

AN EXAMINATION OF EFFECTIVENESS OF LABOUR LAWS ON DISPUTE SETTLEMENT MECHANISMS FOR PUBLIC SERVANTS IN TANZANIA

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ABSTRACT

This study examines the effectiveness of the labour laws governing dispute settlement mechanisms between the government and the public servants in Tanzania, where the case study was Mwanza region. The study is based on the hypothesis that the laws, practices, regulations, and rules governing the labour dispute resolution system for public servants in Tanzania are not effective. The study used a qualitative methodology thus the data was obtained through examination and analysis of the existing laws, rules, and regulations which govern dispute settlement between the government and public servants. In analyzing the laws the study passes through the Public Service Act and its regulations as the significant law and other related laws including the Employment and Labour Relations Act also the Labour Institutions Act, which provides for the rights and interests of the Public Servants in Tanzania and also the mode and procedures which are taken by the disciplinary authority to include the Chief Secretary, Public Services Commission and the President in determining and provide punishment to the public servant. The laws require public servants to exhaust all remedies as provided under the Public Services Act before seeking other remedies including opening matters before the CMA or seeking judicial review before the High Court of Tanzania. However, these laws are silent on how an aggrieved public servant may seek remedies when they have grievances against the government.

Keywords: Public Servants, Labour Disputes, CMA, Public Services Commission.

INTRODUCTION

Tanzania Labour Laws recognize the relationship between the Employers and Employees who are in the Private Sectors and the Public Sectors. In resolving Labour disputes between Employers and Employees, the following legal frameworks are involved, the Public Service Actⁱ governs the constitution of the Public Service of the United Republic and provides for its function and obligation, and the establishment of the Public Service Commission as prescribed under section 6 of the Public Service Actⁱⁱ, Whereas Employment and Labour Relation Actⁱⁱⁱ governing the core Labour employee's rights, basic employment standards, a framework for collective bargaining, prevention and settlement of disputes, the Labour Institution Act^{iv} which for the establishes Labour Institutions, their functions, powers, duties and other matters related to them.

The above-mentioned Acts of the parliament from the crux of its establishment apply as a vehicle for the settlement of disputes of private and public employees respectively, despite the presence of the Labour Laws there are specific Laws dealing with the Public Servants perse "Public Servants employed in executive or officer grade" and for the Public Servant in Operational Service "staff not employed in executive or officer grade" governed by both Public Service laws and Employment and Labour Relation Act. Act No.6 of 2019 as prescribed under section 32 of the Public Service Act, Act No. 13 of 2019^v.

DEFINITION OF PUBLIC SERVANT

Public Servant means a person employed or engaged by any public body in the conduct and supervision of any examination recognized or approved under any law. The Term public servant in Tanzania is defined under section 3 of the Public Services Act^{vi}, to mean a person holding or acting in a public service office. The term Public Service Office has been defined under the very same section. The term 'Public Service' has not been defined in the Public Service Act rather as per section 3 of the Act, there is the term 'the Service' which has been defined to mean the public service of the United Republic of Tanzania. However, under Regulation 3 of the Public Service Regulations of 2003,^{vii} public service has been defined to mean; *"the system or organisation entrusted with the responsibility of overseeing the provision*

or directly providing the general public with what they need from their government or any other institution on behalf of the government as permissible by laws and include the service in the civil service; the teacher's service; the local government service; the health service; the immigration and the fire and rescue service, the executive agencies and the public institutions service and the operational service.”

LABOUR DISPUTES

Labour disputes are defined as a state of disagreement over a particular issue or group of issues over which there is a conflict between workers and employers, or about which grievance is expressed by workers or employers, or about which workers or employers support other workers or employers in their demands or grievances.^{viii} Black's Law Dictionary defines Labour Disputes as a controversy between an employer and its employees regarding the terms (such as conditions of employment, fringe benefits, hours or work, tenure, and wages) to be negotiated during collective bargaining, or the implementation of already agreed upon terms.^{ix} The Labour and Employment Act^x defines Labour Dispute means any dispute concerning a labour matter between any employer or registered employers' association on the one hand, and any employee or registered trade union on the other hand.

THE LEGAL REGIME GOVERNING DISPUTE SETTLEMENT MECHANISMS FOR PUBLIC SERVANTS IN TANZANIA

The Constitution of the United Republic of Tanzania, 1977

The Constitution of the United Republic of Tanzania,^{xi} is the mother law of the land thus all laws must conform with the Constitution. The Constitution has placed the duty of dispensation of justice to the judiciary in Tanzania and the same it addresses the issue of alternative dispute settlement and encourages amicable settlement of disputes in Tanzania. The right to work is provided under Article 22(1) of the Constitution of the United Republic of Tanzania,^{xii} provides that: *“Every person has the right to work”* and the provision of Article 22 (2) thereof, provides that: *“Every citizen is entitled to enjoy the opportunity and right to equal terms to hold any office of discharge any function under the state authority.”*

The Constitution protects the rights to each and every person and thus if the rights or interest of any person is violated then he or she can pursue his right and institute the case against the violator of his right before the court of law or any other organ which is legally established and mandated with the duty to adjudicate and resolve disputes in Tanzania.^{xiii}

The constitution under Article 36^{xiv} mandates the President with the powers to create any office and vest it with power to discharge its duties and functions within the United Republic of Tanzania. The Constitution states that; -(1) Subject to the other provisions of this Constitution and of any other law, the President shall have authority to constitute and to abolish any office in the service of the Government of the United Republic.

The President shall have the authority to appoint persons to hold positions of leadership responsible for formulating policies for departments and institutions of the Government, and the Chief Executives who are responsible for supervision of the implementation of those department's and institution's policies in the Service of the Government of the United Republic, in this Constitution or in various laws enacted by the Parliament, which are required to be filled by a appointment made by the President.

Accordingly, the Constitution mandates the President of the United Republic of Tanzania with the power to establish, delegate, and ensure that discipline is maintained in the public service and punish any public servant who violates the Public Services Disciplinary Code of Good Practice.

The Public Services Act, Cap 298 R.E 2019

The Public Services Act^{xv} is an Act enacted to constitute the public service of the United Republic of Tanzania, to provide for its functions and obligations, to establish the Public Service Commission, and to provide for matters related to it. The provision of section 4 of the Public Services Act^{xvi} provides for the administration of public services and authorizes the President with the power to appoint the Chief Secretary who shall provide for the leadership, direction and image of the service. the Act authorizes the Chief Secretary with the following duties to include ensuring that public servants in the Service are trained, motivated, efficient and effectively performing, and the Service is free of corruption and other unethical tendencies; improving public accountability by promoting focus on result, service quality and customer satisfaction in public service performance; be responsible for confirmation of public servants

appointed by the President and be a disciplinary authority in respect of public servants appointed by the President.

The Public Services Act,^{xvii} under Part III of section 9 establishes the Public Service Commission (PSC) and empowers it with the functions under section 10 which will be explained below by this study. The Act again provides for the functions of the President of the United Republic of Tanzania under Part IV especially section 21 which allows the President to delegate his power to any person or agency in accordance to Article 36 of the Constitution of the United Republic of Tanzania. The President may, by regulations, authorise the Commission or any public servant to exercise of the functions under this section, to depute to the public servants to whom the President is authorized by this section, to delegate the exercise of such functions, to exercise on behalf of the Commission or the public servant such of the functions, the exercise of which has been delegated to the Commission or public servant as may be specified in the regulations.^{xviii}

The Public Services Act^{xix} under section 23 authorises the President with the power to dismiss any public servant from his or her office. The power to dismiss public servants shall be exercised in accordance with the provisions of this section, the power to dismiss a public servant shall not be exercised unless a disciplinary charge is preferred against the public servant.^{xx} Before dismissing any Public Servant the President must ensure that the public servant is afforded an adequate opportunity to answer the charge,^{xxi} and make an inquiry is held into the charge in accordance with Regulations made under section 35.^{xxii} Then where on the conclusion of the inquiry or consequently upon conviction on a criminal charge, the public servant is punished by dismissal, the dismissal shall take effect from the date on which that public servant was found guilty.^{xxiii}

Also, the Act under Section 24 (1)^{xxiv} authorizes the President may remove any public servant from the service of the Republic if the President considers it in the public interest so to do and the law provides that except in the case of removal of a judge or other judicial officers, the procedure for the exercise of these powers shall be provided for in the regulations. But the removal of the Public servant is restricted with the compulsory retirement of any person under the provisions of the Public Service Social Security Fund Act^{xxv} also the termination, otherwise than by dismissal, of the service of any public servant other than the substantive holder of a

pensionable office in accordance with the terms of employment, or the dismissal of any person from any office on the personal or domestic staff of the President or any person holding an office the emoluments of which are payable at an hourly or daily rate.^{xxvi} Further, the Act again provides on the fact that if the President wishes to remove any judge or justice of appeal from the office then he has to ensure that the requirements set out in the Constitution^{xxvii} are adhered and where the President removes a justice of appeal or a judge from office, the judge shall be deemed to have retired from the public service from the date of such removal from office.^{xxviii}

The Public Service Regulations, GN No. 168 Of 2003

The Public Service Regulations,^{xxix} this is another important rules which was made under Section 34 (1) of the Public Services Act^{xxx} which provides on general regulations which governs the conducts, and code of ethics, disciplinary proceedings and appeals by the public servants in Tanzania. The regulations applies to all public servants including those in Civil services, local government services, teachers services, Immigration services and fire and rescue services, health services, executive agencies and public institutions services.^{xxxi}

The Labour and Employment Relations Act, Cap 366 R.E 2019

The Labour and Employment Relations Act,^{xxxii} is an Act which was enacted to make provisions for core labour rights, to establish basic employment standards, to provide a framework for collective bargaining, to provide for the prevention and settlement of disputes, and to provide for related matters. This Act was passed as law in the parliament on the 14th April, 2004 and assented on the 6th day of June 2004. The Act does not apply to the Tanzania Peoples defence Forces, the Police Force, the Prisons services or the National services.^{xxxiii} However, sections 5, 6, and 7 which deal with the prohibition of child labour, forced labour and discrimination respectively applied to members of forces and services.^{xxxiv}

The ELRA have two major objectives which are the relationship between employers and those who work for them (employees or workers) for example the individual employment law (includes right to wages, health and safety) also the relationship between employers and groups of employees or workers, the law provide on the collective employment which includes the law on trade unions, strikes and other industrial actions.

The Act is applicable after the public servant exhausted all local remedies which are set under the Public Service Act^{xxxv} which provides for the modes which the public servant have to

embark on before moving the ELRA. But there have been the question on whether the public servants having exhausted remedies under the Public Service Act can really embark into the rules and regulations under the ELRA including challenging the decision of the President before the CMA or challenging the decision before the High Court of Tanzania.

The Labour Institutions Act, Cap 300 R.E 2019

The Labour Institutions Act,^{xxxvi} is an Act which was enacted to provide for the establishment of Labour Institutions, to provide for their functions, powers and duties, and to provide for other matters related to them. The Act under section 12 provides on the establishment of the Commission of Mediation and Arbitration (CMA) which is mandated with the duty and functions is to mediate and arbitrate labour disputes within a given time frame and during the creation of this machinery as argued earlier, it was normal for disputes take as long as a decade to be resolved. It should be noted that one of the key incentives for employers, employees and the investors is the presence of clear, time conscious, just, and effective dispute resolution mechanism.^{xxxvii}

The significant functions of CMA are provided under section 14(10) of ELRA^{xxxviii} which are to Mediate any dispute referred to it in terms of any labour laws; determine any dispute referred to it by arbitration if a labour law requires the dispute to be determined by arbitration; the parties to the dispute agree to it being determined by arbitration; the Labour Court refers the dispute to the Commission to be determined by arbitration in terms of section 94(3) (a) (ii) of the ELRA^{xxxix} and facilitate the establishment of the forum for workers participation, if so required in terms of section 72 of the ELRA^{xl}.

The permissive functions are provided for under Section 14(2) of the Act^{xli} which provides that the Commission may upon request, provide employees, employers and registered organizations and federations with advice and training relating to the prevention and settlement of the dispute; offer to mediate a dispute that has not been referred to it; conduct or scrutinize any election or ballot of a registered trade union or employers Association if, requested to do so by the Labour Court or at the request of the union or association concerned.^{xlii}

The provision of section 51 of Labour Institution Act,^{xliii} provides that, subject to the constitution and the labour laws, the Labour Division of the High Court, Labour Court has exclusive jurisdiction over any matter reserved for its decision by the labour laws. The

provision Section 94 of ELRA^{xliv} provides that, “the Labour Court shall have exclusive jurisdiction over the application, interpretation and implementation of this Act”. The Labour Court is also vested with jurisdiction to decide appeals from decisions of the Commission for Mediation and Arbitration taking example of Arbitrator's awards and decisions and the Court is also empowered to hear and decide on complaints.

THE PROCEDURE AND PROCESSES FOR DISCIPLINING THE PUBLIC SERVANTS

The provision of Part V of the Regulations^{xlv} provides on the disciplinary methods and proceedings which mandates the President as the higher authority body and the Chief secretary as the second as the disciplinary authority when exercising disciplinary proceedings which gives the power to the President in punishing the Chief Secretary.^{xlvi} The Chief Secretary shall be the disciplinary and shall have the power to delegate his power to the permanent secretaries, regional administratives, directors of city council, directors of Local Government authorities and head of departments as provided under Regulation 35 (2) (a) and (b) of the Public Services Regulations.^{xlvii}

Investigation and Preparation of Charge

Regulation 36^{xlviii} provides and mandates the powers and directs the disciplinary authority to make an investigation before making an inquiry and instituting disciplinary proceedings against public servants. The provision of Regulations 37 and 38 of the Public Service Regulation^{xlix} mandates the disciplinary authority with the power to cease the public servant from continuing with his work until the investigation has been completed if the act of staying and continuing to work will jeopardize the investigation his duties and functions will cease until the investigation is complete.

The disciplinary authority after making the investigation and completing the same then he or she is allowed to prepare the charge and it has to be in written form and dully served to that public servant.¹ The Regulations also provide on that when the public servant has been interdicted then he should be informed through writing and the reasons thereof.^{li} Again the Regulations allows the disciplinary authority to make some amendment to the charge within

30 days and serve the public servant^{lii} and if the public servant is interdicted then his salary will be reduced in half^{liii} and if the disciplinary of criminal interdiction have been completed the whole salary may be withheld upon the termination of proceedings.^{liv}

Suspension of a Public Servants Convicted of Criminal Offence

The disciplinary authority is authorized by the law to suspend any public servant when he is found guilty of an offence, sentenced and convicted by the court pending his disciplinary case.^{lv} Apart from being suspended by the employer the suspended public servants shall not be entitled to be paid with his salary but he must be entitled to an alimentary allowance which is one third of his gross salary.^{lvi} The law requires the public servant who is suspended will lose all his privileges as an employee of the government but shall be entitled to paid with a lump sum of benefits which include pension and gratuity but shall not be given a monthly pension^{lvii} but if he is convicted on issues of embezzlement, fraud or corruption then his will not entitled to any rights.^{lviii}

Disciplinary Proceedings against the Public Servant

The Public Service Regulations,^{lix} allow the proceedings against the public servants to either be formal or summary,^{lx} where the formal proceedings are instituted must be on the disciplinary offence of that gravity which may lead to suspension, reduction in rank, reduction in salary and which warrant his dismissal.^{lxi} Summary proceedings may be instituted where the disciplinary authority is of the opinion that the offence committed is of gravity which is in the opinion that it does not attract the sentence which is not suspension, reduction in rank, reduction in salary and which warrants his dismissal.^{lxii}

The provision of regulation 40 of the Public Service Regulations,^{lxiii} provides on the commencement of proceedings against the public servants that the proceedings will start with the initiation and service of a charge with the disciplinary authority and stating the nature of the offence which he is charged with.^{lxiv} The charge must state the statement of offence alleged on each charge the public servant is alleged to have committed^{lxv} and the disciplinary authority is allowed to consult the office of the Attorney General when formulating the charge,^{lxvi} and the disciplinary authority that the charge have been dully served to the public servant with the notice as stipulated in the forms which are in Part B of the Second Schedule of the Regulation.^{lxvii}

The Regulation provided that, the Public servant may be allowed to defend himself when being served with the charge from the disciplinary authority.^{lxxviii} Then he can prepare his defence which is not the complete defence and then the disciplinary authority shall hold the inquiry by appointing two people who are representations of the accused public servant.^{lxxix} The procedure on inquiry of formal proceedings are provided under regulation 47 and 48 of the Public Service Regulations which starts from informing the accused public servant on the date, day, time and place where the inquiry will be held.^{lxxx} The law again allows the accused public servant to represent himself to have his representation which may be an advocate, representative and trade union representative and to call witnesses and he must be obliged to attend the proceedings and failure to do so then the inquiry may proceed in his absence.^{lxxxi}

The public servant is vested with the rights during the inquiry which includes the rights to cross-examine the witness examined by the commission brought by the commission or disciplinary authority,^{lxxxii} examine and be produced with copies of the documents which are presented before the commission^{lxxxiii} and to call the witness and produce the evidence to support his case^{lxxxiv}. Then after all the commission will inform the accused person on his guilt or innocence^{lxxxv} within 30 days and after that then the commission will proceed to punish the accused public servant and if the accused public servant is punished then his dismissal shall be effected on the day when the punishment is being awarded^{lxxxvi}.

Punishment of the Public Servant

Upon being found guilty of an offence by the commission then he will be punished in accordance to the rules and regulation of punishing the public servant. The commission is mandated to inform the accused person on his guilty or innocence^{lxxxvii} within 30 days and after that then the commission will proceed to punish the accused public servant and if the accused public servant is punished then his dismissal shall be effected on the day when the punishment is being awarded^{lxxxviii}. And if the public servant is found guilty of any criminal offence as provided under Regulation 51 of the Public Service regulation,^{lxxxix} then he shall be punished in accordance to the rules and regulations provided under the Public service regulations.

Appeals

The appeals from the decision and punishment by the commission or the chief secretary exercising his disciplinary authority to the public servant may appeal to the President and after

considering the appeal the President may vary, confirm and rescind the decision of the commission or the Chief Secretary.^{lxxx} The regulation provides the on the time limitation on which the public servant may appeal the decision against the Chief Secretary or any other disciplinary body to be 45 days^{lxxxii} and the disciplinary body have only 14 days to reply to the claim. The Public Services Commission and Chief Secretary may receive appeals from local government directors, heads of department, permanent secretaries, administrative secretaries and other head of independent department.^{lxxxii}

CONTROVERSIES SURROUNDING THE AMENDMENT OF SECTION 32A OF CAP 298

It is my view that the controversies surrounding the amendment of section 32A tends to give power to the High over all cases against the government as highlighted here below. The High Court is vested with the power to entertain labour revision from the CMA and also the High Court is vested with the power to entertain the matters when a public servant seeks to challenge the decision of the President as the High Court is mandated with the unlimited jurisdiction and accordance to the power vested to the High Court under Article 30 (2) of the Constitution of the United Republic of Tanzania^{lxxxiii} which gives mandate to High Court to entertain any claim which have the power to challenging the decision of the government agency in Tanzania. This assertion was provide in the case of *Mlenga Kalunde Mirobo vs The Trustees of the Tanzania*,^{lxxxiv} where the court held that in all matters of involving the public servants and the government then it has to be filed to the High Court in accordance to the rules and conditions set by the laws. Thus if a public servant wishes to challenge the decision of the president then he has to file the administrative action before the High Court for the following prerogative orders to include prohibition, mandamus and certiorari which may vary and rescind the order of the president.

The amendment of the Government Proceedings Act,^{lxxxv} especially the incorporation of section 6 which requires that all the cases against the government or its agencies must join the Attorney General as the necessary party and thus all the cases against the government must be instituted before the High Court. In the case of *Tanzania Posts Corporation vs Dominic A. Kalangi*,^{lxxxvi} the Court of Appeal at Mtwara held that “it is unambiguously clear that all disciplinary matters or disputes involving public servants are exclusively within the domain of

the Public Service Commission whose decision is appealable to the President...the CMA has no jurisdiction to adjudicate upon such matters. For this reason, it is our conclusion that, indeed the CMA had no jurisdiction to entertain the dispute between the appellant and the respondent who was a public servant. On this account, without recourse to the remaining ground of appeal, this appeal is found to have merit and is accordingly allowed. The proceedings before the CMA and the High Court are quashed and the orders emanating therefrom are set aside.”

Before seeking a remedy from other established bodies, a Public Servant must comply with the directives provided in the Public Service Act,^{lxxxvii} as in the case of ***Tanzania National Roads Agency vs Brighton Kazoba and Julius Charles***,^{lxxxviii} where the Court held that; “*For the above reasons, I am convinced and I get the conviction that indeed the Commission for Mediation and Arbitration was not seized with the requisite jurisdiction to entertain this matter. I thus allow this application and quash the proceedings before the Commission for Mediation and Arbitration and set aside the awards arising there from. If the Respondents are still desirous of pursuing their rights, they are at liberty to refer their grievances to the Public Service Commission.*”

CONCLUSION

The aim of the labour laws governing dispute settlement between the government and the public servants is to ensure that the rights and welfare of the parties are observed and protected. Thus the laws above mentioned need to address the problems of the public servants and not otherwise but the laws are challenging and pose difficulties to the aggrieved parties on which forum needs to be followed after exhaustion of remedies under the Public Services Act which poses difficulties in implementation.

RECOMMENDATIONS

The Amendment of Section 32A Public Service Act is of Paramount importance in order to specify clearly on which forum should be taken after the public servant has exhaust all the remedies under the Public Service Act.

The Government should enact the laws or amend the laws to mandate the Commission for Mediation and Arbitration (CMA) with the power to entertain disputes between the government and the public servants as compared to South Africa as this will help the public servants to claim for their rights and interests which may be violated by the government and needs redress.

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ENDNOTES

ⁱ[No. 13 of 2019].

ⁱⁱ[No.18 of 2007].

ⁱⁱⁱ[No. 6 of 2019].

^{iv}[No. 7 of 2019].

^v Op.Cit.

^{vi} Public Services Act, No.8 of 2002

^{vii} Public Service Regulations of 2003, G.N No. 168 of 2003

^{viii} ILO, (1993) *Resolution concerning Statistics of Strikes, Lockouts and other Action Due to Labour Disputes*, at pg 2-3.

^{ix} Black, C.H., (1999) *BLACK'S LAW DICTIONARY: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, WEST PUBLISHING CO, USA, at pg 1015

^x The Employment and Labour Relations Act [CAP. 366 R.E. 2019]

^{xi} 1977, as amended from time to time

^{xii} *ibid*

^{xiii} *Ibid*, Article 30 (3)

^{xiv} *Ibid*

^{xv} Cap 298 R.E 2019

^{xvi} *Ibid*

^{xvii} Cap 298 R.E 2019

^{xviii} *Ibid*, Section 21 (2)

^{xix} *Ibid*, Section 23 (1)

^{xx} *Ibid*, Section 23 (2) (a)

^{xxi} *Ibid*, Section 23 (2) (b)

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- xxii Ibid, Section 23 (2) (c) of the public Services Act, Cap 298 R.E 2019
xxiii Ibid, Section 23 (3)
xxiv *ibid*
xxv Act No. 2 of 2018
xxvi Ibid, Section 24 (2) (b)
xxvii Article 111 and 120A of the URT Constitution of 1977
xxviii Ibid, Section 24 (3)
xxix GN No. 168 Of 2003
xxx *ibid*
xxxi Ibid, Regulation 2
xxxii Cap 366 R.E 2019
xxxiii Section 2 of the Employment and Labour Relations Act, 2004
xxxiv *ibid*
xxxv Section 32 of Cap 298 R.E 2019
xxxvi Cap 300 R.E 2019
xxxvii Ibid, Section 13
xxxviii *ibid*
xxxix Ibid
xl Ibid, ELRA, Cap 300 R.E 2019
xli *Ibid*
xlii *ibid*
xliii Act 300 R.E 2019
xliv *ibid*
xlv *ibid*
xlvi Ibid, Regulation 35 (1)
xlvii *ibid*
xlviii Ibid
xlix *ibid*
l Ibid, Regulation 38 (1) of the Public Service Regulations GN. 168 of 2003
li Ibid, Regulation 38 (2)
lii Ibid, Regulation 38 (3)
liii Ibid, Regulation 38 (4)
liv Ibid, Regulation 38 (5)
lv Ibid, Regulation 39 (1)
lvi Ibid, Regulation 39 (2)
lvii Ibid, Regulation 40 (1)
lviii Ibid, Regulation 40 (2)
lix Ibid, Public Service Regulation, G.N No 168 of 2003
lx Ibid, Regulation 40
lxi Ibid, Regulation 41 (1)
lxii Ibid, Regulation 41 (2)
lxiii *ibid*
lxiv Ibid, Regulation 44 (1) and (2)
lxv Ibid, Regulation 44 (3)
lxvi Ibid, Regulation 44 (4)
lxvii Ibid, Regulation 44 (5) and (6)
lxviii Ibid, Regulation 45 (1)
lxix Ibid, Regulation 45 (1) of the Public Service Regulation
lxx Ibid, Regulation 47 (1)
lxxi Ibid, Regulation 47 (2) and (3)
lxxii Ibid, Regulation 47 (4) (a)
lxxiii Ibid, Regulation 47 (4) (b)
lxxiv Ibid, Regulation 47 (4) (c)
lxxv Ibid, Regulation 48 (6) and (7)
lxxvi Ibid, Regulation 48 (8)
lxxvii Ibid, Regulation 48 (6) and (7)
lxxviii Ibid, Regulation 48 (8)

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- lxxix Ibid, regulation 51
lxxx Ibid, regulation 60 (1)
lxxxi Ibid, regulation 61 (1)
lxxxii Ibid, Regulation 60 (2)
lxxxiii 1977
lxxxiv Labour Revision Application No. 6 of 2021, HC at Iringa
lxxxv [Cap 5 R.E 2019]
lxxxvi Civil Appeal No. 12 of 2022, CAT at Mtwara
lxxxvii [Cap 268 R.E 2019]
lxxxviii Labour Revision No. 16 of 2018, High court of Tanzania at Iringa (Unreported)

