

**SUBSIDIARY LEGISLATION**

*to the Gazette of the United Republic of Tanzania No. 28 Vol 95 dated 11<sup>th</sup> July, 2014*  
Printed by the Government Printer, Dar es Salaam by Order of Government

GOVERNMENT NOTICE No232 published on 11/07/2014

ARRANGEMENT OF SECTIONS

*Section Title*

PART I

PRELIMINARY PROVISIONS

1. Citation.
2. Interpretations.

PART II

THE PRIVATE EMPLOYMENT PROMOTION AGENCY

3. Functions of Private Employment Promotion Agency.
4. Submission of report to the Commissioner.
5. Cross border placement services.

PART III

MANAGEMENT OF CONTRACT OF EMPLOYMENT

6. A copy of contract of employment.
7. Provisions of bilateral agreement with other states.
8. Repatriation costs of the job seeker.
9. Registration of Private Employment Promotion Agencies.
10. Procedure for application of registration.
11. Registration fee.
12. Issuance of certificate of registration.
13. Validity of certificate of registration.
14. Requirements for registration.

PART IV

GENERAL PROVISIONS

15. Penalty.
16. Fundamental principles and rights at work.

THE NATIONAL EMPLOYMENT PROMOTION SERVICES ACT  
(CAP. 243)

**REGULATIONS**

*(Made under section 33)*

THE NATIONAL EMPLOYMENT PROMOTION SERVICES (PRIVATE  
EMPLOYMENT PROMOTION AGENCY) REGULATIONS, 2014

PART 1  
PRELIMINARY PROVISIONS

- Citation            1. These Regulations may be cited as the National  
Employment Promotion Services (Private Employment  
Promotion Agency) Regulations 2014.
- Interpretati  
ons                2. For the purpose of these Regulations:  
“child” means a person who is under the age of 18 years;  
“Commissioner” means commissioner for labour and shall  
include a person to whom the Commissioner has  
delegated his power to perform any of his functions;
- Cap.366        “contract of employment” have the same meaning ascribed to  
it under the Employment and Labour Relations Act;  
“cross border placement services” means a sourcing and  
securing employment opportunities abroad, and  
facilitating the recruitment of suitably qualified  
candidates for Tanzania abroad;  
“career guidance and counseling” means career development,  
professional advice, coaches; information to support  
job seekers planning, seeking and managing their life-  
work direction;  
“employment service” means career guidance and counseling,  
job search, interviewing and registration of job seekers



G.N. 232 (contd.)

and employers, placement and cross-border placement services;

“job seeker” means a person who is looking for a job, including unemployed person or employed person who want to change employment;

“job linking” means the process of searching the candidates for employment and stimulating them to apply for a job in organization, the recruitment process includes advertisement of vacant posts, selection of applicants to the posts, notification for interview and communication to the interview result;

“labour market information” means any information concerning with the size, composition and statistics of the labour market;

“Minister” means the Minister responsible for labour matters;

“placement services” means sourcing and securing employment opportunities and facilitating the recruitment of suitably qualified candidates;

“Private Employment Promotion Agency” means a natural or legal person, company, institution or any other entity which provides services for connecting job seekers with employers.

## PART II

### THE PRIVATE EMPLOYMENT PROMOTION AGENCY

Functions  
of Private  
Employment  
Promotion  
Agency

3.-(1) The Private Employment Promotion Agency shall perform the following functions :

- (a) provide services for job linking ;
- (b) facilitate placement services by connecting job seekers with employers within and outside the country;
- (c) provide career guidance and counseling;
- (d) provide labour market information to job seekers, employers, training providers and the general public;
- (e) establish and maintain systems for gathering, storing and reporting information on employment services to the commissioner.

G.N. 232 (contd.)

(2) Without prejudice to the provision of section (1), the Private Employment Promotion Agency shall not become a part to the employment relationship which may arise there from.

(3) The Private Employment Promotion Agency shall not charge directly or indirectly, in whole or in part, any fees or costs to job seekers.

Submissio  
n of report  
to the  
commissi-  
oner

4.-(1) The Private Employment Promotion Agency shall submit quarterly performance report to Commissioner.

(2) The report mentioned under sub regulation (1), shall contain the following;

- (a) number of jobseekers registered by occupation, age, sex and education level;
- (b) number of jobseekers provided with career guidance and counseling;
- (c) number of jobseekers on placement or matched with employers by occupation, age, sex and education level.

(3) Subject to subregulation (1), failure to submit quarterly report shall warrant non renewal of certificate of registration.

Cross  
border  
placement  
services

5.-(1) A person shall not be employed abroad unless the Commissioner is satisfied that, the receiving employer guarantees equal treatment in accordance with international labour standards.

(2) The Private Employment Promotion Agency shall ensure that, the employee is well informed before departure of his terms and conditions of employment in appropriate and easily understandable manner , including social, cultural and economic aspects of country of receiving employer.

(3) The Private Employment Promotion Agency shall submit contract of employment and statement of particulars of employer to the Commissioner for verifications.



G.N. 232 (contd.)

- (4) The contract of employment mentioned in sub regulation (2) shall contain the following :-
- (a) name and physical address of employer;
  - (b) duration of contract;
  - (c) type of work to be performed;
  - (d) the remuneration, method of calculations and payments;
  - (e) the normal hours of work;
  - (f) paid annual leave, daily and weekly rest;
  - (g) the terms of repatriation;
  - (h) terms and conditions in relations to termination of contract; and
  - (i) terms and conditions in relations to medical facilities.
- (5) The statement of particulars of employer mentioned in sub regulation (2) shall contain the following :
- (a) name and physical address of employer;
  - (b) the titles and names of executive officers and trustees at the time of registration;
  - (c) economic activities engaged by employer; and
  - (d) any other information necessary for identification of employer.

### PART III MANAGEMENT OF CONTRACT OF EMPLOYMENT

- A copy of contract of employment
6. The Private Employment Promotion Agency shall ensure that, a copy of contract of employment is produced in triplicate and supplied to the Commissioner, employee and Tanzania mission in the country of receiving employer before the departure of employee.
- Provisions of bilateral agreement with other states
7. The Private Employment Promotion Agency, in dealing with cross border placement, shall take into account provisions of bilateral agreement, if any, entered between Tanzania and other States.
- Repatriation costs of the job seeker
8. Where the job seeker is matched with employer outside the country by the Private Employment Promotion Agency and the job seeker fails to secure employment

G.N. 232 (contd.)

opportunity, the Private Employment Promotion Agency and the receiving employer shall be responsible for subsistence and repatriation costs of the job seeker.

Registration of Private Employment Promotion Agencies

9. Any person who intends to operate as a Private Employment Promotion Agency shall register to the Commissioner.

Procedure for application of registration

10. Application for registration of a Private Employment Promotion Agency shall be made to the Commissioner in the prescribed form.

Registration fee

11. Application for registration shall be accompanied by fee as may be prescribed by the Minister.

Issuance of certificate of registration

12. The Commissioner shall, upon receipt and being satisfied by the application, and payment of prescribed fees, register and issue a registration certificate to the applicant.

Validity of certificate of registration

13. Certificate of registration of Private Employment Promotion Agency shall be valid for one year and shall be subject to renewal.

Requirements for registration

14.-(1) Any person who intends to operate as a Private Employment Promotion Agency shall submit to the Commissioner the following:

- (a) Memorandum and Articles of Association;
- (b) certificate of registration of company;
- (c) certificate of Tax Identification Number (TIN) and Value Added Tax (VAT);
- (d) business license;
- (e) covering letter with name and physical address of the office;



G.N. 232 (contd.)

- Cap.12
- (f) company's profile including information on competencies and experience in private employment services operations;
  - (g) the current tax clearance letter from Domestic Revenue or Larger Tax Payers Department;
  - (h) recent passport size photographs of Directors and key employees with delegated powers duly certified by Notaries Public and Commissioner for Oath;
  - (i) copies of identity card, passport or other form of identification of the Directors and key employees with delegated powers duly certified by Notaries Public and Commissioner of Oath;
  - (j) lease or title deed of the office or premise or valid tenancy agreement for office accommodation or proof of ownership.

(2) Where the Commissioner refuses an application made under regulation 12, it shall within fourteen days from the receipt of application notify the applicant in writing reasons for refusal.

#### PART V GENERAL PROVISIONS

Penalty

15. Any person practicing Employment Promotion Agency services without being registered to the Labour Commissioner shall be liable to a fine of not less than five million Tanzania n shillings or imprisonment for a term of two years or both

Fundamental principles and rights at work

16.-(1) The Private employment promotion agency shall promote the following fundamental principal and rights for job at work-

- (a) the effective abolition of child labour;
- (b) elimination of all forms of forced or compulsory labour;

*G.N. 232 (contd.)*

- (c) elimination of discrimination in respect of employment;
  - (d) freedom of association and the effective recognition of the rights to collective bargaining.
- (2) The Private Employment Promotion Agency shall not facilitate job placement in case of lockout or lawful strike.



G.N. 232 (contd.)

FIRST SCHEDULE

(Made under s.20(1))



THE UNITED REPUBLIC OF TANZANIA

APPLICATION FOR REGISTRATION OF PRIVATE EMPLOYMENT  
SERVICES AGENCY;

(Made under section 20(1) of the National Employment Promotion  
Services Act No.9 of 1999)

TO,  
THE LABOUR COMMISSIONER  
P.O.BOX 1422,  
DAR ES SALAAM,

I ..... Title/Designation.....  
Of P.O. Box ..... Telephone No..... Fax No..... Email.....  
being a Tanzanian/ foreign resident of Tanzania hereby make application for the  
registration/renewal of a Private Employment Services Agency under the following particulars

(1) Full name(s) of Private Employment Services

Agency.....  
.....

(2) Premises/ Location of the office.....

Plot No.....Block No.....  
Street.....District.....  
Regional.....

(3) Names of shareholders/ owners of Agency.....  
.....

I.....THE APPLICANT HEREBY DECLARE THAT  
THE AFOREGOING ARE CORRECT IN EVERY DETAILS.

Date.....Signature of Applicant.....

Official stamp

G.N. 232 (contd.)

FIRST SCHEDULE

(Made under 21(2))



THE UNITED REPUBLIC OF TANZANIA

Certificate of Registration

(Cert. No..... )

(Made under section 21(2) of the National Employment Promotion Services Act no.9 of 1999)

This is to certify that M/s.....of  
P.O.BOX.....BlockNo.....PlotNo.....District.....  
.....,Region.....,has been permitted to operate as  
Private Employment Promotion Services Agency.

This certificate is valid for a period of one year from.....to.....

Conditions.

1. The Agency shall perform its functions as per the Regulations.
2. This certificate should be displayed at a conspicuous place
3. Any change in the ownership, physical address and shareholders of the registered Agency, shall be communicated to the Commissioner.
4. This certificate is not transferable to any other person.

Given under my hand this..... Day of .....20.....

.....  
Labour Commissioner

Dar es Salaam  
26<sup>th</sup> June, 2014

GAUDENTIA M. KABAKA  
Minister for Labour and Employment