

**COMMISSION OF LABOUR
CHIEF MINISTER'S OFFICE
ZANZIBAR**

**EMPLOYMENT AND WORKING
CONDITIONS: THE ZANZIBAR SITUATION**

BY:

**ZAHOR J. KHAMIS
MOHAMMED H. NASSOR**

EMPLOYMENT AND WORKING CONDITIONS: THE ZANZIBAR SITUATION:

INTRODUCTION:

Zanzibar is an Island partner State in the United republic of Tanzania with the mainland. It is an archipelago nestling in the Indian Ocean sun made up of Pemba and Unguja Islands along with about 50 small islands.

The islets include Tumbatu, kibondiko, Chapwani, Bawe, Chumbe, mnemba, latham and Uzi.

The Zanzibar population according to 1988 census was 640,578 out of these 375,539 (i.e 58.6%) people live in Unguja while 265,038 (i.e 41.4%) live in Pemba. By 1998, the population is estimated to be 832,751 people at the growth rate of 3.0% per annum.

Like many African countries, Zanzibar suffered from colonization, and she (Zanzibar) was the center of slave trade between 15th and 17th centuries. When clove plantation was introduced in early 19th century, slaves were used as labour in the clove and coconut plantations.

After the 1964 Zanzibar revolution, land and other means of production were nationalized. In a land reform, the land tenure was changed whereby, the land was re-distributed to individual peasants in 3 aced system. This trend enabled Zanzibaris people to own and use the land for economic development. This system created seasonal employment to people in the activities, like planting, weeding and harvesting of the crops.

In 1960s and 70s the Zanzibar economic performance was good due to the high and good clove trade in the world market. The economy had fallen in early 1980s due to the decline of clove price in the world market. Cloves production started to deteriorate, which led to the decrease in employment. In mid 1980s the Zanzibar government decided to diverse the economy (Economic Reforms Programme) In this reform, agricultural production (both food and cash crops) expanded, other crops like cadamon, Vanilla, Black pepper and rubber developed. Other Economic Reforms Programme includes fishing, Trade Liberalisation, introduction of Free Economic Zones, Freeport and Privatization system.

These recent developments are generally geared to promotion of the national economy, creating employment and decrease un employment:

LABOUR ADMINISTRATION:

Labour administration means all activities undertaken by public administration bodies to assist government in the elaboration, implementation, control and evaluation of labour policy, in the service of man.

The functions of labour administration as sets out by Convection including preparation, administration, co-ordination, checking and review of National Labour Policy, preparation and implementation of laws and regulations tasks in relation to national employment policy, conditions of work and working life, terms of employment, services and advice to employers and works and their organisations, representation of the state concerning international labour affairs etc.

ROLE OF LABOUR ADMINISTRATION:

A part of the role of labour administration is preparation of labour standard. The preparation of draft laws and regulations of the system of labour administration constitutes the major part of the preparation of national labour policy. It is a traditional task which generally belongs to the Ministry of labour. To carry out this function in many countries it consults after from the initial stage, with the social partners within tripartite bodies. In our case such duty in tripartism will be done by labour advisory Board which is established under section 102 and their functions under section 103 of Labour Act No. 3 of 1997. In some countries however, consultation occurs only once the draft law has already been prepared.

Other bodies and institutions are also involved in the preparation of national labour standards. The Ministry of labour sometimes shares with other ministries the powers of preparation of national labour standard such as for example, the ministries of work in mines, public health, agriculture, transport etc. In these cases, the Ministry of Labour generally sees to it that consultation and cooperation with employers' and workers' organisations are effective particularly by establishing standing committees or adhoc mechanisms with the

agreement of the social partners concerned or by organising tripartite consultation.

LABOUR LAW

It is a body of law applied to such matters as employment, remuneration, conditions of work, trade unions and labour management relations.

Although Labour related laws have been traced as far back as the code of Hammurabi, Labour law as it is known today has its origin in the 18th century. It evolved from the influences and impact of the Industrial revolution, the 18th century enlightenment, the French revolution, and the political forces that commented and were shaped by those historical movements.

Initially, labour law were intended to provide protection to the working class, which as a result of increasing mechanisation, was being exposed to new abuses in the work place.

Legal recognition of the right of workers to associate for the purpose of trade union activity has been most decisively influenced by political changes and still remains an arena within labour which is very sensitive to political fluctuation. In the United Kingdom in 1824 and in France in 1824, restrictions prohibiting Trade Union Association were repealed, but many subsequent changes in this laws have occurred.

In the United states the right of workers to associates in trade unions was not firmly granted until the 1930s. In Asia and Africa labour issues did not arise until the 1940s and 50s.

EMPLOYMENT LAWS:

Legislation concerning long-term employment policy as means of fostering economic stability and growth is a relatively new concept in labour. This approach developed after the great depression of the 1930s and World war II. Its purpose was to enhance employment opportunities by assuring employers sufficient manpower while guaranteeing employees their rights. Such legislation includes provisions for recruitment, vocational training and apprenticeship.

Also included under the category of employment laws are the rights to organise, freedom from forced labour, equality of treatment and unemployment compensation.

WAGE LAWS:

Laws regarding wages concern the form and methods of payment, such as whether there has been proper notification of wage conditions and whether payment is to be made by legal tender or cheque. These laws allow workers the freedom to dispose off their wages, protect workers from unlawful deductions and restrict the cases in which attachment of wages can be made.

In Labour Act section 58 it is prohibited to make deduction from remuneration earned or paid to employee unless such deductions have good cause like.

- Employee contribution to social security fund.
- Deductions by way of reasonable rent, or other reasonable charges for accommodation and food provided by employer to employee and as agreed in collective Agreement.
- Any other deduction agreed in writing by both parties to the contract of service.
- In Civil Servants Regulation, the regulation remained silent. However there is good discipline in respecting salaries of employees.

Employment Laws that concern the individual's relation to the employment involve the contractual obligation of each party and the creation and termination of those obligations. However with the development of Labour Laws, individual contracts have become limited by legal statutes which fix many of the terms concerning the employment relationship.

To overcome this situation of employment relation, the employment laws inforce in Zanzibar are:

1. Forced or Compulsory Labour (Prohibition) Decree chapter 60 of 1933.
2. Civil Servants Regulations of 1997.

3. Factories (Supervision & Safety) Decree, chapter 63 of 1943.
4. Shop Hours Decree, Chapter 169 of 1951
5. Security of employment Act no. 1 of 1988
6. Industrial Court Act no. 2 of 1994
7. Workmen's Compensation Act no.15 of 1986
8. Social security Act no. 2 of 1988
9. Labour Act no. 3 of 1997

These Laws have dual role of protecting working conditions and regulating employment relations between employer and employee.

Despite the above mentioned Laws which are directly related to employment relationship, there are other laws and policies which help to create employment and influence the economic and social development of the country. These laws are:

1. Zanzibar Investment Protection Act no. 2 of 1986
2. Zanzibar Free Economic Zone Authority Act no. 17 of 1992
3. The Policy of Trade Liberalization.

The main objectives of these two laws are to promote economy of the country through the establishment of investment such as Industries, Tourism Enterprises, Import and export Trade. These documents endeavour to have employment creation and enhancing technology transfer and human resources development.

EMPLOYMENT IN PUBLIC SECTOR:

Historically civil servants in Zanzibar were governed by General Orders of the colonial time which was amended in 1988 and replaced by Civil Servants Regulation of 1997. They are also covered under security of employment (Civil servants) Act, No 1. of 1988 which repeals Departmental Offences Decree chapter 44 of the laws of Zanzibar.

Security of employment Act was enacted for better provisions for security of employment, maintenance of discipline application of the disciplinary code and other matters in relation to employment.

The Civil Servants Regulation of 1997 enacted under section 22(iii) of civil service Commission Act no. 14 of 1986, among other things the regulation regulate the administration and employment procedures, in which the power to employ and to terminate is vested under the Department of Manpower Development, the Department will register all applications to fill employment vacancies.

The Civil Servants Regulation of 1997 in part one it insist, the Regulation to be read together with other Acts which stipulates other employment conditions and employees right i.e Zanzibar Constitution of 1984, Pension Act no. 7 of 1990 repealed and replaced by Social Security Act no. 2 of 1988 and Security of Employment Act no. 1 of 1988.

Employment and administrative procedure under this regulation in the same as stipulated in Security of Employment Act however in this order the Chief Secretary is a head of all civil servants.

In this Regulation the right to pension is given to employees employed under permanent terms and their period of service is not less then ten years and attain retirement age, however if the employee attain ten years of service and before attain retirement age but his service is terminated is given right to pension. Other employees where their employment are under fixed term employment and daily paid will have right to gratuity only.

The procedures of payment of gratuity and pension now have changed under the Social Security Fund Act. where by qualifying period for pension is five years of service and upon retirement age that is 55 for male and 45 for female employee. The qualification to be accepted under this scheme the employee should be under 45 years old.

Other benelits provided under this regulation to employee are annual leave (i.e 28 working days paid sick leave, maternity leave (i.e 90 paid working days for three years interval), widow leave for female employees, employment injury leave, overtime payment for working above normal working hours, rest in official public holidays or payment in lieu there of .

GOVERNMENT AS EMPLOYER

On the side of Government as employer it tries as much as possible to establish harmonious situation, in the Government institutions and public parastatals. The government observe law and regulations (circulars) concerning Labour matters and employment conditions and attempt to make its own relations with its employees. This is a model to inspire other employees. Because the government must protect its interest and the public in general it establish institution such as Civil Service Commission and Department of Civil Service so as to deal with individual disputes arising from different Public Parastatals and Ministries as far as the laws are concerned.

EMPLOYMENT IN THE PRIVATE SECTOR

On the private sector point of view, Zanzibar employees were covered under Labour Decree chapter 61. of 1946. Minimum wages Decree chapter 64, The Employment of children and young person Decree chapter 56, employment of Women (Restriction) Decree chapter 62. All these laws have been repealed and replaced by Labour Act no. 3 of 1997. Another Act for private sector is Industrial court Act no. 2 of 1994.

Labour Act of 1997 have an intention to establish employment centers within Regional Labour Offices. Centers will register job seekers, qualifications and experience. Employers will register vacant post and they will take employees from the centers. From this system it will help to know the number of job seekers, vacant available and planning for advising them.

The relationship between employer and employee rights and obligations of the parties should be stated in a contract of service in the Act contract of service defined "means any contract whether in writing or oral between the employer on one part and the employee on other part, whereby the employee agrees inturn for remuneration to work for the employer". However employment in this Act is divided in four types of contracts i.e permanent, temporary or fixed term, part time, these three types have insisted within the act to be in writing. The fourth one i.e daily paid contract, this can be oral, but the period of this contract expires after a working day or one month from the date of employment. Among the conditions of written employment

contract is to be presented to labour Officer for examination on its terms and conditions if in any way is not inconsistent with the provisions of Labour Act, and the contract have understood and agreed by the parties freely.

The Act have considered the right and obligations of the parties, this is therefore the procedures for termination of contract are stipulated. Where the employee is sick due to normal sickness or sickness arise out and in the course of employment, the Act laid down chain of procedure for medical treatment. Other areas covered by the Act are leave (i.e annual leave, emergency leave, leave without pay and sick leave), disciplinary measures and penalties, terminal benefits and retirement, conditions of employment of women, children's and young persons redundancy overtime payment etc.

EMPLOYERS ASSOCIATION

Another party in Labour relation are the employers, either private or Government. The private employers as essential party in Labour relations should take initiative in creating and maintaining harmonious relationship with their employees in their respective organisation. The introduction of employers association in Zanzibar early in 1997 now will help to have tripartism in our Labour matters discussions and decisions.

In exercising of Industrial Court Act no. 2 of 1994 and Labour Act no. 3 of 1997. in composition of Labour Advisory Board and Labour Conciliation Board. the presentation of employers is essential. employers through their organisation (ZANEMA) have sent their representatives in these Boards and officially they have been appointed. through tripartism it is expected the parties will forget their organisational interest and they will discuss and decide positively and constructively for the benefit of the whole nation.

EMPLOYMENT OF WOMEN

Employment of women aimed essentially at protecting them against abuses in their conditions of work, particularly in the case of maternity, others are night work, underground work any other type of employment discrimination. This is therefore the protection is

designed to secure for women workers the same rights and treatment as those enjoyed by men.

EQUAL REMUNERATION:

Concerning equal remuneration for men and women workers for work of equal value proved to be one of the landmarks in the ILO's standard - setting activities and led to action in a great many countries. It provides that Ratifying States (i.e. Convention no. 100) must promote and, in so far as is consistent with the methods in operation for determining wages, ensure the application of this principle of equality, and that this should be done by means of legislation, collective agreements or wage fixing machinery. Stress is laid, in this connection, on the importance of promoting the objective appraisal of jobs on the basis of the work to be performed.

In section 111 of Labour Act provides equal opportunities and treatment to female and male employees and female employee shall not be discriminated by reason of sex. The Act did not disclose equality in payment, however, this gap is filled by Article 21 (4) of Zanzibar Constitution of 1984 which provides equal remuneration to every person without any discrimination and the payment will depend on the work done and qualifications. The Convention named above i.e. Convention 100 is not yet ratified by Tanzania.

The challenge here is qualification. Less women are so qualified to equate the salaries with men. Education system should cater for the problem.

NIGHT WORK

The ILO conventions prohibiting the employment of women at night have been adopted by Convention no.4 of 1919, was revised by Convention no.41 of 1934 and again by Convention no. 89 of 1948. This last Convention, which is more flexible than the earlier ones, prohibits night work by women in industrial undertakings during a period of 11 consecutive hours.

The type of protection provided for in these Conventions are regarded in many countries as being both necessary and beneficial, it is thought in some quarters that it is likely to be contrary to women's own

interest. Certainly the prohibition of work on certain shifts or in certain occupations may reduce the employment prospects of women and their chance of earning the same remuneration as men. In view of the wide difference of opinion and the prohibition of night work by women, the question of ILO standards on the subject has been reviewed by a tripartite advisory meeting, which did not, however, reach any consensus on the matter.

Labour Act Of Zanzibar prohibit the employment of women at night except those permitted under section 112 (2) and section 113 of Labour Act.

Since this Labour Act of 1997 have repealing Employment of women (Restriction) Decree chapter 26 made the government sectors without any Act stipulates on night work to its employees.

MATERNITY LEAVE

Maternity leave as so defined, leave whose purpose is to safeguard the health of a women employee and that of her child during the prenatal period, whether immediately before or after the Birth.

LEAVE ENTITLEMENT:

In many cases, legislation requires only that a medical certificate be produced as condition for taking maternity leave, in accordance with Convention no. 103. This is the case, for example, in Bahrain, Belgium, Botswana, Colombia, Fiji, France, Haiti, Honduras, Iceland, Iraq, Italy, Lebanon, Luxembourg, Paraguay, Portugal, Solomon Islands and the Syrian Arab republic.

Of course, the obligation to notify an employer does not imply that there are no other legal or practical formalities before a women can take maternity leave. The purpose of such formalities is, among other things, to allow employers to make any necessary arrangements to cope with the worker's future absence from the work place and to prevent or limit any disruption to the work of the enterprise by finding a replacement or by redistributing the worker's tasks among the remaining workforce.

Notification procedures vary in terms of strictness, depending on whether notification is the responsibility of the worker herself or whether or not it involves the issuing of a medical certificate by a doctor or other competent medical authority.

In our case no procedures laid down to be followed in taking maternity whether the leave have been taken pre confinement or after natal. In subsection (2) of section 115 stipulates that maternity leave shall commence from the date of delivery but the question remains how the employer will know. The employee obvious should have an obligation to inform his employer by using her delivery certificate or by writing a letter in order to go together with the application of section 122 of Labour Act.

LENGTH OF LEAVE:

Convention no.103 provided for a period of maternity leave of at least 12 weeks, six of which must be taken following the confinement. This effectively prohibits any resumption of work before a period of six weeks has elapsed following the birth of the child, although it allows each ratifying member state to decide how the remaining leave must or may be taken.

In many countries, a period of leave is compulsory, after a birth, and that period is often up to six weeks. However, both the way the total leave is allocated before and after the birth and the nature of that leave vary from one country to another. It would appear that national legislation and practice, which reflect development in a society's concepts and policies with regard to the employment of women and the most insistent expectations of women them selves regarding their place at work and in society are gradually giving greater weight to individual preferences and circumstances.

In Civil Servant Regulation of 1997 and Labour Act No 3 of 1997 maternity is granted for 3 months and for three years interval however the employee is free to take her maternity leave at anytime one month before the date of her confinement.

PROTECTION FOR PREGNANT WOMEN AND NURSING MOTHERS:

In many countries, the law provides that pregnant women and nursing mothers may not be allowed to be work that is "beyond their strength,' which" involves hazards,' is dangerous to their health or that their child", or " requires a physical effort unsuited to their condition". Such general prohibitions, however, can present problems of implementation in the absence of a clear, agreed methodology for the determination of the degree of exposure associated with a particular job and an individual women's capacity to perform the work without risk to her health or that of her child. The respective roles of the employer, the labour inspector, the occupational health physician, the women's doctor and the worker herself must be defined in order to guarantee the protection of the worker and her child.

The modification of work duties is one approach to dealing with job which require great physical effort. Some countries apply stricter regulations with regard to the manual transport of loads by pregnant women and new mother than for women in general. These are very common in french - speaking countries of Africa, where women during pregnancy and within three weeks after their return to work following child birth are prohibited from carrying any load.

In many countries, pregnant women and nursing mothers employed in dangerous or unhealthy work are entitled to transfer to another type of work or to have their employment terminated with compensation pay in lieu of notice when the work they are performing is medically determined to be beyond their strength or detrimental to their health. Transfer may also be available from work that is not dangerous in itself but which a medical practitioner has certified to be harmful to a particular women's state of health.

In going together with the above, Labour Act, under section 111(7) stipulated that, it is prohibited to employ or assign female employee to work in any area using poisonous chemicals which affect her fertility or pregnancy and female employee shall not be exposed to benzene and ionizing radiations.

A female employee also have right to one hour off within working hours for nursing her child. This is provided under section 111 (4) of Labour Act.

Other legal covers provided to female employee who is pregnant or nursing are exemption from redundancy in which under section 100 (b) if the employee under maternity leave can not be involved in redundancy exercise. In section 56 (4) (a) pregnancy or breast feeding shall not constitute good cause for terminating contract of service.

CHILD LABOUR

The term "child hood" evokes images of little ones busy at play or going to school or happily absorbed in antimated chats with friends. Normally, it is a time for playing for learning and for maturation into productive adulthood. In Zanzibar Labour Act child means a person under the age of 17.

Child labour remains a serous problem in the world today. According to revised estimates by ILO's Bureau of statistics, the number of working children between the age of 5 and 14 is at least 120 million. As may be expected gives the prevailing economic conditions, the over whelming majority of these are in developing countries in Africa, Asia and Latin America. But pockets of child labour also exist in many industrialised countries. Numerous children work in occupations and industries which are plainly dangerous and hazardous. They are found in mines in factories making glass bangles, matches and fire work. in deep sea fishing in commarcial agriculture and so on.

Children are found working in manifestly hazardous industries and exposed to different types of risks. For example studies in India describe how children are exposed to intrinsically dangerous processes such as firing ceramics and drawing molten glass. This notoriously hazardous, resulting in drowning, ruptured eardrums and death from decompression illness.

There are various other hazards in the physical working environment of children. Ergonomic problems are serious in work where children have to squat for long hours such as in carpet making and in subcontracted garment work. Poor housekeeping contributes to

accumulation of dusts and wastes causing respiratory troubles and accidents, as observed in artisan work in Kenya, the United Republic of Tanzania and the Philippines.

Other employment sectors where child labour can be seen in Zanzibar are transportation service (dala dala service) Donkey trolleys (carts), fishing and small business in streets and tourism sectors, domestic work etc.

INTERNATIONAL LAW AND CHILD LABOUR:

One of the most important tools available to the ILO for improving the legislation and practice of its member states in the fight against child labour is the adoption and supervision of International Labour Conventions and Recommendations. Several International Labour Standards have been adopted to prohibit Child Labour in different sectors and under different conditions. I.L.O. Conventions of more general applicability, such as safety and health Conventions, also include provisions specific to the work of children. Additionally, serious problems of the exploitation of children through kept bondage and other "contemporary forms of slavery", such as child prostitution, are examined by I.L.O. supervision bodies in the frame work of the I.L.O.'s Forced Labour convention, 1930 (No. 29).

In fighting Child Labour in Zanzibar no employment is allowed for child except for its own family service and not to heavy duties or dangerous or injurious to his health or which may affect his education and has sufficient time to rest. Sanction to a person who employ a child is not less than five hundred United State dollars.

Inspite of restriction and legal sanctions, against Child Labour however, close cooperation between Trade Union, Employers Association and other government institutions such as Ministry of Women and Children, Commission for Tourism, Department of Fisheries, Municipal Council, and Commission of Labour is highly needed. Since the problem of Child Labour is available with the sectors fall under these institutions, the first step is therefore to educate people through mass media the effects of Child Labour and then with cooperation with Police force to take legal actions.

EMPLOYMENT OF PERSONS WITH DISABILITY

The term persons with disability means an individual whose prospects of securing, rationing and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment. This is a definition under International Labour Convention No. 159. In labour Act No. 3 of 1997 it is defined as a person who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual.

The labour Act. Laws of Zanzibar is respecting the rights of person with disability employment. In section 120 the Act keeps open that the person with any kind of disability shall have equal right to be employed in any type of work depending on their standard of education, skill and ability and shall be employed on the same terms and enjoy the same right and privileges under the contract, no. employer shall deny a disabled person employment on grounds of his disability. No employer shall terminate a disabled person from employment before the expiry of his terms of service on grounds of his disability.

These measures help those who have already acquired knowledge which demand in labour market or those who got an opportunity to be employed. The sections above may help them to remain on their duties. But the question is how we will help those people with disabilities seeking employment.

Vocational rehabilitation could be the solution. The objective of vocational rehabilitation is to enable a disabled person to secure and retain suitable employment. National effort is needed to overcome this situation the government first should survey the number of persons with disability, type of their disability, organising right training depending upon their disabilities.

A comprehensive legislation which will promote and cover all the people with disabilities is to considered the above should be organised with fully involvement people with disabilities through their organisation.

WORKING CONDITIONS AND SOCIAL SECURITY SCHEME

Legislation for working conditions includes provisions regulating hours, rest period, vacations, child labour and health and safety. The legislation was originally developed to protect women and children but now for the most part, concerns all workers equally. Health and safety regulations were once limited to high risk occupations such as mining.

However with the increasing use of machines and chemicals these regulations were applied to the broad range of fields. Provisions include accident prevention service and health and safety standards concerning the risk of poisoning dust, noise and radiation.

The Factories (supervision and safety) Decree, chapter 63 of 1943 (Laws of Zanzibar) in its amendment by decree No. 34/59 the word factory defined very broadly enough to cover the whole meaning of occupational safety and health.

The subsidiary legislation of this chapter 63, among other things, regulate the rules as to creating any factory inspections and other standards like ventilation and lighting, dress of workers, protection from dust or injury etc. However this decree can not work properly, due to its oldness (out dated), lack of working tools, lack of enough experienced manpower.

SOCIAL SECURITY

The term social security was first officially used in the title of the united states legislation - the social security Act of 1935 - even though this Act initiated programmes to meet the risk old age death disability and unemployment only. It appeared again in an Act passed in New Zealand in 1938 which brought together a number of existing and new social security benefits. It was used in 1941 in the wartime document known as the Atlantic Charter. The ILO was quick to adopt the term impressed by its value as a simple and arresting expression of one of the deepest and most widespread aspirations of people all around the world. Basically, social security can be taken to mean the protection which society provides for its members, through a series of public measures, against the economic and distress that otherwise would be

caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment invalidity, old age, and death; the provision of medical care; and the provision of subsidies for families with children.

Comprehensive social security scheme as directed in convention 102, stipulates all nine schemes as above. The administration of these schemes are very expensive and it depend the economy of the country concerned to afford it. Many of the third world countries they exercise only some of these schemes. Singapore is among the third world countries, inspite of its good economic position but they have Provident Fund Scheme while convention sense it is not a social security scheme it's in part terminal bonus, in part deferred pay thus why our brothers in Tanzania Mainland they decided to change the scheme from NPF (National Provident Fund) to be NSSF (National Social Security Fund).

The history of Zanzibar shows that after the revolution of 1964 under the leadership of the first President of Zanzibar the late Abeid Amani Karume, Zanzibar had announced free education, free medical treatment, free water service and many other social services, all of us remember how good the situation was upto the middle 1980s. People were given free houses this can be seen in Michenzani, Kilimani, Bambi, Chaani, Makunduchi, Mkoani, Chake Chake, Wete and in many villages in Unguja and Pemba. House for orphans and Aged people. Government employees were covered under pension scheme (not contributory) to the middle of 1998, when the contributory social security scheme launched.

The introduction of Zanzibar Social Security Fund (ZSSF) in 1998 does not mean the social security scheme is a new in Zanzibar but it's new in contributory scheme. This system known as social insurance where by employee and employer are contributors

Qualifying period under this scheme is five years a contributory Member will benefit to
Pension and Gratuity
Survivors benefit
Maternity benefit
Invalidity benefit and
Medical care benefit..

The scheme is good since it involved all employed Zanzibaris and we hope self employed will be included in the near future:

In Section 30 (2) of this Act No. 2 of 1998 (ZSSF) repeals Pension Act No. 2 of 1990 this mean from now ZSSF taking full responsibility to Pension but the Act did not specify now the service before the starting of this ZSSF are considered in several time among the high officials of the scheme said that after five years contribution the whole period of service including before the starting of the scheme will be under the responsibility of the scheme if this is the intention of the scheme, but there is no legal commitment and possible in the coming days will crate problem or disturbance to retired members. The Board should consider this.

WORKERS IN EXPORT PROCESSING ZONES

As regards more specifically the right to organise of workers in export processing Zones, the expert from I.L.O has on several occasions in recent years looked into problems posed by legislation in certain countries within the context of Article 2 of Convention No. 87, for example Bangladesh 5, 11A of the export processing Zone Authority Act. 1980, which provides for the exemption of a Zone from the operation of all part of the Industrial Relations Ordinance this is not compatible with Article 2 of Convention No. 87, in Pakistan 5.25 of the export Processing Zone Authority Ordinance, 1980, excludes completely such Zones from the scope of the Relations Ordinance, 1969, thus denying workers there the right to establish and join Trade Unions. In Togo the government having stated free Trade Union Zones are in the process of being established, and has emphasised the importance it attaches to the need for all workers, without distinction what so ever, fully to enjoy the Trade Union rights provided for by the Convention.

In our case the constitutional right under article 20 and the provision of section 16 (1) and (3) is still allowed to operate in Zanzibar Free Economic Zones, but the Trade Union office will be within the office of Free Economic Zone Authority. However, the challenge may arise if within the free Zone there will be more than ten industries how will be the position for EPZ to give Trade Union office for their duties.

RECOGNITION OF TRADE UNIONS AND THE PURPOSES OF COLLECTIVE BARGAINING

In some countries legislation stipulates that only registered Trade Unions may be recognised as Bargaining agents. If in addition the conditions required for registration are excessive, the development of collective Bargaining may be seriously impaired, for example Bangladesh section 7 (2) and 22 A of the Industrial Relation Ordinance; only registered Trade Unions may become Bargaining agents, and in order to registered Trade Union, must represent at least 30 percent of the workers of an establishment, these provisions might impair the development of voluntary Collective Bargaining in small establishment because they appear to inhibit the establishment of sector or Industry Unions.

In Indonesia section 2 of Ministerial Regulation No. 05/MEN/1987 to Be registered, Labour Organisation must cover at least 20 provinces 100 district and 100 Labour Unit within companies, since the relevant regulation also establish that only registered Trade Unions have the right to conclude agreements.

In the vast majority of countries the right of workers to negotiate their conditions of employment through collective Bargaining is recognised in law or in practice. However, National Legislation Promotes Collective Bargaining in varying degrees; the main difficulties arising in practice concern the recognition of Trade Unions for the purpose of collective Bargaining and the establishment of machinery and procedures to facilitate Bargaining.

Labour Act No. 3 of 1997, Section 17 stipulates functions of Trade Union at the place of work, in paragraph (5) the section stipulates among the functions of Trade Union is "to participate in collective Agreement. In the same Act Section 52 elaborate among the area where the parties may enter into Collective Agreement.

EDUCATION SYSTEM IN RELATION TO EMPLOYMENT

Education system is a very important factor of preparing students for their future employment. Policy of education has taken into consideration this subject but in its practice has very minimum outcome.

Now we have very few schools where we appoint among the best students in standard seven to join in some schools like Mikunguni Technical School, Karume Technical School etc. Some join in these schools after their final Form Four examination results.

This process of channeling students towards a particular type of career is better if it begins in the Elementary school, and should be reviewed by considering the real capacity of the institutions. School in which grading will be based typically on the level of capacity for achievement. The level of achievement in Elementary School is usually an important factor in determining the type of education that a child will receive at a Secondary level. In the Secondary School the basis of selection shifts to the type of achievements and the kind of job to which the education is likely to lead the student as an adult. This idea leads us to mix vocational emphasis in our Secondary Education Curriculum. Through this, obviously our education budget will shoot up more than twice but its result we will get skilled manpower for gainful employment and for the demands of industries and other sectors of employment. This idea has an intention to lead us in a typical tripartite division in Secondary Education, that is Academic and Technical and General Education.

INFORMAL SECTOR VERSUS FORMAL SECTOR

The term informal Sector is a commonly used, but one for which there is no agreed uniform definition either in Zanzibar or internationally. Broadly, the term is usually taken to cover small scale, self-employed activities with or without hired workers, typically operating with a low level of capital, technology and organisation often from a temporary structure, a person's home or from no fixed location.

The last Zanzibar labour Force Survey have been made in 1992, the analysis of employment by main activities reveals that there were some 64,258 people engaged in one type of informal sector activity or the other. Out of the total trade engaged, 30,627 or almost 58 percent. The second most important single employer was manufacturing which absorbed 20,265 or 31.5 percent.

Other types of industry but of less significance included building construction employing some 5,953 person, transport with 2541 employees and personal services 3,630.

Informal sector employs more women who comprise over 52 percent of the total employment. In manufacturing, women dominated by over 81 percent; here there are 16,450 women altogether.

Majority of the people in this type of the informal sector activities were self employed working without employees. There about 51,234 people with such type of employment status; this formed almost 80 percent of the 64,258 total. Majority of these were females, about 31,211 in all, mostly in manufacturing and trade.

The data of 1992 is very out dated to the current situation while informal sector is developed very first to the extent that we can't get current estimated data through projection of 1999.

The data collected in Labour Force Survey of 1992 shown that formal sector has employed 283,302 which is over 96.6 percent of the economically active population from this number more than 50 percent (i.e 141,768 people) were female. The analysis by sector of employment revealed that the majority employer was the private sector which engaged about 84 percent (i.e 238,0640 of the total; from which 54.2 percent (i.e 129,022 people) are female and 45.8 percent (i.e 109,042 people) are male.

Employment of women by the government is less than 30.4 percent of the total of 33,229 civil servants. The analysis shows that 10,087 people are female and the rest 23,142 people are male.

In considering that no labour force survey have been made from 1992 the current data in informal sector can be available through projection of Labour Force Survey of 1992. It is estimated that employment job

creation is growing at 2.2 percent per annum. From this point of view now it is estimated that private sector employed about 269,488 people, from which 123,426 are and the rest 146,062 are female.

In public sector the data shown decreasing from 33,229 in 1992 to 24,674 in 1998 the total civil servants out of this, 9064 people are female and 15610 people are male. This shows the new economic Policies Trade Liberalisation is turning the employment situation whereby employment trends is growing in the private sector and deteriorate in the public sector.

In spite of the development of the informal and formal employment it is estimated that formal sector create less than 20,000 jobs annually while the unemployment situation is expected to grow at the rate of 15 percent per year over the next decade. The positive national programme therefore is needed to overcome the situation.

The development of human resources is an area of major concern to Policy makers and Development Planners. The issue is to set strategies to be followed in gearing the training effort to labour market needs, in setting up systems of vocational guidance and career planning, in synchronising training with formal education and in organising training and retraining for facing structural adjustment due to a changing economic or technological environment.

Realising that the absence of trained manpower constitutes a major obstacle to development. The government therefore should consider specific programmes of training for youth in order to develop and enhance occupational skills.

The vocational training system should be enhanced and promoted in different fields of skills, like, automotive mechanics, tourism/hotels, construction manufacturing, maintenance as well as other agricultural and non-agricultural skills. Apart from initial training there should be a programme of upgrading skills for the worker's, introduction of special training programmes for the vulnerable groups like women, youth and the disabled should be encouraged.

The development of vocational training, needs well organised supervision under legal provision. There is Vocational Training Act of 1986 which has unfortunately not fully implemented.

The important institutions like the Council and Directorate was not established as par the act requires. The Istitutions were to provide for policies towards organizations. The act itself is also very limited, since it lacks provisions of supervision, and coordination of the existing centers. It talks nothing on the prevailing private vocational centers.

Since the Act is under the supervision of Labour Commission the step taken is only introduce vocational training center at Mwanakwereke which deals with carpentry and tailoring. Other vocational training centers in Zanzibar are JKU training center at Gulioni, deals with electrical, plumbing, welding, and some training centers provide different kinds of skilled training. The centers are not well organized due to lack of the system.

Labour Commission (V.T.C)

	<u>Tailoring</u>		<u>Carpentry</u>		<u>J.K.U Training Center</u>			
	Male	Female	Male	Female	Female	Male	Total	
1996	6	25	15	1	1995/96	20	85	105
1997	2	12	11	1	1996/97	16	102	118
1998	1	13	11	-	1997/98	19	106	125

House of Art & Craft

	<u>1998</u>			<u>Adult Education</u>
	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Carpentry</u>
Printing	8	1	9	
Batik & Tie & Dye	3	3	6	1998 44
Wood Curving	7	5	12	

The data shown above is very minimum in relation to the actual training to our people and the field for training is very few in relation to labour market demand.

The steps to overcome this situation, is therefore, first to amend the Act by allowing a well introduced and comprehensive system of Coordination; Curriculum development and Trade testing. More capable vocational training centers should be encouraged. It is here the donor community should concentrate to assist in promotion and strengthening of Vocational Training in Zanzibar.

EMPLOYMENT POLICY

The major goal of employment policy is to promote full employment with a view to stimulating economic growth and development, raising the living standards, meeting manpower requirements and overcoming unemployment and underemployment.

The policy should aim at ensuring that there is work for all who are available for and seeking it, that such work is as productive as possible and that there is freedom of choice of employment. Each worker shall have the fullest possible opportunity to qualify for, and use his or her skills and endowments in a job for which the worker is well suited without discrimination.

Employment policy should take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives and shall be pursued by methods that are appropriate to national conditions and practices. The measures to be adopted for attaining the specified objectives shall be decided and kept under view within the frame work of a coordinated economic and social policy.

Some other area to be considered in policy making is population policy. In Zanzibar people are increasing at the rate of 3.0 percent annually. This figure of population growth is very high, education for family planning should be enhanced. This should go together with migration control. This exercise should be done very carefully without violation Migration for Employment Convention 97 Of 1949 which is ratified by Zanzibar.

Employment of Youth and People with Disability should be developed by introducing public and private institutions and undertaking which will encourage to employ and train them. The policy should also develop vocational guidance and training and promotion of self employment and workers.

The policy should also take into consideration the effect of technology in production and employment. New technology employed in and any employment sector normally have an intention to improve productivity. The area to be considered are working and living conditions, occupational safety and health.

Employment policy should recognise the importance of informal sector, the policy should have promotion programme for encouraging informal sector, the programme should also involve other public sector for purpose of avoiding disturbance to informal sector like place for their work, hygienically measures others are training and financial support. Informal sector should be expanded to Regional District and village level this will help the people to remain in their village or urban peoples to go other Regions, Districts and villages for the purpose of market.

These measures and others will help to reduce and to end up our big national problem of unemployment. The fruit of this work can only be available if all of us will be ready to use our physical and mental capacity for the benefit of our nation, we should volunteer to work without considering hours of work but to concentrate the product of our work, the product of our work should be evaluated and respected for all of us, we should build up the character of helping among ourselves and encouraging to work.

REFERENCES

- University of Chicago The new Encyclopedia Britannica 15th Edition, USA 1988.
- Moh'd A. Salum Seminar Paper on Strengthening Industrial Relation in Zanzibar-1995.
- I.L.O Child Labour Office GENEVA Switzerland 1996.
- I.L.O Freedom of Association and Collective Bargaining ILO Office GENEVA Switzerland, 1994.
- I.L.O Labour Administration ILO Office - Switzerland, 1997.
- I.L.O Introduction to Social Security ILO Office GENEVA - Switzerland, 1984.
- LABOUR COMMISSION Zanzibar Labour Force Survey 1992.
DEPARTMENT OF
STATISTICS
- Labour Act No. 3 of 1997 Laws of Zanzibar
Zanzibar Industrial Court Act No. 2 of 1994 Laws of Zanzibar
Zanzibar Social Security Act No. 2 of 1998 Laws of Zanzibar
Factories (Supervisions and Safety) Decree Chapter 63 of 1943
Laws of Zanzibar
Civil Servant Regulation 1997.
- I.L.O Vocational Rehabilitation and Employment of Disabled Persons, ILO Office GENEVA-Switzerland, 1998
- I.L.O Maternity Protection at Work ILO Office GENEVA-Switzerland, 1997.