Act.
- All these Act have been amended but the Authorities with these laws have been assigned duties under the new law.
THE END

THANKS FOR LISTENING!