

GOVERNMENT NOTICE No. 392 published on 3/08/2018

SOCIAL SECURITY (REGULATORY AUTHORITY) ACT,
(CAP. 135)

GUIDELINES

(Made under section 5(1)(c))

THE SOCIAL SECURITY SCHEMES (MEMBERSHIP REGISTRATION) GUIDELINES, 2018

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**PART I
PRELIMINARY PROVISIONS**

- | | |
|----------------|---|
| Citation | 1. These Guidelines may be cited as Social Security Schemes (Membership Registration) Guidelines, 2018. |
| Application | 2. These Guidelines shall apply to all Schemes operating in Tanzania Mainland. |
| Interpretation | 3. In these Guidelines, unless the context requires otherwise- |
| Cap.135 | “Act” means the Social Security (Regulatory Authority) Act;
“Board” means the Board of Trustees ascribed as such under the respective social Security scheme's legislation;
“defined contributions” means a system where benefits from a social security scheme to a member are not known, but depend on the contributions to be made and interest rates obtainable;
“defined benefits” means a system where benefits to be obtained from a social security scheme are well known in advance regardless of the contributions to be made, provided that the member meets prescribed minimum conditions; |
| Cap. 366 | “employee” has the meaning ascribed to it under the Employment and Labour Relations Act; |

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- “formal sector” means the sector which includes employers and employees who have entered into contract of employment or apprenticeship or any other contract contemplated in the definition of the term “employee”;
- “informal sector ” means the sector which includes workers who works informally and who do not work in terms of a employment contract or any other contract contemplated in the definition of the term “employee”;
- “mandatory scheme” means a compulsory scheme established by law and guaranteed by the Government to provide social security benefit to employees;
- “member” means an employee or worker registered by a scheme and includes a person entitled to or receiving benefit under a scheme;
- “self-employed” means a person who does not work in terms of contract of employment or apprenticeship or any other contract contemplated in the definition of the term “employee”;
- “scheme” means the social security scheme and includes mandatory and supplementary schemes;
- “supplementary scheme” means a voluntary scheme chosen by the member to compliment benefit of any mandatory scheme.

Objectives

4.-(1) These Guidelines shall be a guiding tool of Boards of Trustee to undertake registration of members in line with best practices and in accordance with the provisions of the Act and their respective schemes legislation or trust deeds, as the case may be.

(2) Without prejudice to sub paragraph (1), these Guidelines shall specifically serve for-

- (a) providing general guidance for registering members of a scheme;
- (b) safeguarding and protecting the interests of the members of a scheme by undertaking membership registration;
- (c) ensuring that there is high level of integrity and professionalism in the administration of membership registration by the scheme;
- (d) providing an orderly transition mechanism for members of supplementary schemes who have

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- proved to have regular and determinable income to graduate to mandatory schemes; and
- (e) fostering the culture of voluntary savings for members of mandatory schemes through supplementary schemes.

**PART II
MEMBERSHIP REGISTRATION**

Registration of members

5.-(1) All employees in the formal sector in Mainland Tanzania shall, subject to the provisions of subparagraphs (2) and (3), register and contribute to mandatory social security schemes.

Act N. 2 of 2018

(2) Employees employed in the public service after the commencement of the Public Service Social Security Fund Act, 2018 shall register and contribute to Public Service Social Security Fund pursuant to the provisions of such Act.

Act N. 2 of 2018
Cap. 50

(3) Employees employed in the private sector after the commencement of the Public Service Social Security Fund Act, 2018 shall register and contribute to the National Social Security Fund pursuant to the National Social Security Fund Act.

(4) Without prejudice to the provisions of this paragraph, employees in the formal sector may, voluntarily and subject to the trust deeds and governing rules of the respective supplementary schemes, join any supplementary scheme of their choice.

(5) Every member of a mandatory scheme or supplementary scheme shall, within ninety days from the date of registration, be issued with a membership card.

(6) A membership card shall bear a distinct and unique Social Security Number and the National Identification Number of a member.

Registration of informal sector members
Cap.50

6. Subject to the provisions the National Social Security Fund Act, employees in an informal sector shall be registered with the National Social Security Fund in a manners prescribed by the Fund.

Information required for registration

7.-(1) A scheme shall, in registering a member, require and record all necessary information specified in the Social Security Schemes (Data Management) Guidelines,

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2018.

(2) Every scheme shall, for the purpose of registration of members, prescribe a form in which all information specified in the Social Security Schemes (Data Management) Guidelines, 2018 shall be recorded.

Registration by employer and notification of changes

8.-(1) Every employer shall, using the form prescribed pursuant to paragraph 7(2) and within thirty days from the date of employment, register the employee with a Fund in which such employee is statutorily required to be registered.

(2) The employer shall, as soon as the registration is completed, submit to the Fund the forms dully completed by the employee and any other document relating to such registration.

(3) The Forms and documents referred to in sub paragraph (4), shall be kept in the employers place of business within the Country for the whole tenure of employment with the employer of such member and shall be made available for inspection whenever required

(4) Where the employer changes his address, business name or designation, he shall, pursuant to the procedure laid down by the respective scheme laws and trust deeds, notify the scheme of such change.

(5) Where a member's employment ceases, the employer shall, pursuant to the procedure laid down by the respective scheme laws or trust deeds, as the case may be, notify the scheme of the date when a member's employment ceased and shall forthwith furnish, in writing, to the scheme such further information as may be necessary for the whereabouts of such member.

(6) In case of transfer or change of employment, the new employer to whom the member has joined or has been transferred to shall cause such member to be registered with a scheme where such member statutorily belong; and shall forthwith submit to the scheme a dully filled registration form and other relevant information in respect of such member.

Registration as evidence of membership

9.-(1) The following may be regarded as *prima facie* evidence of an employee's membership with a particular scheme-

(a) a dully filled and signed membership registration

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- form;
- (b) a membership or registration card with a scheme;
or
- (c) proof of remittance of employee's and employer's contributions to the scheme.

(2) For avoidance of doubt, the date of commencement of the membership for an employee to a particular scheme shall be the date when membership registration forms were duly filled and signed by the employee.

PART III TRANSITIONAL MECHANISM FOR SUPPLEMENTARY SCHEMES

Transitional
mechanism for
supplementary
schemes

10.-(1) A member of supplementary scheme who by nature of his employment is required to contribute to a mandatory scheme but is currently not a member of a mandatory scheme due to any reason, may be allowed to continue being member of the supplementary schemes until the lapse of his contractual employment or transition period.

(2) Notwithstanding sub-paragraph (1), an employee who seeks to be a member of a supplementary scheme whose nature of his employment requires him to contribute to a mandatory scheme, shall not be allowed to become a member of the supplementary scheme without first being a member of the existing mandatory scheme.

(3) Any member of a supplementary scheme who has proved to earn regular and determinable income may be encouraged to register with a mandatory scheme.

Transition period

11. The Authority may grant a transition period from the date of signing of these Guidelines to ensure that all members of supplementary scheme who by law are eligible to be members of mandatory schemes register and contribute to mandatory schemes.

PART IV GENERAL PROVISIONS

Sanctions

12.-(1) Any scheme which contravenes the provisions of these Guidelines commits an act which constitutes "unsafe or unsound conduct" as provided in the Act, and such act shall be punishable in the manner provided in the Act.

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(2) Notwithstanding the penalty imposed under sub paragraph (1) and powers conferred under the Act, the Authority shall -

- (a) direct the scheme to comply with these Guidelines;
- (b) propose disqualification of the Board of Trustees of schemes and Management of the schemes to the respective appointing Authority;
- (c) take any other necessary measures as the Authority may considers appropriate for the better implementation of these Guidelines.

Dis-application of
Guidelines and
savings

13.-(1) The Social Security Schemes (Membership Registration) Guidelines, 2013 issued prior to the coming into effect of these Guidelines are hereby disappplied.

(2) Notwithstanding sub paragraph (1), anything done, action, claim or directive made pursuant to the Social Security Schemes (Membership Registration) Guidelines, 2013 shall continue to have effect as if were made, issued or prepared under these Guidelines.

Dodoma
....., 2018

IRENE C. ISAKA
Director General