

THE UNITED REPUBLIC OF TANZANIA

PRIME MINISTER'S OFFICE
LABOUR, YOUTH, EMPLOYEMENT AND PERSONS WITH
DISABILITIES



DEPARTMENT OF LABOUR

PROMOTING EQUAL OPPORTUNITY AND ELIMINATION OF
DISCRIMINATION AT WORK PLACES

A GUIDE TO EMPLOYERS

Prepared by the Department of Labour,
In collaboration with the International
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1.0. INTRODUCTION

The Constitution of the United Republic of Tanzania 1977, under Article 13(1), as amended time to time, provides that, 'All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law'. This right has also enshrined under Section 7 of the Employment and Labour Relations Act of 2004 and (Code of good practice) GN. No 42 Rule 30, of 2007, which require an employer to ensure that, he promotes an equal opportunity in employment and strives to eliminate Discrimination in any Employment Policies or practices.

In promoting equal opportunity and eliminating discrimination at workplace, an employer is obliged to develop and implement a plan to ensure that no person should suffer or experience less favorable treatment, discrimination or lack of opportunities. Employer shall not discriminate direct or indirect on the ground of:-Colour, nationality, tribe or place of origin, race, national extraction, social origin, Political opinion or religion, Sex, Gender, Pregnancy, marital status or family responsibility, Disability, HIV/AIDS, Age and Station of life.

1.1 Objectives.

1.2.1 Main objective

To set a standard format for employers in preparing and implementing a plan of Equal opportunity and non-discrimination at Workplace.

1.2.2 Specific objectives

- i. To lay down equal procedures and practices in developing and implementing plan.
- ii. To guide employers in undertaking their duties and obligations regarding promotion of equal opportunity in employment.
- iii. To guide employers in taking affirmative action in procedures and practices related to promotion of equality at workplaces.

2.0 LEGAL FRAMEWORK

The guideline is issued under the provision of Section 62 of the Labour Institutions Act No. 7 of 2004, which gives power to the Minister responsible for labour matters, to issue guidelines for proper administration of the Act.

Employer is obliged to ensure that, he promotes equality and fairness at the workplace as provided under section 7 (1) of the Employment and Labour Relation Act No. 6 of 2004.

3.0 PREPARATION OF A PLAN

In preparing a plan, the employer should consult a trade union or employee's representative. The plan should include the following;

3.1 Recruitment Procedures

3.1.1 Vacancy Advertisement

With regards to advertisement of the job vacancy, an employer should highlight position descriptions, qualifications; both technical and behavioral factors. The advertisement should be written in a way that does not discourage some people to apply, or imply that, only certain applicant will be considered.

Employer should ensure that, advertisement does not include words or phrases or euphemisms that could be seen as discriminatory. Employer should as far as possible avoid being too prescriptive in the advertised requirement for a job, unless the prescriptions are genuinely required for a position.

3.1.2 Selection process

In selection process, employer should set out criteria on which decisions are based, such as skills, experiences, training and suitability for employment, and should take into account the provision of Section 7 (4) of Employment and Labour Relations Act No. 6 of 2004. Moreover employer should not allow myths and stereotypes to influence decision making during selection.

3.1.3 Interview

Employer should carefully plan and conduct the interview process by ensuring that;

- i. All applicants have equal opportunity to participate in an Interview.
- ii. The interview is conducted in a venue that is accessible to persons with disabilities.

- iii. A set of common interview questions to be asked to candidates of same post is developed.
- iv. An interview panel consists of men and women (gender sensitive) and also may include expertise from outside the company or the undertaking.

3.1.4 Appointment Process

An employer should ensure that preference in selection is given to suitable qualified candidates, who should be issued with a contract of service with as provided under the Employment and Labour Relations Act No. 6 of 2004.

3.2 Job classification

Employer should make sure that, job classifications are used to determine the appropriate salary for the position. Salary scale for a given position should be based on its duties, level of skills and experiences required. The principle of equal pay for work of equal value should be adhered.

3.3 Job assignment

Employer should assign duties to all employees according to their job descriptions and ensure that assignment of duties is done objectively without discriminating any class or group of employees.

3.4 Job orientation

The employer should ensure that all new employees undergo an orientation program in order to familiarize them with Company or Establishment's policies and procedures. The main focus should be to help the new employee to understand company or establishment's organizational structure, mission, vision and objectives in order to increase their commitment to the company or establishment.

3.5 Working environment and facilities

The employer should create conducive working environment and provide adequate facilities that are not discriminatory and disadvantageous to certain group of employees eg employees with disabilities.

3.6 Job training and development

Employer shall ensure that criteria for selecting employee for training is objectively determined and reviewed from time to time to increase work performance. Moreover an employer should have training program in a work place which will ensure sustainability and protection of employment.

3.7 Promotion and transfer

The employer should promote employees basing on experience, training and ability to perform their duties at higher level. Furthermore, transfer of employees should be determined objectively.

3.8 Demotion, disciplinary procedures and termination of employment

In taking actions, the employer should be consistence with the laid down procedures base on fair and objective criteria. Employer should ensure that employees are given fair hearing but also the right to appeal should be stipulated clearly in accordance with labour laws and its regulations.

3.9 Performance Appraisal

Employer should make sure that, the assessment criteria are fair and just. He should also be committed in assisting his employees to meet performance expectations, defining well the standards of performances and monitoring, provide them with appropriate feedback, training and support to meet those standards.

Whenever an employee's overall performance does not meet the requirements outlined in his performance review, employer should initiate a plan to improve his performance (Performance Improvement Plan - PIP).

3.10 Employment Benefits

The employer should clearly stipulate benefits offered to employees which are fairly and objectively determined.

3.11 Responsibilities of the Parties.

Employer should clearly state his responsibilities and that of employee in implementing the plan.

4.0 ESTABLISHMENT OF COMMITTEE

The employer should establish a committee, or task an existing committee, to promote the application of the plan in the workplace. This shall include;

- i. Taking all practical measure to foster and communicate understanding and acceptance of the plan equally among employees.
- ii. Investigating complaints that arise and observed in implementing the plan

5.0 REGISTRATION AND REVIEW OF A PLAN

An employer should ensure that the plan is registered with the Labour Commissioner and may be reviewed from time to time to cater the changes in legislations, regulations and labour policies.

6.0 ACTIONS NOT AMOUNTING TO DISCRIMINATION

Under the provision of Section 7 (6) of the Employment and Labour Relation Act, No. 6 of 2004, it shall not amount to discrimination when the employer:-

- i. Take affirmative action measures consistent with the promotion of equality or the elimination of discrimination at a work place.
- ii. Distinguish, exclude or prefer any person on the basis of inherent requirement of a job.
- iii. Employ citizens in accordance with National employment Promotion service Act No 9 of 1999.