

**Promoting Productivity and Social Protection  
in the Urban Informal Sector**

***The Interdepartmental Project on the  
Urban Informal Sector (1994/95)***

WORKING PAPER

**Employment relations and labour law in  
the Dar-es-Salaam informal sector**

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Note: The Working Papers are preliminary documents circulated informally in a limited number of copies mainly to stimulate discussion and obtain comments.

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## Preface

### The dilemma of the informal sector

The Interdepartmental Project on the Urban Informal Sector carried out research and experimental projects in 1994-95 to demonstrate how to improve the quality of employment, particularly productivity, social protection and occupational safety and health through enhanced access to resources and markets, collective action and regulatory reforms. Since this requires broad policy packages, it was designed as an integrated multidisciplinary project with many components that need intense ILO interdepartmental cooperation in its implementation.

The conception of the idea of the project dates back to the 78th Session (1991) of the International Labour Conference at which the central theme of discussion was the Director-General's Report on *The dilemma of the informal sector*. The dilemma, as explained in the Report, was whether to promote the informal sector as a provider of employment and incomes; or to seek to extend regulations and social protection to it and thereby possibly reduce its capacity to provide jobs and incomes for an expanding labour force. Although it is recognized that the full range of existing laws, regulations and labour legislation cannot be immediately applied in the informal sector without reducing its capacity to create jobs and/or drive it further underground, this project was conceived on the assumption that it is not necessary to make a choice between the above two objectives and that productivity and social protection are mutually reinforcing. Its activities were meant to show how the two objectives might be reconciled and pursued simultaneously to improve the quality of employment.

The project was implemented experimentally in Bogota, Dar es Salaam and Manila. It was believed that a successful implementation would generate enough interest to facilitate replication in other countries by governments and other agencies. The criteria for selecting the cities were:

- strong commitment of central government, municipal authorities and employers' and workers' organizations to the pursuit of the objectives of the project;
- a certain degree of organization among informal sector operators;
- ongoing, related ILO technical assistance and, preferably, ILO institutional presence;
- availability of basic data and prior knowledge on the informal sector.

This working paper tackles one of the central issues of the project, namely the relevance of labour law and its applicability in the informal sector.

The study which is based on a survey of employees in the informal sector focuses on employment relationships, the terms and conditions of work. The most interesting conclusion is the lack of reliance placed on national law as the basis of any employment benefits which

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questions the relevance of labour law in the informal sector of the United Republic of Tanzania. A related question is whether law reform could promote compliance of the law in the informal sector. The study will no doubt stimulate the debate on these issues.

George Aryee,  
Interdepartmental Project on  
the Urban Informal Sector,  
May 1996.

## Summary

The informal sector in Dar es Salaam, like that in many cities in the developing world, is large and growing. Estimates of the number of persons in all of the United Republic of Tanzania paid to work for another in the informal sector rival the governmental sector and surpass the parastatal and formal private sectors. If law setting out workers' and employers' rights and responsibilities is to have meaning in a country with such an important informal sector, it must be able to work in that sector. Anecdotal evidence, research, and surveys suggest that labour laws are not readily applied in the informal sector although, *prima facie*, this is their intent. Indeed, this is often one of the elements of the very definition of an "informal sector" — economic activities falling outside of the effective purview of regulations, including labour regulations. This study looks at this problem, asking whether there might be differences between employment relationships in the informal sector and those in the formal sector which tend to undermine the rationality of laws historically aimed to protect workers in the latter.

The study is based on the results of a survey of persons working for others — employees — in the informal sector. The survey focused on the employment relationship of the respondents, as well as their work history, the terms and conditions under which they worked and the benefits they received. Not unlike formal sector employment, the survey results suggest that employment with the employer was typically steady and full time. The survey found employment typically characterized by an expectation of continued employment, backed up by a significant duration of previous employment with the same employer. As might be expected, results showed some, but hardly full, application of labour law provisions and hardly any credit being given to laws for benefits which were given. Unlike what might be expected in the formal sector, the survey results suggested less than complete employer control in fundamental aspects of the employment relationship. Analysis showed that where this lack of control — informality — existed, workers were less likely to be receiving related benefits. Finally, the survey found virtually no membership in the national trade union and little reliance placed on labour institutions for the resolution of hypothetical work related disputes. Similarly, little involvement was found in the National Provident Fund or the vocational education and training levy system.

The survey results, though by no means definitive, do suggest that the nature of the employment relationship in the informal sector can pose challenges to the logic of Tanzanian labour law provisions. These include fundamental scope provisions which draw lines based, *inter alia*, upon payment of money wages and periodicity of wage payment; leave provisions which assume full employer control (formality) over working days and hours; and reporting pay and premium overtime pay which assume hourly rather than productivity or business income related bases of pay. To the extent these types of provisions find their way into the labour laws of other nations with substantial informal sectors, this study has important implications.

Perhaps the most interesting conclusion is the lack of reliance placed on national laws as the basis of any given or expected employment related benefits. This presents a "chicken or the egg" problem: Is the law less than relevant because people expect little from it? Or do people expect little from the law because it is less than relevant? From the lawmakers' and

drafters' standpoint — and based upon this study — the second question needs to be considered and ways found to make labour law more relevant to the ways people are employed in the informal sector with the effect of supporting both the rule of law and the implementation of important employment standards.

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# 1. Introduction

## 1.1 The problem

As the term is typically used, “labour laws” operate where people sell their labour. It is axiomatic that such laws are set down to establish and reinforce norms under which people work for remuneration, to minimize conflict and promote social harmony and justice.

The success of a system of labour law may be judged, among other criteria, by the closeness of the connection between the features of the law and the systems and organization of work it aims to regulate. In short, how relevant is the law? For example, while certain principles of *contract law* are useful for guiding the way certain people work, such as authors or professional athletes, a body of *labour law* has been conceived to deal more appropriately with the employment relationship of common wage labourers. Although both aim at guiding working conditions and relationships, the features of these bodies of law differ because the systems and organization of work at which they are targeted differ. In the end, the closer the connection between the features of the law and the systems and organization of the work, the more meaningful — and fundamentally successful — it is.

In the area of labour law, concern has been expressed that the connection has been lost

“The informal sector may be broadly characterized as consisting of units engaged in the production of goods and services with the primary objective of generating employment and incomes to the persons concerned. These units typically operate at a low level of organization, with little or no division between labour and capital as factors of production and on a small scale. Labour relations — where they exist — are based mostly on casual employment, kinship or personal and social relations rather than contractual arrangements with formal guarantees.” *Resolution concerning statistics of employment in the informal sector, Fifteenth International Conference of Labour Statisticians, 1993.*

between certain of its modern features and the systems and organization of work in enterprises which are generally characterized by their smallness of scale and low levels of capitalization, technology and productivity. In developing countries where these sorts of enterprises account for more and more of the system and organization of peoples’ work, two questions become important for promoting the Rule of Law on one hand, and employment in such enterprises on the other.

First, is this essential connection missing in fact?

Second, if it is, what can be done to recast the features of labour laws to take into account the systems and organization of work in these enterprises — particularly without unacceptably undermining existing norms?

## 1.2 This study

This study was undertaken as part of the ILO’s Interdepartmental Project on the Urban Informal Sector. It looks at these two questions in the context of the urban informal sector in Dar es Salaam, the United Republic of Tanzania. The study looked at the intended scope and content of labour laws and their effectiveness in terms of practices and characteristics of persons employed in the sector. The study benefits from previous related work done in the United Republic of Tanzania. They include the 1990-91 Labour Force Survey, the 1991

National Informal Sector Survey and an unpublished ILO paper looking at informal sector operators in an ILO micro-enterprise promotion project. <sup>1</sup>

<sup>1</sup> Corinne Vargha, "Case-study on international labour standards and micro-enterprises promoted by the project URT/88/007 — Employment Promotion in the Informal Sector" (1993).

## 2. Background

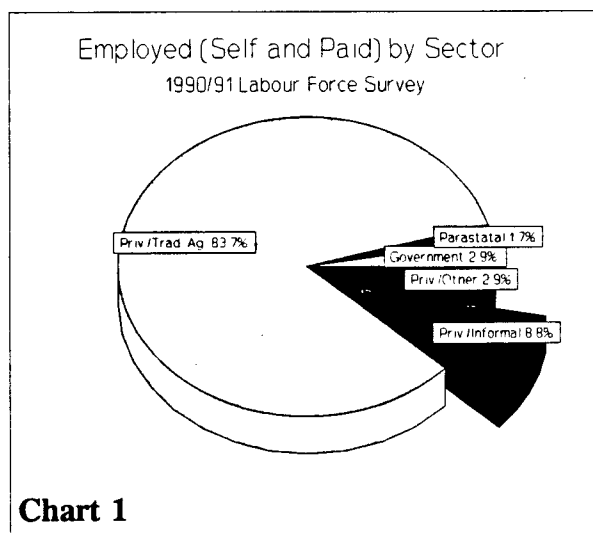
### 2.1 Predominance of paid employment in the informal sector

**A note on terminology.** Experience suggests that there is sometimes confusion about the term "employed". For *statisticians*, this term includes persons who are self-employed as well as persons who are employed by others. This latter group is further divided into self-employed, paid and unpaid "employees". For *lawyers*, the term "employed" is usually connected to the terms "employee" and "employer" — in both cases related only to the idea of one person working, usually for pay, for another. For this reason, the term "paid employee" will be used in this study where the lawyer would be tempted to use only the term "employee"; "employed" will be used in the statistician's sense comprising persons who are self-employed as well as persons who are paid and unpaid employees. This issue is dealt with in detail below.

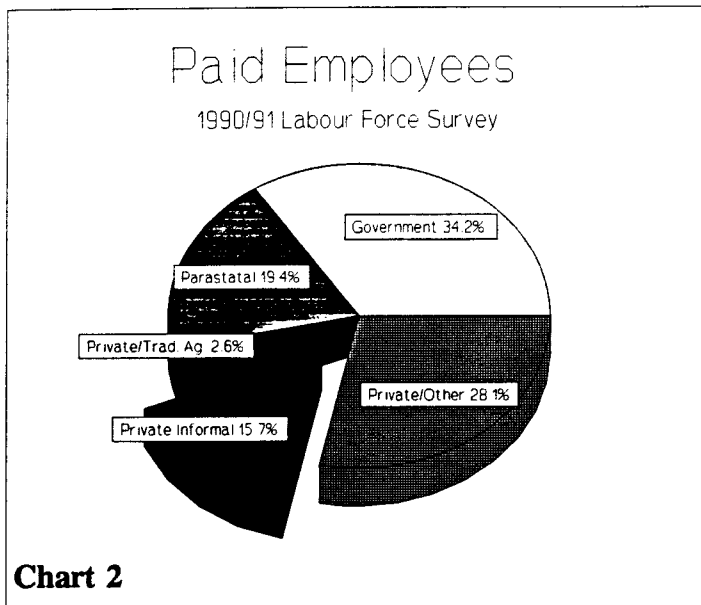
The 1990-91 Labour Force Survey of the United Republic of Tanzania counted an economically active population of 11.3 million people, of which 10.89 million were considered employed.<sup>1</sup> Almost 84 per cent (83.7 per cent) or 9.11 million of these persons were employed in agriculture, with only 24,000 being paid employees. The large remaining figure of 9.09 million persons employed in traditional agriculture, i.e. working on their own farm or shamba either in agriculture, livestock keeping or fishing, supports a view of the Tanzanian economy as one based on subsistence agriculture. The breakdown of employment by sector is seen in Chart 1.

Looking at *paid* employees in the United Republic of Tanzania, the 1990-91 survey findings are shown in Chart 2. That survey estimated 1.8 million persons employed in the informal sector, either as a primary or secondary activity. The primary status of an estimated 146,510 was as paid employees in that sector. Thus, paid employees in the informal sector accounted for 15.7 per cent of all paid employees in the United Republic of Tanzania.

The more specialized 1991 National Informal Sector Survey found 2.3 million persons engaged in the informal sector, including urban agriculture. Seventy three per cent of these, 1.7 million persons, work as informal sector operators and 26 per cent, 626,706, work as employees. Of these employees, as shown in Chart 3, the number

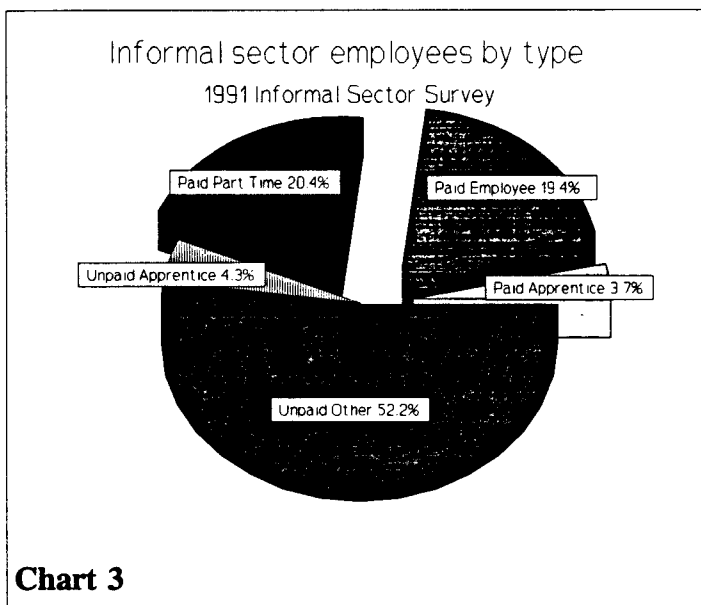


<sup>1</sup> Use of the term "employed" is as in the Convention set out in paragraph 9 of resolution adopted by the Thirteenth International Conference of Labour Statisticians.



of paid employees was estimated at about 300,000; the remainder fell into the categories of “unpaid other” and “unpaid apprentices”. By this count and compared to the 1990-91 figures for paid employment in the government (319,455), parastatal (180,767), and formal private (261,944) sectors, *estimates of the number of paid employees in the Tanzanian informal sector rival the governmental sector and surpass the parastatal and private sectors.*

Although the figures in these surveys differ, the overall picture is clear:



- the number of persons employed in the informal sector is substantial, probably second only to employment in agriculture (traditional and commercial combined);
- a large majority of persons employed in the informal sector are self-employed;
- a substantial proportion of all paid employees, perhaps the largest proportion in the United Republic of Tanzania, are working in the informal sector.

## 2.2 Labour law applicable in Dar es Salaam

Tanganyika became independent of the United Kingdom in 1962, Zanzibar in 1964. In 1964 the two entities united into a republic. A unique aspect of the unification was the provision for “union” and “local” issues, the latter of which was meant to be the subject of local — mainland or Zanzibari — control. Labour is one of those issue areas. Thus, the body of laws controlling labour relations on the mainland, including Dar es Salaam, differs from that controlling on Zanzibar.

As is the case with a number of African countries which became independent from the United Kingdom at about the same time, there have been few amendments to the scheme of

labour law in the United Republic of Tanzania since independence.<sup>1</sup> Despite government moves since about 1987 to review and adopt a revised basic labour law, by and large the approach and contents of the laws in force at the time of independence remain today. Below is a brief outline of the labour laws in force.

### **Employment Ordinance, 1957 (EO)**

The EO regulates conditions of employment for employers and employees in the United Republic of Tanzania. Its provisions address:

- the labour advisory board;
- appointment, powers and duties of officers;
- contracts of service, generally, oral and written;
- protection of wages;
- employment of women, young persons and children;
- care and welfare of employees;
- recruitment;
- forced labour;
- remedies, jurisdiction and procedure of courts; and
- offences.

The EO has undergone minor amendment several times since 1957, at least as follows:

- in 1962 concerning removal rights, ticket contracts, weekly rest, presumptions applied to new contract, termination by notice and payment, operation of contracts, and shipmaster registries;
- in 1969 concerning priority of wages and severance allowances, employment of children, prohibition of recruitment, offences and judicial procedures;
- in 1975 concerning annual and maternity leave.

### **Regulation of Wages and Terms of Employment Ordinance, 1953 (WTE)**

The WTE provides for the establishment of minimum wage boards and wages councils and otherwise for the regulation of the remuneration and terms of employment of employees. The most recent Order under this Act became effective 1 January 1994 and provides minimum terms for all employees in the country, including domestics and casuals as defined.

### **Factories Ordinance, 1952 (FO)**

The FO makes provision for the health, safety and welfare of persons employed in factories and other places. Its provisions address:

<sup>1</sup> Uganda, Malawi, and Zambia, for example.

- registration of factories;
- general provisions concerning health, safety and welfare;
- special provisions concerning health, safety and welfare;
- special applications and extensions;
- administration;
- offences, penalties and legal proceedings.

Under the FO, "the expression 'factory' means any premises in which, or with the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely: (a) making of any article or of part of any article; or (b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or (c) the adapting for sale of any article."

### **OTTU Act, 1991**

This Act establishes the Organization of Tanzania Trade Unions, OTTU, as the sole union representative of all workers in the United Republic of Tanzania. Persons are not obliged to become a member of OTTU. The Act, inter alia, authorizes OTTU to require dues deductions by employers for his or her employees who are members of OTTU.

### **Workmen's Compensation Act, 1949 (WCA)**

The WCA provides for compensation to workmen for injuries suffered in the course of their employment. A range of benefits are provided for incapacity, temporary and permanent, partial and complete, as well as in the case of death. It provides for methods of calculation of benefits based on previous earnings of the worker concerned. It covers also disabilities arising from occupational diseases.

Under the WTC, " 'workman' is any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, or otherwise, whether the contract is express or implied, is oral or in writing, whether the remuneration is calculated by time or by work done, whether by the day, week, month or for any longer period, but does not include, inter alia, a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, or a member of the employer's family dwelling in the employer's house ..."

### **Vocational Education and Training Act, 1994 (VETA)**

The VETA makes arrangements for apprenticeships under standards developed by a Vocational Education and Training Board. An apprentice means a person of at least 15 years of age who is employed to learn an occupation under standards of apprenticeship approved by the Board. An employer is bound to pay a levy of 2 per cent of emoluments paid to employees each month. An employer is any person or body employing four or more employees whether on a permanent or temporary basis. A list of employers is to be established by the Director-General of the VET Authority and the National Provident Fund, acting as agent for the Authority, is to collect a levy from each employer. Each employer is obligated to register itself with the Authority, though the NPF. A Vocational Education and

Training Board and Regional Boards are established. Subordinate regulations have since been made.

### **National Provident Fund Act, 1964 (NPFA)**

The NPFA sets up a savings plan for employee member into which employers are obliged to contribute from deductions from the employee's wages.

### **Severance Allowance Act, 1962 (SAA)**

The SAA was amended in 1975. It essentially provides that a severance allowance shall be paid upon the termination of employment. Provisions are made for harmonization with pensions, gratuities upon termination, gifts, etc., and the terms of "casual employee", "contract of service", "employee" and "employer" are defined as in the Employment Ordinance. Detailed scope provisions are included.

### **Security of Employment Act, 1964 (SEA)**

The SEA was amended in 1975. The SEA provides for certain procedures to be followed in the case of disciplinary action taken against an employee.

## **2.3 Methodology of the survey**

An informal sector survey (ISS) was undertaken by the Labour Statistics Branch of the ILO as part of the current interdepartmental project (INTERDEP). It was translated into Swahili and administered in a statistically correct selection of households in Dar es Salaam. Its results and conclusions are published elsewhere and should be consulted by the interested reader as findings overlap subjects discussed here.

A specialized employment relations survey (ERS) was developed and had as its target group persons — paid and unpaid — working for another in the informal sector. The ERS sample was derived from the households in the ISS sample. It was comprised of two groups: persons in the ISS households working for another ( $P_1$ ), and persons working in the informal sector enterprises identified through the second part of the ISS survey ( $P_2$ ).

A first step in the survey methodology was selecting out persons working for another in activities not considered to be in the "informal sector". The criteria used for establishing an informal sector enterprise was that it not be incorporated and that it have less than ten employees.

In an effort to economize on questions put to each respondent, data was retrieved from different survey questionnaires for some of the cases. Unfortunately, this resulted in some loss of data. For example, the ERS did not attempt to screen out unpaid workers but the ISS did, except for "unpaid apprentices". As pointed out below, the concept and practices surrounding apprentices and unpaid workers in the informal sector — from a labour law standpoint — raises issues. Data problems in the study are flagged in this report.

In December 1995, a workshop was held in Dar es Salaam to review preliminary observations made in the study. Representatives of the Department of Labour including factory and labour inspectors, some informal sector operators, and employers' and workers'

organization representatives were present. References in this report to “anecdotal evidence” are derived from discussions at that event.

Eighty-eight respondents were ultimately identified, working for at least 79 different employers. The respondents were engaged in 25 different types of work.<sup>1</sup> Sixty-eight per cent (60) of the respondents were men and 32.3 per cent (28) were women. Of the men, 50 were single and ten married; of the women, 22 were single and six were married.

<sup>1</sup> These included bookkeeping, clerking, institutional and domestic housekeeping, domestic cooking and housekeeping, hairdressing, shop and market sales, fishing, bricklaying, carpentry, mechanics, butchery, tailoring, and taxi driving.



### 3. Status of informal sector employees

A fundamental issue of employment relations in the informal sector is the *prima facie* applicability of national law to the persons concerned. A certain few provisions, dealing with fundamental issues such as forced and child labour, are written so as to clearly be applicable to all persons. The bulk of labour law provisions in the United Republic of Tanzania, like those in other countries of the region, are limited in their applications. Where limitations exist, they are set out in terms of:

- existence of an contract of service; and
- duration of the employment or the term of the employment contract.

The question addressed here is whether there are any fundamental differences in informal sector employment relations, as observed through the various surveys, which suggest that these means of limitation are inappropriate or that some other means might be considered. In short, are the labour laws written so that we can tell who in the informal sector they are meant to cover?

Let us first consider a distinction made in the 1991 informal sector survey between paid and unpaid employees in the informal sector. In fact, the *second group* — *unpaid employees* — *represented the majority* of employees and “almost all (99.97 per cent) unpaid employees are family members”. In our survey, 60 per cent (53) of the respondents indicated they were unrelated to the employer. Of the remaining 40 per cent, the largest proportion of relations (86 per cent) were distant — other than children or spouse of the employer.<sup>1</sup>

Looking at the seven workers who said they were unpaid, four (57 per cent) were distant family members and three were unrelated. Of the seven unpaid employees, five considered themselves to be apprentices; as discussed below other apprentices indicated that they were paid. All seven unpaid workers received in kind remuneration for their work from their employer.<sup>2</sup>

As mentioned above, domestic labour law typically grants certain basic rights to all persons and others only to paid employees. Under it, with a few exceptions, unpaid employees in the informal sector have limited rights and benefits. The idea of the term “*unpaid employee*” has little meaning. Either a person is an employee or not; the exchange of labour for remuneration (in money or in kind) is intrinsic in the lawyer’s definition and it is this status which gives rise to particular benefits. In the United Republic of Tanzania, an “employee” with certain rights and privileges established in law, appears to be a person who is remunerated at least in part in wages. This is not stated explicitly but can be implied

<sup>1</sup> The EO defines “family” as wife and unmarried children.

<sup>2</sup> Anecdotal evidence suggests that quantities of in kind remuneration may not be closely related to quantities of labour, i.e. hours, days, or weeks of work. The remunerative basis may be a more informal one of, for example, a nephew being housed and fed by an uncle, where the understanding is that the nephew works in the uncle’s carpentry enterprise. Hours of work are not strictly monitored. As far as the statistics are concerned, the shortcomings of sample selection described above require that they not be considered representative of unpaid employees in the total population. More credence may, however, be given to responses within the group of unpaid employees, i.e. their family membership, being apprentices, being paid in kind, etc. Still, further exploration of these issues is indicated.

by a variety of provisions.<sup>1</sup> This interpretation is consistent with a number of more explicit examples from the subregion.<sup>2</sup>

The impact of this is that it is not entirely clear that persons receiving only (or partially) in kind benefits are “employees” meant to be covered by the labour law in question. To the extent this criteria cuts off benefits to family members, the social linkages between the worker and the employer might be relied upon to protect the worker from exploitation. Indeed, the survey results show that all family members were more likely to be provided with additional benefits such as food, housing, clothing, education/training. However, there are unpaid workers who are not family members. For them, this delineation makes legal protection uncertain. Accordingly, if lines are to be drawn in the informal sector, the better ones are based on family linkage, not impliedly on waged remuneration, and making clear that benefits in kind count as remuneration or value in exchange for labour services.

### 3.1 Contract of service

Addressing the idea of a “contract of service”, under Tanzanian law such a “contract” clearly need not be in writing nor need it be an explicit statement of “I enter into this contract of service”; it may be implied by the actions of the parties. Under the EO however, an “employer” is under an obligation to provide work in accordance with the contract of service, and if work is not provided the employer is nevertheless under an obligation to pay wages. Do the survey responses suggest that employers organize work such that they can or do pay workers for time at the workplace, whether or not work is actually being done during that time?

The remuneration of only 22.7 per cent (20) of respondents is based upon hours of work. The remaining 77.3 per cent are paid on productivity, business income related, or some other basis, including unpaid but remunerated in kind. In response to another question, 65 per cent (57) of workers are remunerated a “fixed amount” — either by the day (unrelated to the number of hours working or at work) or by the number of things made or sold.<sup>3</sup> Eighteen per cent (16) are remunerated on the basis of “how business goes”. When asked “Have you ever been paid when you have not worked when you came to work and there was nothing to do?,” 25 respondents (28 per cent) said that they had and only two of these said

<sup>1</sup> The EO provides, that “in all contracts of service, the wages of the employee shall be payable in currency ...”

<sup>2</sup> See, for example, the 1980 Employment Act of Swaziland (“employee means any person to whom wages are paid or are payable under a contract of employment”), the 1985 Labour Relations Act of Zimbabwe (employee “means any person employed by or working for any employer and receiving or entitled to receive any remuneration in respect of such employment or work”). The 1965 Employment Act of Zambia illustrates a bridging of the gap between the requirement of a contract of employment and payment of remuneration (“employee means any person who has entered into or works under a contract of service whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done, or is in cash or in kind, but does not include a person employed under a contract of apprenticeship made in accordance with the Apprenticeship Ordinance or a casual employee”). Equally or more ambiguous examples are the 1982 Employment Act of Botswana (“employee means any person who has ... entered into a contract of employment for the *hire* of his labour”), the 1983 Basic Conditions of Employment Act of South Africa (“employee means ... any person who is employed by or working for an employer and receiving or entitled to receive any remuneration or who works under the direction or supervision of any employer, or *any other person who in any manner assists in the carrying on or the conducting of the business of an employer*”), and the 1992 Labour Code of Lesotho (“employee means any person who works in any capacity under a contract ‘whether oral or in writing, express or implied, by which an employee *enters the service* of an employer’ with an employer in either an urban or a rural setting, and includes any person working under or on behalf of a government department or other public authority”).

<sup>3</sup> Fifty-seven respondents, or 79 per cent, taking into account no and “other” responses. The remaining 21 per cent indicated “how business goes” as the basis of their remuneration.

they were hourly paid workers; the others were paid on a productivity basis or on an "other" basis. On what basis could payment be calculated in these circumstances? Although the remaining statistics do not paint a totally clear picture, it is clear that 63 respondents (72 per cent) get paid only when they are performing work which is producing an output, no matter what the basis of their remuneration. Taking this picture into account, it would seem questionable to explicitly or impliedly (through the very definition of "employee") link employee rights and benefits solely to time at work.<sup>1</sup>

Looking at the aspect of control typically required in the traditional concept of a contract of service, findings suggest degrees of less than complete employer control over such things as starting and quitting times, location of work, working days, and the taking of sick leave. This is discussed in greater detail later on. These findings are, of course, of interest here as they suggest that in some cases a low tolerance for the sufficiency of employer control would be required if contracts of service were to be recognized to exist.

In sum, remuneration is usually based upon production or income and not time at work and the employer does not always have absolute control over the employee. Thus, a simple agreement, express or implied, to provide labour for remuneration in wages or in kind or both — and avoiding the circuitous use of the terms "employ" and "contract of service" — might be an appropriate starting-point for defining an employment relationship with its incumbent rights and responsibilities.

### 3.2 Duration of contract of employment

Turning to the use of the term of the contract of service or duration of employment as a defining principle, the issue of the "casual employee" arises. Under labour laws in the region, as well as in the United Republic of Tanzania, certain rights are granted to paid

Under the EO:

- "contract of service means any contract, whether in writing or oral, whether expressed or implied, to employ or to serve as an employee for any period of time or number of days to be worked, or to execute any task or piece work or to perform any journey and includes a foreign contract of service;"
- "employ in relation to the person employing, means to use as employer the services of any person under a contract of employment;"
- "employee means any person who has entered into or works under a contract of service with an employer whether by way of manual labour, clerical work, or otherwise and whether the contract is expressed or implied or is oral or in writing;"
- "employer means any person, or any firm, corporation or company, public authority or body of persons who or which has entered into a contract of service to employ any person and includes any agent, foreman, manager, or factor of such person, firm, corporation, company, public authority or body of persons who is placed in authority over such person employed, and where an employee has entered into a contract of service with the Government or with any officer on behalf of the Government; any Government officer under which such employee is working shall be deemed to be his employer."

<sup>1</sup> The provision in question requires the employer to "provide work in accordance with the contract of service," with the further obligation to pay if work is not provided. If the contract of service itself recognizes that there will not be work sometimes — typical in a low productivity enterprise — this entire provision is made meaningless.

employees but not to casual workers, the explanation being that these particular rights or benefits should be given only to persons with an expectation of continued employment grounded in the contract of service. In the United Republic of Tanzania, two legal definitions can be found:

- under the WTE, a “casual employee means any person who works on a daily basis where payment of wages is due and paid at the completion of each day’s work”;
- under the EO, a “casual employee means any employee the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than 24 hours at a time but does not include an employee who is deemed by section 33 to be employed on monthly contract”.

In the United Republic of Tanzania, as elsewhere in the region, the definition contains two elements: payment at the end of each day and engagement for a day at a time. It was possible in the survey to ask whether a person was paid at the end of the day. It was also possible to determine whether the employment agreement was, in fact, for a day at a time on the basis of the expectation of future employment and the pattern of previous employment. Thus, this approach to definition does not raise problems in the context of the survey.

**Periodicity and method of wage payment.** Seven respondents indicated “no payment” when asked how frequently they received pay for their work. Four (4.5 per cent) said they were paid irregularly. Of the remaining 76 respondents, 47.7 per cent (42) were paid weekly, 25 per cent (22) were paid monthly, 8 per cent (7) were paid daily, and 5.7 per cent (5) were paid every other week.

In reality, however, the issue of “casualness” — and particularly whether the contract of service is for not more than 24 hours at a time — is rarely raised and paid employees’ benefits are cut short by employers insisting, in combination with payment at the end of each day, that the contract of service was made for no more than a day at a time. The problem is shown when we look at the characteristics of the seven persons found in the survey to receive their pay at the end of each day (see table 1). Despite payment at the end of each day, the characteristics of each suggests a high degree of regularity. All respondents expect employment with the same employer the next day, and all but one the next week.

Considering that few paid employees in the informal sector get everything they are entitled to under the law, casual or not, addressing this fine legal issue might seem besides the point. However, the point needs to be considered if casualness of employment as currently defined in the law is to be used as a basis for cutting off benefits and rights of a paid employee. This is particularly so in the face of the widespread assumption that the employment of the paid employee in the informal sector enterprise is precarious — or more precarious than that in the formal private sector. The survey results suggest precariousness, but perhaps not as much as expected.

**Table 2. Duration of employment with the same employer**

Less than 1 mth.	Between 1 and 3 mths.	Between 3 and 6 mths.	Between 6 and 12 mths.	More than 12 mths., less than 24	More than 24 mths.	No response
5 (5.7%)	16 (18.2%)	15 (17%)	11 (12.5%)	32 (36.4%)	8 (9.1%)	1 (1.1%)

A large proportion of the workers showed security in the expectation of continued employment with the same employer. Virtually all said they expected to be employed by the same employer the next day, the next week, and the next month (94.3 per cent, 92 per cent, 90 per cent respectively). Only when asked whether they expected to be employed with the same employer in six months did the affirmative responses fall off. Even then, however, 58 per cent said they did expect to be employed by the same employer. When asked if they expected to be employed by the same employer after one year, 49 per cent said "yes". Very few responded that they expected *not* to be employed by the same employer at any time in the future; if the worker had employment insecurity, it was expressed in the response "don't know".

These responses lead to a conclusion that many employees in the informal sector do have a well founded expectation of continued employment, perhaps similar to other employees in the *private* formal sector. It might therefore be appropriate to base the granting of certain benefits and rights upon such expectations as is done, for example, through the concept of the "casual employee". Two questions then arise:

- is the standard for measuring the level of expectation best expressed in current Tanzanian law; and
- what exactly are the benefits limited by the status of "casual employee"?

These issues are related, as the definition's precision and the attention paid to it in practice will be determined by the benefits cut off by falling within its terms. On this, more will be said later.

Before concluding this section, attention must be given to the issue of apprentices: is there evidence to suggest

use of the term as a means of justifying substandard employment benefits and terms? The VETA is one of the few modern pieces of labour legislation in the United Republic of Tanzania, having come into force in January 1995.<sup>1</sup> Unlike earlier schemes, it does not require registration of apprentices. It does, however, make arrangements for setting standards for their training by a vocational education and training board. Training outside of these arrangements does not lead to qualification of skills training.

Twelve respondents (13.6 per cent) said they were apprentices in their job. Each was asked the reasons why they considered themselves apprentices. The responses are shown in table 3. Immediately striking is that only one apprentice says he or she is one because he or she is "registered" as an apprentice (reason 3). Relatedly, only one employer is registered as a master of apprentices (reason 4). Employer imposed apprenticeship (reason 2), ostensibly

Under the WTE, "casual employees" are not entitled to double rates for work on holidays or statutory weekly rest days, paid annual leave, paid sick leave, compassionate leave, leave allowance, rent and transport allowances, out of station allowances.

<sup>1</sup> The objectives of the VETA specifically mention meeting "the needs of both the formal and the informal sectors".

for the benefit of reduced labour standards for such workers, is noticeably insignificant. Under the new legislation, it is no longer necessary for either the employee or the employer to be registered as an “apprentice” or a “master”. More detailed regulations on apprentice training have yet to be issued.<sup>1</sup>

**Table 3. Reason given for apprenticeship status**

Reason given	Yes	No	No indication
1. Because you are still learning your trade	10 (83.3%)	1 (8.3%)	1 (8.3%)
2. Because the person you work for says you are	1 (8.3%)	10 (83.3%)	1 (8.3%)
3. Because the person you work for has registered you as an apprentice	1 (8.3%)	10 (83.3%)	1 (8.3%)
4. Because the person you work for is registered as a master for apprentices	1 (8.3%)	10 (83.3%)	1 (8.3%)
5. Because you and the person you work for have agreed that you are an apprentice	1 (8.3%)	10 (83.3%)	1 (8.3%)

Concerning reduced labour standards for apprentices, table 4 shows the responses of the 12 apprentices to questions about four working conditions which are typically modified in apprentice relationships. Under current law, no modification of apprentices’ employment conditions is permissible on that basis.

**Table 4. Modified working conditions for apprentices**

Working conditions	Yes	No
1. Get paid less than others	7 (58.3%)	5 (41.7%)
2. Work different hours than others	2 (16.7%)	10 (83.3%)
3. No sick pay, differently than others	4 (33.3%)	8 (66.7%)
4. No paid annual leave, differently than others	5 (41.7%)	7 (58.3%)

To conclude this section, a number of points are clear.

- On the basis of the survey and the 1991 Informal Sector Survey, a majority of persons employed as employees in the informal sector are not paid wages and therefore would possibly not fall within the definition of “employee” under Tanzanian laws. Accordingly, they would not be covered by the relevant laws.
- On the basis of the survey few paid employees in the informal sector are casual employees not entitled to the full range of rights and benefits afforded under Tanzanian law.

<sup>1</sup> As of the time of the writing of this report, to the knowledge of the author the regulations of the VET Board regarding apprenticeship training under section 6(2)(g)(vi) had not yet been issued.

- Persons working as apprentices do so upon their agreement in the context of learning their trade. They are likely outside the formal apprenticeship regime and have somewhat lower employment conditions, based on the agreement with the employer and not provision in law.

#### 4. Benefits and conditions of employment

Tanzanian law makes provision for a number of conditions of employment and employment benefits. As stated above, paid employees are entitled to many of these terms, except that casual employees, as defined, are not entitled to a number of fringe benefits. Some benefits are conditioned, i.e. maternity benefits are only due upon pregnancy, seven days of paid annual leave for each period of *full* three months service. The survey results suggest that few of these terms and benefits are actually given to all those entitled to them. This is not surprising and has been asserted and shown elsewhere. The reasons for this lack of compliance have been suggested elsewhere. They include:

- employee ignorance of the law and its entitlement;
- lack of enforcement by labour inspection officials;
- employer ignorance of the law and its obligations; and
- intentional abuse by the employer.

**Previous formal wage job and perception of current job.** Of the 88 respondents, 11 (12.5 per cent) had previously "had a formal wage/salaried job". *Seven considered that their current employment was a formal job*; one had had a formal job more than one year but less than two years ago; and three had had a formal job more than three years ago. Assuming that all the respondents (including the seven mentioned above) were working in unincorporated enterprises with less than ten workers (i.e. informal enterprise by the ISS definition), this response is significant in that so many workers (87.5 per cent) actually considered themselves as *never* having had a formal job, *even though at least some of those in the defined category considered their current job "formal"*.

One may add to this list a difference perceived by the informal sector paid employee between him or herself and the formal sector paid employee; the informal sector employee may actually believe that he or she is not entitled to benefits under the law. This would be consistent with the very low proportion of respondents who believed that any benefits they received as employees were as a result of their rights under the law. This is discussed further below.

Indeed, the level of some of the fringe benefits set in Tanzanian law is high. For example, paid employees are entitled under law to three months of sick leave at full pay, and 28 days of paid leave annually. These standards are in line

with those established in countries like Japan and Germany. To this issue, we shall return.

The more interesting question is whether there is anything intrinsic in the informal sector employment relationship which suggests that particular terms and benefits *cannot* be applied. We will review here some of these terms and benefits in this light, with the benefit of the survey results. A number of questions in the survey dealt with benefits and conditions of employment. Questions asked whether certain benefits had actually been given, if they had been expected, and upon what basis an expectation of the benefits or conditions were based.



#### 4.1 Employer control and leave benefits

How might informality as measured by supervision and production expectations in the informal sector employment relationship affect the ability of an employer to grant certain terms or benefits with employment? How might it make the failure to grant certain benefits a rational one? Consider the following hypothetical situations:

- An informal sector employee paid on the basis of the number of used shoes she resoles in a day understands, based on her experience with the person for whom she works (who supplies her with used shoes, sewing equipment and supplies and a place to work), that she need not turn up at her workplace every day nor work fixed hours — without giving a reason to her employer — and that she will continue to be welcomed to work there, unless or until the employer decides otherwise. Under such employment terms it is illogical to insist that the employer pay the employee an amount on days she is away from work because she is sick.
- An informal sector employee — an ambulatory street hawker — who is paid on a daily basis plus a percentage of his gross daily take, keeps a shamba in a near by rural area. It is understood with his employer, who supplies the goods he sells and delineates the general area of the town where he will work, that he is free to come and go for days on end to his shamba to work and that whenever he returns to town he will be given goods to sell and a territory to hawk. Under such employment terms one is hard pressed to insist that the employer count the number of days worked in a year and grant a proportional period of paid annual leave.

In this vein four fundamental aspects of employer control were raised in the survey:

- (1) who decides whether the worker will actually work on any particular day;
- (2) who decides whether the worker will actually work on a day he or she is sick;
- (3) who decides when the worker will start and stop work on any particular day;
- (4) where the job is ambulatory, who decides where the worker will work from day to day.

Table 5 shows the responses to these areas. Notice in these aggregated results the lack of complete employer authority; significant decision-making is through consultation or by the worker alone. In the case of work on days of sickness there is a high degree of worker self-control, as one might expect considering the personal nature of illness.

In light of these results, let us look at the survey results concerning certain benefits actually given.

Table 5. Employer control

	Worker alone*	Employer/worker together	Employer alone	
Actually work on any particular day	14 (14.7%)	20 (21.1%)	54 (56.8%)	
Actually work on a day of sickness	34 (35.8%)	29 (30.5%)	25 (26.3%)	
Start work	10 (10.5%)	20 (21.1%)	46 (48.4%)	<i>Pre-fixed hour</i> 12 (12.6%)
Stop work	12 (12.6%)	22 (23.2%)	37 (38.9%)	<i>Pre-fixed hour</i> 17 (17.9%)
Where ambulatory worker works (14 ambulatory workers)	3 (21.4%)	4 (28.6%)	7 (50.0%)	

\* A series of questions were asked to confirm that the worker, when indicating that he or she alone decided the matter, really exercise full self-authority. The responses given showed virtually full authority.

### Paid sick leave

More than half the respondents (55, 62.5 per cent) said they had at some time during their employment not worked because of sickness. Of these, over half (30, 54.5 per cent) had received *paid sick leave*. Five workers were asked to present a doctor's note of evidence of sickness. Ninety-three per cent (28) of those who received paid sick leave were given their full pay. Of those who received an amount of paid sick leave, 70 per cent

(20) received that amount for the full duration of their sickness; the remainder received an amount for a period short of the full duration of their sickness.

Following the hypothesis that informality in the employment relationship (as characterised by supervision and production expectations) might be correlated with the granting of certain benefits, a look at paid sick leave is telling. Table 6 below shows responses to questions relating to employer control in two sample groups, those who had received paid sick leave and those who had not. The statistics suggest that where the employment relationship gave the employer greater control (more "formality") the worker was more likely to benefit from paid sick leave. Where the relationship gave the worker a greater degree of control over such things as whether he or she worked on any particular day or worked when sick, he or she was less likely to receive such benefits.

Sixty per cent (53) of all the respondents said that they would *not* expect to be paid when they did not work because of sickness. Of those who would expect to be given paid sick leave (35), just under half (49 per cent, 17) would expect the payments until able to work again, 37 percent (13) would expect payments to continue as long as the boss was able to

Under the WTE Order of 1994, every employee other than a casual employee shall be entitled to 28 days of leave with full pay at the expense of his employer at the rate of seven days with respect of each period of full three months of services. The leave is to be taken at such time during the calendar year as may be agreed between the parties; leave may be accumulated only by agreement of both parties; payment in lieu is to be given upon termination.

pay,<sup>1</sup> and 14.3 per cent (5) would expect the payments to continue for a fixed period short of the full duration of the illness.

**Table 6. Control and sick leave**

Characteristic of control: Who takes the decision to –	Those who had been sick, not worked, and had been given paid leave ( <i>n</i> = 30)			Those who had been sick, not worked, and had <i>not</i> been given paid leave ( <i>n</i> = 25)		
	You alone	Boss alone	Boss, after consultation	You alone	Boss alone	Boss, after consultation
Work if you are sick?	23.3% (7)	36.7% (11)	40.0% (12)	68.0% (17)	0	32.0% (8)
Work on any particular day?	6.7% (2)	66.7% (20)	26.7% (8)	32.0% (8)	52.0% (13)	16.0% (4)

Looking at the correlation between formality of the employment relationship as measured by employer control and expectation of paid sick leave, the statistics in table 7 show that the less formal the employment relationship, with the employee having a large degree of control, the less likely the employee is to expect paid sick leave.

**Table 7. Control and expectation of sick leave**

Characteristic of control: Who takes the decision to –	Those who expected that if they were sick and not worked, leave would be given ( <i>n</i> = 35)			Those who expected that if they were sick, and not worked, paid leave would <i>not</i> be given ( <i>n</i> = 53)		
	You alone	Boss alone	Boss, after consultation	You alone	Boss alone	Boss, after consultation
Work if you are sick?	17.1% (6)	45.7% (16)	37.1% (13)	52.8% (28)	17% (9)	30.2% (16)
Work on any particular day?	8.6% (3)	71.4% (25)	20.0% (7)	20.8% (11)	54.7% (29)	24.5% (13)

### Paid annual leave

One-third (29) of the respondents answered that they had been paid for days when they had not worked and it had been agreed that they would not work on those days — paid annual leave. Seventy-two per cent (21) of these respondents received the full amount of pay as if they had worked on those days.

Table 8 below shows the control/benefit correlation, with results similar to those in tables 6 and 7 above.

Under the WTE Order of 1994, every employee other than a casual employee shall be entitled to 28 days of leave with full pay at the expense of his employer at the rate of seven days with respect of each period of full three months of services. The leave is to be taken at such time during the calendar year as may be agreed between the parties; leave may be accumulated only by agreement of both parties; payment in lieu is to be given upon termination.

<sup>1</sup> This is consistent with findings made by Vargha.

**Table 8. Control and annual leave**

Characteristic of control: Who takes the decision to –	Those who had leave with pay ( <i>n</i> = 29)				Those who did <i>not</i> have leave with pay ( <i>n</i> = 59)			
	You alone	Boss alone	Boss, after consultation	Fixed	You alone	Boss alone	Boss, after consultation	Fixed
(a) Start work	13.8% (4)	58.6% (17)	13.8% (4)	13.8% (4)	10.2% (6)	49.2% (29)	27.1% (16)	13.6% (8)
(b) Stop work	10.3% (3)	55.2% (16)	17.2% (5)	17.2% (5)	15.3% (9)	35.6% (21)	28.8% (17)	20.3% (12)
(c) Work on any particular day	3.4% (1)	79.3% (23)	17.2% (5)		22.0% (13)	52.5% (31)	25.4% (15)	

### Maternity leave and benefits

Of the female respondents, one had been pregnant while working at her job. She received 60 days' paid leave and returned to work. The remaining 27 female respondents were asked about their expectation of pregnancy related benefits and rights. Sixty-eight per cent (67.9 per cent, 19) of the female respondents said that if they became pregnant they would

The EO, as amended in 1975, provides that a female employee is entitled to pre-natal maternity leave of 42 days commencing after the seventh month of pregnancy, and post-natal maternity leave of 42 days commencing from the day of delivery. The maternity leave is to be at full pay and at the expense of the employer.

*not* expect that they would be given days off from work with pay. Of those who would expect days off with pay, none attributed the right to law; 80 per cent attributed it to agreement with the employer and 20 per cent to tradition.<sup>1</sup> Of the female respondents, 43 per cent (12) said that they would expect to be permitted to take up their job again after a leave from work because of pregnancy. Of these, one-third (4) attributed this right to an agreement with the boss, 16 per cent (2) attributed the right to the law, 8 per cent (1) attributed the right to custom, and 42 per cent (5) attributed it to some other reason.

Table 9 below shows the control/benefit correlation. In this case, because of the single occurrence of a pregnancy in the sample, only expectation to benefit is considered. In this case, the statistics do not show a correlation; indeed, a reverse trend is suggested. An explanation of this might be found in the gender specific character of the benefit.

**Table 9. Control and maternity leave**

Characteristic of control: Who takes the decision to –	Those who expected that if they were pregnant and did not work, paid leave would be given ( <i>n</i> = 5)			Those who expected that if they were pregnant and did not work, paid leave would <i>not</i> be given ( <i>n</i> = 22)		
	You alone	Boss alone	Boss, after consultation	You alone	Boss alone	Boss, after consultation
Work if you are sick?	40.0% (2)	0	60.0 (3)	22.7% (5)	40.9% (9)	36.4% (8)
Work on any particular day?	40.0% (2)	60.0% (3)	0	4.5% (1)	72.7% (16)	22.7% (5)

<sup>1</sup> One response is missing.

## 4.2 Pecuniary benefits

A range of pecuniary benefits are set out in Tanzanian law which, evidence suggests, are not typically given to those in the informal sector to whom they are entitled. In these cases, it is difficult to assign a reason to such failure. On the assumption that sheer money savings is the cause, it will be interesting to learn if smaller firms were more likely not to pay these benefits than larger ones.

### Housing allowance

Thirty respondents said they received housing in addition to pay for their work.<sup>1</sup> Of those remaining, 93 per cent (54) said they did *not* receive a housing allowance. None receiving the benefit said this was so because of the law. Three (75 per cent) of those receiving the benefit say it is because it had been agreed with the employer and one (25 per cent) said it was a traditional custom. When all 88 respondents were asked if they expected a housing or rent allowance with their pay, only 8 per cent (seven) said that they did. Four of the seven cases of persons actually receiving the housing allowance said they did not expect it.<sup>2</sup> Three of the four remaining cases who expected a housing allowance said that they did so because of agreement with the employer.<sup>3</sup>

Under the WTE Order of 1994, an employee who is not occupying employer's accommodation shall be entitled to receive a monthly rent allowance of 600 TSHS. This is not applicable to casual employees.

Looking at the occurrence of housing allowance benefits and the size of the employer, a smaller, but still representative, sample has been used as a result of data loss.<sup>4</sup> Of the three employees who receive the benefit, the employer of one had only one paid employee, the employer of another had three paid employees, and the employer of the third had four or five employees.

### Transport allowance

Twenty-four per cent of respondents (21) said they received a transport allowance. Of all 88 respondents, eleven (12.5 per cent) said they expected a transport allowance; of these ten persons (90.9 per cent) attributed this expectation to agreement with the employer. No one attributed it to the law.

Under the WTE Order of 1994, an employee who is not provided with transport facilities by his employer shall be provided with a monthly transport allowance of 2,600 TShs., if living in the City of Dar es Salaam, 1,600 for those living in regional towns, and 1,000 for other towns.

<sup>1</sup> Of the group of 30 who did get housing, three responded that they also got a housing allowance.

<sup>2</sup> The person who received it because it was his right under the law also expected to receive a housing allowance.

<sup>3</sup> The last case indicated an unspecified "other" reason.

<sup>4</sup> The 29 cases where we have data on employer size show the following distribution: 11 (37.9 per cent) with one paid employee; three (10.3 per cent) with two paid employees; six (20.7 per cent) with three paid employees; four (13.8 per cent) with four or five paid employees; four (13.8 per cent) with six or seven paid employees; and one (3.4 per cent) with eight to ten paid employees. Within this sample, 89.9 per cent report not receiving the housing allowance, as compared to 91 per cent in the larger sample.

Looking at the smaller population for which employer size data is also available, 11 (38 per cent) received transport allowances and 18 (62 per cent) did not. Table 10 below shows the employer size correlation.

**Table 10. Employer size and transport allowance**

Employer size (paid workers)	Those who receive transport allowance (n = 11)	Those who do <i>not</i> receive transport allowance (n = 18)
1	18.2% (2)	50.0% (9)
2	9.1% (1)	11.1% (2)
3	27.3% (3)	16.7% (3)
4-5	18.2% (2)	11.1% (2)
6-7	27.3% (3)	5.6% (1)
8-10	0	5.6% (1)

### Separation benefits

Under the SAA, as amended in 1962, as amended in 1975, a separation benefit is 5 per cent of the product of the annual rate of wages to which the employee is entitled immediately before the cessation of his employment times the total number of full years during which he was in continuous employment. Provisions are made for calculation of the annual rate of wages where the employee is paid monthly, daily or otherwise ...

Twenty-six per cent (26.1 per cent) of the respondents (23) expected to receive money or something of value for having worked for the employer, if they were to end work for the employer. Forty-three per cent (38) of respondents said that their employer could afford to give them nothing if the next day they were told not to come back for work. Fifty per cent (19) of these had been working for the same employer for more

than 12 months but less than 24 and 5.3 per cent (2) had been with the same employer for more than 24 months.

### Workers' compensation

Eleven per cent (11.4 per cent) of the respondents said they had been injured while working at their job. Forty per cent (40 per cent, four) said that medical expenses had been incurred because of the injury. Of these, three-fourths (75 per cent) reported that they shared expenses with the employer; in one case, the worker paid the expenses.

Under the WCA, all employers must keep themselves insured in the case of injury and/or disability of employees occurring in the course of employment.

### 4.3 Other conditions, reporting pay and bases of remuneration

#### Periodicity and method of wage payment

Answering the question of how frequently they were paid, 25 per cent of respondents (22) were paid monthly, 8 per cent (7) were paid daily, 47.7 per cent (42) were paid weekly, 5.7 per cent (5) were paid twice a month; and 8 per cent (7) said they were not paid at all.<sup>1</sup> Each of those who were not paid received benefits in kind (as well also as some of those who received pay).

Seventy-seven per cent of the respondents (68) said they never received a written statement or record of what they received for their work, be it money, food, lodging, etc. Eight per cent (8 per cent, 7) responded that they always received such a statement. These figures compare with 57 per cent (56.8 per cent) of the respondents (50) saying that no written records are usually kept by their employer, as shown in table 11 below. There does not appear to be a relationship between these two characteristics.

**Table 11. Written record keeping and written account of remuneration**

Do you receive a written account or record of what you receive (pay, food, clothing, etc.) for your work?	Those whose employers keep written records (n = 38)	Those whose employers do not keep written records (n = 50)
Always	10% (4)	6% (3)
Sometimes	16% (6)	14% (7)
Never	73% (28)	80% (40)

#### Deductions from pay

Two respondents indicated that deductions were made from pay; one had these made for National Provident Fund Contribution and the other for OTTU dues. Three respondents said they were members of the NPF. Of those were where not, 66 per cent (56) said they did not know about it, 12 per cent (10) said they were not obliged to be a member, 8 per cent (7) said the contributions were too high, and 7 per cent (6) said they were not entitled to be a member. The remainder gave other reasons for non-membership.

Under Tanzanian law, deductions from employees' pay may be taken upon authorization for such things, National Provident Fund, OTTU dues.

#### Written employment agreement

Of the 52 respondents who had worked for six months or more for the same employer, seven (7, 13.5 per cent) said they possessed a written paper setting out their terms and conditions of employment. In only one case was there any indication of formality in the enterprise where written contracts had been given, i.e. except for this one case, none were incorporated, registered, kept payroll records, or kept a written balance sheet, and the sizes

<sup>1</sup> One response is missing.

of the firm ranged from three to five paid employees. In the entire sample, 10.2 per cent (9) said they had a written memorialization of the employment terms.

Recalling the survey results concerning expectation of continued employment (the substantial drop in exception of continued employment in six months, and other findings suggesting that while employment might be regular and full time, it might not be so long term) it may be valid to question the possibility to apply a provision like this one in informal enterprises with paid employees.

Under the EO, when a contract of service of an employee is made for a period of or exceeding six months, it must be made in writing. The written contract must be attested to and a medical officer must examine the subject employee.

### Reporting pay, the basis of wage and overtime pay

Twenty-five respondents (28.4 per cent) indicated that they had received pay for coming to work even though they had nothing to do (reporting pay). All of these received the same amount as if they had worked. An interesting 64 per cent of these indicated that their pay was on some other basis than that offered in the survey, i.e. hours worked, output-based, sales/income-based.

Hypothesizing that an employer would be more willing to give reporting pay if the employer exercised greater control over the employee (i.e. more formal employment relationship), tables 12(a), 12(b), and 12(c) below investigate the correlation between control characteristics and the granting of reporting pay. In table 12(a), the entire sample is considered; no significant pattern is discernable. Guessing that perhaps a pattern becomes apparent if the sample were narrowed only to those employees who were paid on an hourly basis, table 12(b) shows a sample too small for finding a pattern. In table 12(c), however, the sample used were those who were paid on any basis other than hourly. Here a pattern can be seen, particularly in the context of shared decision making for the start/stop work decision; in the area of deciding whether to work on any particular day, a clearer pattern is shown.

**Table 12(a). Control and reporting pay, of the entire sample**

Characteristic of control: Who takes the decision to --	Those who had come to work, had nothing to do, and were paid (n=25)				Those who had come to work, had nothing to do, and were <i>not</i> paid (n=63)			
	You alone	Boss alone	Boss, after consultation	Fixed	You alone	Boss alone	Boss, after consultation	Fixed
(a) Start work?	20% (5)	48% (12)	16% (4)	16% (4)	7.9% (5)	54% (34)	25.4% (16)	12.7% (8)
(b) Stop work?	16% (4)	44% (11)	20% (5)	20% (5)	12.7% (8)	41.3% (26)	27% (17)	19% (12)
(c) Work on any particular day?	8% (2)	76% (19)	16% (4)		19% (12)	55.6% (35)	25.4% (16)	

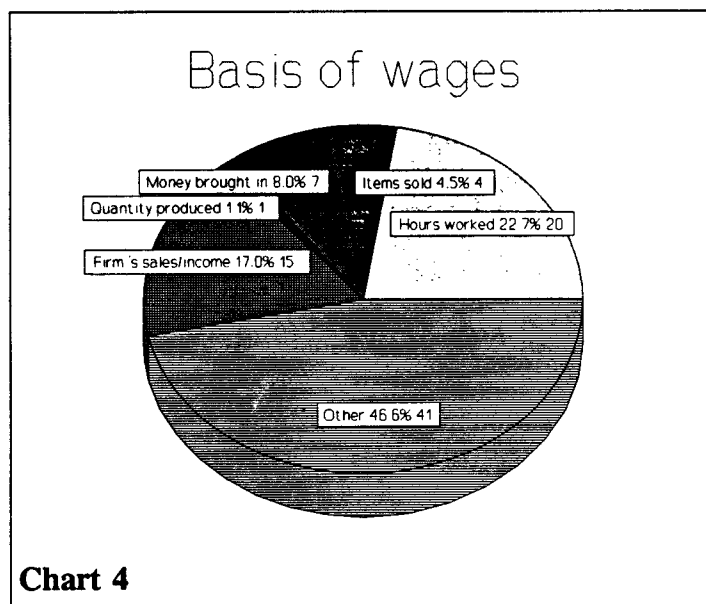


**Table 12(b). Control and reporting pay, of employees receiving pay according to the number of hours they work**

Characteristic of control: Who takes the decision to –	Those who had come to work, had nothing to do, and were paid (n=2)				Those who had come to work, had nothing to do, and were not paid (n=18)			
	You alone	Boss alone	Boss, after consultation	Fixed	You alone	Boss alone	Boss after consultation	Fixed
(a) Start work?	50% (1)	50% (1)	0	0	0	72.2% (13)	11.1% (2)	16.7% (3)
(b) Stop work?	50% (1)	50% (1)	0	0	5.6% (1)	72.2% (13)	5.6% (1)	16.7% (3)
(c) Work on any particular day?	0	100% (2)	0		5.6% (1)	66.7% (12)	27.8% (5)	

**Table 12(c). Control and reporting pay, of employees receiving pay according to anything but the number of hours they work**

Characteristic of control: Who takes the decision to –	Those who had come to work, had nothing to do, and were paid (n=23)				Those who had come to work, had nothing to do, and were not paid (n=45)			
	You alone	Boss alone	Boss, after consultation	Fixed	You alone	Boss alone	Boss after consultation	Fixed
(a) Start work?	17.4% (4)	47.8% (11)	17.4% (4)	17.4% (4)	11.1% (5)	46.7% (21)	31.1% (14)	11.1% (5)
(b) Stop work?	13% (3)	43.5% (10)	21.7% (5)	21.7% (5)	15.6% (7)	28.9% (13)	35.6% (16)	20% (9)
(c) Work on any particular day?	8.7% (2)	73.9% (17)	17.4% (4)		24.4% (11)	51.1% (23)	24.4% (11)	



The respondents were asked on what basis they received pay on any given day working. **Chart 4** shows the responses given. At least one-third of the respondents indicated a contingent basis of pay based on quantity (product, income, items sold, etc.). Corollary to this, 91 per cent (80) of the respondents indicated that they did not receive special rates of pay for particularly long hours of work, i.e. overtime pay. For this group, the ten hours was the mean

daily hours of work (with a standard deviation of 2.57) and the approximate number of days in a week worked was six, suggesting a total weekly hours of work far beyond 45.

#### 4.4 Representational issues

##### Work-related disputes with the employer

Only one of the 88 respondents said that they had had a work-related dispute with their employer. In that case the worker turned to none of the routes for dispute resolution suggested by the survey.

Respondents were asked in two separate questions concerning dispute resolution: where they *would* go if they had a work related dispute with the employer, and where they specifically *would not* go for assistance. Table 13 shows the responses.

**Table 13. Assistance with work-related disputes**

	Would go for help		Would specifically <i>not</i> go for help
	Yes	No	
OTTU	13 (14.8%)	74 (84.1%)	57 (64.8%)
Labour officer	12 (13.6%)	76 (86.4%)	54 (61.4%)
Traditional leader	14 (15.9%)	74 (84.1%)	64 (72.7%)
Community leader	14 (15.9%)	74 (84.1%)	49 (55.7%)
Friend	33 (37.5%)	55 (62.5%)	42 (47.7%)
Co-workers	31 (35.2%)	56 (63.6%)	37 (42%)
Other	21 (23.9%)	67 (76.1%)	15 (17%)

##### Trade union membership

One of the respondents said she was a member of OTTU. Vargha found no workers in her study were members of OTTU.

#### 4.5 Recapitulation and expectations

In summary, table 14 shows the percentage of those surveyed who receive some level of the benefits they are entitled to.

**Table 14. Percentages of employees receiving benefits to which they are entitled**

Benefit	Overall	For those meeting the conditions
Paid sick leave	n/a	54.5%
Paid annual leave	29.0%	Unable to determine ineligible casuals
Maternity leave	n/a	100.0%
Housing allowance	8.0%	No conditions
Transport allowance	24.0%	No conditions
Separation benefits	Unable to determine	n/a
Workers' compensation	n/a	n/a
Premium overtime pay	9.1%	Unable to determine
Written employment agreement	10.2%	13.5%
Reporting pay	28.4%	n/a

As seen from the exposition and the table above, few employees receive in fact the benefits to which they are entitled. The responses to a series of questions concerning expectation to receive certain benefits and the basis for that expectation. **Table 15** summarizes those responses.

**Table 15. Expectation to receive benefits, and its basis**

	Yes	Reason for expectation				No
		Because of the law	Because of agreement with employer	Because of tradition or custom	Other	
Paid sick leave	39.8% (35)	— Not asked —				60.2% (53)
Premium overtime	27.3% (24)	12.5% (3)	83.3% (20)	4.2% (1)	0	72.7% (64)
Paid maternity leave	32.1% (8)	0	80.0% (6)	20.0% (2)	0	67.9% (19)
Protection against dismissal during maternity	44.4% (12)	21.4% (3)	35.7% (5)	7.1% (1)	35.7% (5)	55.6% (15)
Housing allowance	5.6% (8)	0	75.0% (6)	12.5% (1)	12.5% (1)	92.0% (81)
Transportation allowance	12.5% (11)	0	90.9% (10)	0	9.1% (1)	87.5% (77)

From the evidence above, one might conclude that the rule of labour law in the informal sector in Dar just barely exists, if at all. It is more difficult to conclude that the “fit” of the law to the sector is a bad one, although some of the arguments made above have suggested as much. One particular point worth highlighting is the low expectation of entitlements based on the law. One might wonder what influence a media campaign urging “This law is for you ... too!” might have. Do employees, and particularly paid employees, in small (and sometimes unregistered/unincorporated enterprises) believe that the labour laws of the country simply do not apply to them? Alas, this direct question was not posed in the survey.

## **5. International labour standards and the informal sector in Dar es Salaam**

Based on the foregoing, it would seem there are a number of areas where Tanzanian labour laws might be reconsidered if they are to even attempt to become more relevant for the persons working — as paid and unpaid employees — in the informal sector. Specifically,

- account needs to be taken of the large number of unpaid employees in the sector<sup>1</sup> and decisions taken on what sorts of rights and benefits they ought to be entitled to; and
- consideration might be given to reallocation of rights and benefits to be more closely related to both the expectations of employees, paid and unpaid, and what they actually receive.

International labour standards can provide a good starting point for a process of reassessment of national labour laws along these lines. Discussion of the usefulness of these many instruments must begin with those to which the United Republic of Tanzania is bound by ratification.

### **5.1 International labour standards binding on the United Republic of Tanzania**

The United Republic of Tanzania has ratified a large number of ILO Conventions; a list is provided in Annex 1. Some of these ratifications are useful for reassessment, others pose issues.<sup>2</sup>

#### **Rights and benefits for all employees, paid and unpaid**

International labour standards on freedom of association, forced labour, discrimination and child labour set the norm for all persons who perform work, whether paid or unpaid. This is an important starting point for a reassessment exercise. A number of these standards *must* be used for guidance as they are already ratified and binding on the United Republic of Tanzania. The broad substance of their provisions include the following:

- The associational rights given “to all those engaged in agriculture” must be the same as those given to industrial workers.<sup>3</sup>

<sup>1</sup> Based on the 1991 Survey where a majority of employees were found to be unpaid.

<sup>2</sup> Some other ratified Conventions, although extremely important, have little *practical* impact on paid employees in the informal sector. These include, for example, the Workers’ Representatives Convention, 1971 (No. 135), requiring protections and facilities for workers’ representatives (trade union representatives or elected representatives, in accordance with national rules on the matter) at the level of the undertaking, as virtually no employees in the informal sector are members of OTTU.

<sup>3</sup> Right of Association (Agriculture) Convention, 1921 (No. 11).

- Adequate protections must be given to workers against acts of anti-union discrimination in respect of their employment. <sup>1</sup>
- No work or service shall be exacted from any person under the menace of any penalty or for which the said person has not offered himself voluntarily (and there shall be effective penalties for those violating this prohibition). <sup>2</sup>
- With regard to the foregoing, no such work or service shall be exacted (1) as a means of political coercion, (2) for purposes of economic development, (3) as a means of labour discipline, (4) as a punishment for having participated in strikes, (5) as a means of racial, social, national or religious discrimination. <sup>3</sup>
- Persons under the age of 18 shall not be employed or work on vessels as trimmers or stokers. <sup>4</sup>
- The “employment of any child or young person under 18 years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work.” <sup>5</sup>
- Persons under the age of 15 shall not be employed or work in any public or private industrial undertaking, other than in an undertakings in which only members of the same family are employed, provided that in such cases such employment by their nature may not be dangerous to the life, health or morals of the persons employed therein. <sup>6</sup>

### **Rights and benefits for paid employees**

International labour standards which are applicable, impliedly, only to paid employees can be useful in setting the national standards for them both within and outside the informal sector. A number of them *must* be used for guidance as they are already ratified and binding on the United Republic of Tanzania. The broad substance of their provisions include the following:

- Workers “employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer”. <sup>7</sup>
- A range of specific protections shall be afforded to “all persons to whom wages are paid or payable” relating to their payment. <sup>8</sup>

<sup>1</sup> Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

<sup>2</sup> Forced Labour Convention, 1930 (No. 29).

<sup>3</sup> Abolition of Forced Labour Convention, 1957 (No. 105).

<sup>4</sup> Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15). The vitality of this instrument has been overtaken by technological change.

<sup>5</sup> Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16). It is assumed that this Convention applies *only* to paid employment of such persons.

<sup>6</sup> Minimum Age (Industry) Convention (Revised), 1937 (No. 59).

<sup>7</sup> Holidays with Pay (Agriculture) Convention, 1952 (No. 101). The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national authority.

<sup>8</sup> Protection of Wages Convention, 1949 (No. 95).

- “All agricultural wage earnings” shall benefit from laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment. <sup>1</sup>
- “Workmen who suffer personal injury due to an industrial accident, or their dependants shall be compensated.” <sup>2</sup>

### **Ratified international labour standards for institutional focus**

It should always be remembered that the Protection of Wages Convention, 1949 (No. 95), ratified by the United Republic of Tanzania, does not exclude payments in kind from remuneration for employment. This means that workers receiving only payment in kind should be covered by the Convention. Moreover, if the Convention is to be fully applied, the amount of payment in kind shall be partial only, appropriate to the worker's needs and fairly and reasonably valued. <sup>3</sup> In other words, it should be only a supplement to a money wage.

A number of other international labour standards already ratified have implications for informal sector employment at an institutional level. Examples of these implications can be found below:

- Under provisions of the Minimum Wage Fixing Convention, 1970 (No. 131), a system of minimum wages which covers all groups of wage-earners whose terms of employment are such that coverage would be appropriate machinery for setting minimum wages must be established. The competent authorities under such a system could decide that persons in all paid employment should be paid a certain minimum, whether or not the employer is registered, i.e. formal. In fact, this is the case.
- An employment service operating in terms of the Employment Service Convention, 1948 (No. 88), might target smaller enterprises in their activities.
- The system of labour inspection addressed by the Labour Inspection Convention, 1947 (No. 81), might be extended to cover inspection at larger informal sector establishments (also taking account of Article 7 of Convention No. 150 on labour administration).
- In government contracting with small enterprises, for example, in labour-based road construction and maintenance, a provision could be included providing that existing industry labour conditions in geographic proximity be applied to workers, as required by the Labour Clauses (Public Contracts) Convention, 1949 (No. 94).
- Under the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), statistics relating to wages and hours of work in the informal sector should be collected.
- Policies on vocational guidance and vocational training adopted under the Human Resources Development Convention, 1975 (No. 142), should apply to all persons, including those active in the informal sector.

<sup>1</sup> Workmen's Compensation (Agriculture) Convention, 1921 (No. 12).

<sup>2</sup> Workmen's Compensation (Accidents) Convention, 1925 (No. 17). The Convention has several other details in its provisions. It is assumed that it is meant to cover only paid employees in so far as these schemes usually are based upon the prior earnings of the worker involved.

<sup>3</sup> See Article 4 of Convention No. 95.

### Ratified standards posing issues

A number of standards fall into this category because they deal with “indigenous workers,” standards which were developed in the Colonial Era of the 1930s and of questionable relevance today. They include:

- the Recruiting of Indigenous Workers Convention, 1936 (No. 50);
- the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64);
- the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); and
- the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86).

Another group concern seafarers. These Conventions, by their terms, usually apply to persons who are employed on board ships *registered* in a territory for which the Convention is in force<sup>1</sup>. While the standards are, of course, useful for setting the national norms and the United Republic of Tanzania is bound to do so by their ratification, by this definition they do not concern persons who are employed in the informal sector as that sector would be of *unregistered* enterprises and ships.

## 5.2 Setting the level of rights and benefits

Whether ratified or not, ILO standards are a fundamental starting point for what essentially is setting the minimum national standards for paid and unpaid employees in the informal sector as well as formal sector. The determination which must be made at the national level is, first, which issues dealt with by unratified standards is of most importance in the national context, and second, is the international standard useful in the national context.

A good example is the issue of weekly rest. The international standard for industrial undertakings including, inter alia, those in which articles are manufactured, repaired, adapted, etc. — including those in the informal sector — is the Weekly Rest (Industry) Convention, 1921 (No. 14). Although this instrument is not ratified in the United Republic of Tanzania, its contents are reflected in national law. The standard is straightforward: staff employed in any industrial undertaking shall enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours. Despite the fact that 53 per cent of our survey respondents said they worked seven days a week, it might seem that such a norm — one day off a week — is an appropriate one for the United Republic of Tanzania, even in the informal sector. It might not be. This is for Tanzanians to decide. The important point is that the international standard is *the* internationally accepted benchmark from which national consideration of the issue can go forward.

The ILO’s standards range the broad gamut of labour matters. One of the issues for lawmakers in the United Republic of Tanzania is which of these standards can be given effect in practice. If this is not taken into account, the problem of appropriate fit of international

<sup>1</sup> See the Seafarers’ Identity Documents Convention, 1958 (No. 108), Article 1, para. 1, and the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), Article 1, para. 1. Compare the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) which applies to young persons under the age of 18 years *employed* or *working* on vessels, defined as *all ships and boats, of any nature whatsoever, engaged in maritime navigation*, whether publicly or privately owned, excluding ships of war. Compare, similarly, the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).

standards and national law to national realities goes unresolved and the rule of law is undermined as a result.

Nevertheless, any unratified fundamental standards on freedom of association, forced labour, discrimination and child labour should be given particular attention during such considerations. In the case of the United Republic of Tanzania, these include the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the basic principles of which are already applicable to all the Members of the ILO through its Constitution, and applies equally to the informal sector. Further, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), where ratified, applies equally in the informal sector. What this might mean in practice is that any assistance provided to the informal sector in the form of credit schemes or vocational training should be accessible without any distinctions based on race, colour, sex, religion, political opinion, national extraction or social origin. Equal remuneration for work of equal value in accordance with Convention No. 100 should also, in principle, be applied to the informal sector and measures aimed at promoting it should be taken where practically possible. Finally, the Minimum Age Convention, 1973 (No. 138), also in principle applies in the informal sector, although ratifying countries, in particular developing ones, may limit its application to certain sectors while waiting until the level of development makes it possible to apply it more broadly.



## 6. Conclusion

Two questions were posed at the outset of this report:

Is the connection between the features of Tanzanian labour laws on the one hand and the systems and organization of work in the informal sector in Dar es Salaam missing? If it is, what can be done to recast the features of the labour laws so as to take these systems and organization of work into account, so as to make the laws more relevant, more enforceable, and hence more likely to deliver to all Tanzanians workers the norms they attempt to set?

Looking at the first question, it is difficult to reach a firm conclusion that the connection is missing. There is some relationship between some of the features of the laws and some of the practices of some of the employment relations of the informal sector employees surveyed. It might be better to conclude that the connection is not very strong or indeed, weak. For example:

- enterprises do not always pay workers in money; labour laws seemingly place much emphasis — even to the extent of granting entire blocks of rights — on at least partial remuneration in the form of wages;
- at least some in the informal sector are paid at the end of every day and have worked for long periods for the same employer, but have rights threatened because they might be considered “casual employees” under the laws’ definitions;
- the employment relationship in at least some cases shows elements of informality (probably more so than in the formal sector, although this was not measured) which threaten the logic of annual leave, sick leave, and maternity leave benefits. These elements may also relate to long hours of (self-imposed) work or work without weekly rest;
- remuneration — in cash or in kind — is not often based on hours at the workplace, and is more often based on productivity or enterprise income; employment law provisions which assume an hourly basis of remuneration, including overtime premiums and reporting time obligations, might be difficult to rationalize.

The question of ability to pay was not thoroughly examined in this study. While the issue was touched on in the section on pecuniary benefits, the research methodology here did not permit adequate analysis of the point.

\* \* \*

This study has attempted an explanation of the problem of labour law application in the informal sector which goes a step beyond those of worker or employer ignorance of the law, labour/factory inspector hesitance to enforce the law, or employer inability to pay. Any lawyer — nay, any lay person — reading Tanzanian labour laws might secretly have thought to him or herself “This can’t possibly make sense in the informal sector”. This study has attempted to identify and quantify this gut reaction. By the same token, the more traditional

explanations are likely contributing factors to the problem, but knowledge and enforcement of law has to start with law that makes sense. It was at this juncture that this study entered.

What can be done to correct the problem?

First, in the case of the United Republic of Tanzania, there needs to be a reworking and putting in place of fundamental labour laws. This process began in the late 1980s and should be brought to completion.

Second, further research needs to be done to examine the trends and problem areas suggested by this small study. It is along these lines, the author would suggest, that meaningful labour law for the whole of countries with substantial proportions of active population working in small, low-productivity/low-capitalization enterprises can be moulded. For these countries, technical work needs to be done to capture the essence of important employment standards into labour laws which take into account both informal and formal sectors. Developing countries are due for new ideas in this area. For labour institutions in these countries, with laws and regulations underpinning their organization, operations and effectiveness, continued efforts need to be made to adapt to the "informal" sector. The importance of this is so very clear when one considers that, at least in most English speaking African countries, it is the small-scale, low-productivity/low-capitalization sector which is experiencing observable rapid growth and not the more "formal" sector. To continue to think in terms largely catering to the later — without the explicit understanding that this removes large segments of the active population from institutions intended to be means of social integration — is assuredly less than appropriate.

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## Annex

### Dar es Salaam

- |  |   |
|--|---|
| <p>* Inception mission report,<br/>Dar es Salaam draft seminar report<br/>(23-24 May 1995)</p>   | <p>G. Aryee,<br/>S.V. Sethuraman and<br/>R. Hussmanns</p> |
| <p><i>Informal sector statistics: Coverage<br/>and methodologies</i></p>   |   |
| <p>* Dar es Salaam informal sector pilot survey</p>  | <p>Ngoi</p>   |
| <p>* Dar es Salaam informal sector survey 1995 —<br/>Operational and technical report<br/>Dar es Salaam informal sector survey 1995 —<br/>Interviewer manual</p> | <p>Buberwa et al.</p>                                     |
| <p><i>Role of the informal sector: Determinants<br/>of stagnation, growth and transformation</i></p>   |   |
| <p>* Coping with informal sector in Dar es Salaam:<br/>Issues and strategies</p>   | <p>S.V. Sethuraman</p>                                    |
| <p><i>Legal and regulatory framework: Nature,<br/>impact and need for reform</i></p>   |   |
| <p>* Brief on national policy for micro-enterprise<br/>and informal sector promotion</p>   | <p>N.B. Mwaduma</p>                                       |
| <p>* Regulations and legal framework for informal<br/>sector in Dar es Salaam</p>  | <p>M. Tueros</p>  |
| <p>* Employment relations and labour law in the<br/>Dar es Salaam informal sector</p>  | <p>D. Tagjman</p>   |
| <p>* Case-study on international labour standards and<br/>micro-enterprises promoted by the projects<br/>(United Republic of Tanzania, August 1992)</p>          | <p>Corinne Vargha</p>                                     |
| <p><i>Productive resources and markets: Access<br/>to financial services, skill training,<br/>technology sources and markets</i></p>                             |   |
| <p>* Financial services</p>  | <p>M. Bastianen</p>                                       |
| <p>* Skill acquisition and training in the informal sector</p>   | <p>M.G. Monji</p>   |

- \* Marketing and sales capacity in the informal sector A. Tarimo
- \* Locational strategies for informal trading and services Pushpa Pathak
- \* Disabled informal sector operators L.D. Msigwa
- \* Report on community-based training for informal sector operators in Dar es Salaam (draft) C. Lwoga
- \* A report on business management training for ILO/INTERDEP Joel Chadabwa for SIDO/SICATA

*Working conditions*

- \* A study for the implementation of occupational health and safety strategies P.G. Riwa and D. Swai
- \* Improvement of occupational health and safety in the Dar es Salaam informal sector D. Swai
- \* Provision of occupational health services for the informal sector — Training for first aiders and health-care providers — A test of strategies P.G. Riwa

*Social protection*

- \* Social protection for the IS: Health-care services provision and health insurance schemes A.D. Kiwara
- \* Social protection scheme for informal sector cooperatives in Dar es Salaam M. Laiser
- \* Health insurance for the informal sector (policy paper) A.D. Kiwara
- \* Social protection for the informal sector: Health-care services provision and health insurance schemes — A project report A.D. Kiwara
- \* Health protection for the informal sector: Pilot projects for Dar es Salaam W. van Ginneken

*Informal sector self-help organizations*

- \* Self-help organizations in the informal sector of the Dar es Salaam region P. Wenga et al.
- \* Informal sector clusters C.M.F. Lwoga

- \* Institutional linkages between trade unions and informal sector associations in Ghana F.A. Parry

### Metro Manila

- \* The International Labour Organization (ILO) project on the informal sector in the Philippines: Report of the preparatory consultancy S. Endaya

- \* Report on the inception mission to Metro Manila S.V. Sethuraman,  
M. Allal and  
R. Hussmanns

- \* New challenges and opportunities for the informal sector — Background notes for the seminar (28-29 November 1995)

- \* An overview of ILO interdepartmental activities in Metro Manila Joshi

- \* Minutes of the Symposium on new challenges and opportunities for the informal sector (28 November 1995)

#### *Informal sector statistics: Coverage and methodologies*

- \* Urban informal sector survey 1995 — Interviewer manual NSO

#### *Legal and regulatory framework: Nature, impact and need for reform*

- \* Informal sector: Labour law and industrial relations aspects R. Ofreneo

- \* Formalization through business registration L. Roaring

- \* Process of formalization and informalization Morato

#### *Productive resources and markets: Access to financial services, skill training, technology sources and markets*

- \* Subcontracting in Metro Manila: Operations and perspectives L. Roaring

- \* A survey of micro-finance institutions R. Chua

- \* People with disabilities in the urban informal sector
H. Fajardo
- \* Feasibility study for the establishment of a common facilities centre in Marikina for footwear and leather goods manufacturers
SEA consultants
- \* Corporate strategy for the workers' mart
V. Rajpal for the Workers' Fund
- \* Report on community-based entrepreneurship and employment promotion for people with disabilities in Marikina
J. Docot for "House with no steps"
- \* Food sanitation and entrepreneurial skills in the informal sector — Final report (documentation of the training programme, training manual and recommendations on improvement and replication)
G. Perdigon,  
L.D. Catral and  
B.V. Lopez
- Working conditions*
- \* Snapshot of working conditions in the urban informal sector
J. Batino
- \* Copperfield: Child workers in shoe manufacturing activities in Marikina
Trends-MBL, Inc.
- \* Promoting occupational health and safety for informal sector workers in partnership with community volunteer health workers — Literature review and action research
Save the Children,  
Philippines
- \* Promoting occupational health and safety for informal sector workers in partnership with community volunteer health workers — Assessment and recommendations
Save the Children,  
Philippines
- \* Improving working conditions in the informal sector — Background paper to be presented at the November symposium
Save the Children,  
Philippines
- \* Training documentation on promoting occupational health and safety for informal sector workers in partnership with community health workers
Save the Children,  
Philippines
- \* Dummy for an OSH comics

- \* Terminal report on community-based child-care centres for women in the informal sector (including end-of-project report, training report, list of participants, seminar kit) Social development index

- \* Urban poor women as care-giver and breadwinner — A report on the urban poor women child-care arrangement Social development index

*Social protection*

- \* Social protection schemes in the informal sector R. Clara et al. for the Workers' Fund/KMPI

- \* Final report on: Information drive on the SSS, PAG-IBIG and cooperativism among Marikina-based shoe workers M. Cruz for the National Confederation of Labour

*Informal sector self-help organizations*

- \* A study of self-help associations (including case-studies) G. Llanto et al.

- \* A survey on self-help associations L. Espinoza

**Bogota**

- \* Informe de avance sobre las actividades relaizadas hasta diciembre de 1995 Carlos Maldonado (4 de diciembre de 1995)

- \* Encuesta al sector informal en Santafé de Botogá — Manual del encuestador DANE

*Informal sector statistics: Coverage and methodologies*

- \* Informe final de resultados de la encuesta al sector informal en Santafé de Bogotá DANE (Departemento Administrativo Nacional de Estadística)

*Legal and regulatory framework: Nature, impact and need for reform*

- \* Legislacion laboral y sector no estructurado M.E. Pacheco Restrepo

*Working conditions*

- \* La salud ocupacional en el ambito del sector informal urbano — Una reflexion sobre las estrategias de intervencion Luis Angel Moreno Diaz

*Social protection*

- \* Seguridad social para el sector informal: temas y opciones Elsa Marcela Hernandez
- \* Proteccion social subsidiada en el sistema general de pensiones
- \* Los trabajadores informales frente a la seguridad social en Colombia Camilo Gonzalez Posso
- \* El regimen subsidiado del sistema general de seguridad social en salud Julieta de Villamil
- \* Cambian las condiciones de salud de las personas beneficiarias del plan obligatorio de salud subsidiado pos-s, afiliados a la empresa de solidaria de salud, Ecoopsal Esperanza de Monterroja
- \* Empresa solidaria de salud Ecoopsal — capitacion empresarial y seguridad social Julian Eljach Pacheco
- \* Formas de seguridad social generadas por la propia poblacion del sector in formal urbano de Bogotá Gilberto Baron y Lothar Witte
- \* Estudio de la seguridad social con base en los resultados de la encuesta de hogares Alvaro Suarez Rivera
- \* Proteccion social para el sector informal en Satafé de Bogotá Silvia Bello Ramos
- \* Sobre las Empresas solidarias de salud ... Ines Useche de Brill

*Informal sector self-help organizations*

- \* Las organizaciones del sector informal M. Julio Cely Martinez
- \* Diagnosis of trade union activities with regard to IS B. Herrera and J. Galindo



- \* Platform for action for trade unions with regard to IS by three national and one city-level union

## General

### *Informal sector statistics: Coverage and methodologies*

- \* Informal sector survey, objectives and methodologies R. Hussmanns
- \* Informal sector data collection — International standards and national experiences R. Hussmanns
- \* ILO's assistance on methodologies concerning informal sector data collection (international seminar in Islamabad) (September 1995) R. Hussmanns

### *Role of the informal sector: Determinants of stagnation, growth and transformation*

- \* The urban informal sector: A note on concept and definition S.V. Sethuraman
- \* Incorporating the informal sector into the macroeconomic information base: Some definitions and conceptual issues P. Bangasser

### *Legal and regulatory framework: Nature, impact and need for reform*

- \* The applicability in the urban informal sector of international labour Conventions dealing with basic social rights, child labour and general principles of occupational safety and health: An overview M. Ndiaye
- \* The applicability of international labour standards in the informal sector NORMES July 1995

*Productive resources and markets: Access  
to financial services, skill training,  
technology sources and markets*

- \* Economic linkages for promoting the informal sector P. Bangasser
- \* Franchising as an “integrating” approach to the informal sector: Some preliminary ideas P. Bangasser
- \* Public services franchising to the informal sector P. Bangasser

*Social protection*

- \* Social security for the informal sector: Issues, options and tasks ahead W. van Ginneken
- \* Project implementation report: Summary of activities, lessons and recommendations G. A. Aryee