

UNITED REPUBLIC OF TANZANIA

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PRIME MINISTER'S OFFICE – LABOUR, YOUTH,  
EMPLOYMENT AND PEOPLE WITH DISABILITIES

PUBLIC PRIVATE SECTOR  
WORKING SESSIONS

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TOURISM STAKEHOLDERS MEETING 17TH MARCH,  
2016

## Changes in the Law regarding work permit

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### Introduction

- New Law – Sited as The Non-Citizens (Employment Regulations) Act, 2015
- Before the new law– National Employment Promotion Services Act, 1999
- Objective – strengthening regulations of non – citizens employment
- Scope/application (section 2) – shall apply to Mainland Tanzania
- employment of foreigners in Tanzania Mainland

## Changes in the Law Regarding Work Permit

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### Introduction ...

- Who – Non-citizens to be /employed in Tanzania Mainland
- Employers intending to employ / who have employed non-citizens in Tanzania Mainland
- Why – Labour and Employment issues are not Union Matters
- It regulates only employment of non-citizens employed in Tanzania Mainland

## Introduction ...

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- Powers of the Minister
- The Minister shall be the authority in any matters related to employment and engagement of Non-citizens

## Introduction...

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- Powers of the Labour Commissioners S.5
- Shall be responsible for the implementation of the provisions of this act

## Main changes in the new law

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### Work Permit (WP) S.12

- Shall be issued by the Labour Commission
- Valid for a period of 24 months
- The total period of validity of a WP of an Investor may exceed ten years
- Shall be in a form set out in the third schedule to this act and may be accompanied with conditions
- Breach of any condition attached to a WP shall have the same effect as the contravention of any of the provision of this act

## Main Changes in the New Law

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### Work permit issuance authority

- Section 5(3) – "the Labour Commissioner shall be authority responsible for issuing of work permit in Mainland Tanzania"

### Other Key Actors

- Authorized Officers – labour officers, immigration officers and police officers (S 6(1))
- Specific functions assigned to authorized officers -

## Specific functions of Authorized Officers S.6(3a&b)

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- May require a holder or any person claiming to be a holder of such permit certificate
  - To produce it for examination by Authorized Officer
  - To present himself to an Authorized Officer for examination

## Engagement of Non-Citizens S.9(1&2)

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A non-citizen shall not engage in any occupation for reward or profit unless he

- Has a valid WP that allows that person to engage in the occupation specified in that valid WP
- Is the holder of a valid certificate of exemption issued to him

A person shall not employ, engage or cause to be employed or engaged any non-citizen unless

- The non-citizen has a valid WP that allows that person to be employed in the occupation specified
- The non-citizen has a valid certificate of exemption issued to him

## Categories of Work Permit S. 13(1a-e)

- Class "A" shall be issued to foreign investor who is self employed
  - Class "B" shall be issued to a non-citizen who is in possession of a prescribed profession
  - Class "C" shall be issued to a non-citizen who is in a possession of such other profession
  - Class "D" shall be issued to a non-citizen employed or engaged in a registered religious and charitable activities
  - Class "E" shall be issued to refugees
- NB: Prescription of the processing fee shall take into consideration the class of a WP applied for**

## Processing Fees S.10(2) Sixth Schedule

CLASS	ITEM	FEES (USD)
A	Investor and Self-Employed	1,000
B	Non-Citizen in possession of prescribed professions	5000
C	Non-Citizen in possession of other professions	1,000
D	Non-Citizen employed or engaged in approved religious and charitable activities	5000
E	Refugees	Gratis

## Appeals S.18

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- The referral authority lie to the Minister
- Within 30 days from the day of decision appeal shall be made to the Minister
- Such appeals may be on granted, refused or cancelled WP

## Certified Investors S.19

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### Through TIC and EPZA

- shall continue to be entitled to an initial automatic quota of up to five persons during the start-up period of the investment

### TIC and EPZA

- shall make an application for any person in addition to immigration to the Labour Commissioner

## Succession Plan

### S.7

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Any person who intends to employ or engage non-citizen in an employment or any other occupation shall prepare a succession plan which shall among other things, set out;

- A well articulated plan for succession of the non-citizen's knowledge or expertise to the citizens during his tenure of employment
- Any other information as may be directed to the Labour Commissioner

## Important Issues to Note

### Offences and Penalties S.20

- A person who furnishes
  - Furnishes forth information for the purpose of procuring WP
  - Obtains or attempt to obtain a document by means of fraud, false pretence
- Obstruct or hinders a Labour or any other Authorized Officer in the execution of his duty
- Contravenes any condition attached to the WP
- **Penalties**- be liable for to a fine not less than ten million or imprisonment for a term not less than twelve months or both



## Important Issues to Note

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- Powers to inspect S.21
  - Labour officers are legally entitled to enter and inspect any place of employment, call for, examine and record all documents relating to employment
- Returns
  - Shall be submitted to the Labour Commissioner on every 30<sup>th</sup> June and 31<sup>st</sup> December every year