

TANGANYIKA TERRITORY.



No. 11 of 1926.

DONALD CAMERON,
Governor.

21ST JUNE, 1926.

An Ordinance to make further provision for the regulation of
the relations between employers and native servants.

[25TH JUNE, 1926].

ENACTED by the Governor of the Tanganyika Territory.

Short title.

Ordinance
No. 32 of
1923.

Definition
of terms.

Contract
for specified
number of
working
days.

Construction
of Contract.

1. This Ordinance may be cited as the Master and Native Servants Ordinance, 1926, and this Ordinance and the Master and Native Servants Ordinance, 1923, hereinafter called the Principal Ordinance, may be cited together as the Master and Native Servants Ordinances, 1923 & 1926.

2. Unless the context otherwise requires expressions used in this Ordinance have the same meanings as they have in the Principal Ordinance.

3. Notwithstanding anything contained in the Principal Ordinance, a contract of service may be made for the employment of the servant within the District in which he is engaged for any specified number of working days not exceeding thirty.

4. Under a contract made under this Ordinance:—
(a) the employer may require the servant to work on any three days in any six days during the period of

- (b) the absence of the servant from work for a period exceeding six days in succession without reasonable excuse or without the consent of the employer shall constitute a minor offence by the servant.

5. No such contract shall be binding upon either party for a longer period from the date on which it was made than a number of days equal to twice the number of working days specified therein. Duration of contract.

6.—(1) A contract made under this Ordinance shall not be required to be in writing, but the employer shall give to the servant a memorandum thereof (herein called a labour card) upon which shall be entered by the employer the following particulars, or such other particulars as the Governor may from time to time prescribe:— Labour card.

- (a) the name and address and signature of the employer;
- (b) the name of the servant, of his father, of his headman and of his village and District;
- (c) the nature of the employment;
- (d) the date on which the contract was made;
- (e) the number of working days upon which the servant is to be employed;
- (f) the daily rate of the servant's wages;
- (g) a notification of each day upon which a day's work is performed by the servant under the contract.

(2) The notification last required by the preceding subsection shall be entered upon the servant's labour card at the conclusion of each day upon which a day's work is performed, and any employer who, without reasonable excuse, neglects or refuses to cause such entry to be made as required by this section, or withholds a labour card from a servant, shall be liable to a fine not exceeding two hundred shillings.

7. The wages of a servant shall be paid to him in the currency of the Territory as soon as the servant has fulfilled his contract or at the termination of the maximum period for which the contract is binding, whichever first occurs. Payment of wages.

Provided that

- (1) if at the termination of the maximum period for which the contract is binding the servant shall not, by reason of his own default, have performed the number

of days' work for which the contract provides, the wages to be paid to the servant shall bear such proportion to the total payment provided by the contract as the number of days' work performed bears to the number for which the contract provides;

(2) it shall be the duty of the employer to provide the servant with work during the period for which the contract is binding on a number of days equal to the number of working days prescribed by the contract, and if an employer fails to comply with this proviso the number of days on which he has so failed shall, for the purpose of assessing the wages due to the servant, be treated as days on which work was performed.

Labour card
receivable in
evidence.

8. A labour card purporting to contain particulars of a contract of service made under this Ordinance and signed by the employer shall be accepted in all courts as *prima facie* evidence of the correctness of the particulars which it contains, but such evidence may be rebutted either by parol evidence or by such other evidence as the Court may deem sufficient.

Application
of Ordinance
No. 32 of
1923.

9. Except as provided by this Ordinance the provisions of the Principal Ordinance other than those relating solely to written contracts shall apply to contracts of service made under this Ordinance.

Provided always that the duration of a contract of service made under this Ordinance shall in no case be prolonged beyond the limit of time prescribed by section 5 hereof.

Amendment
of Ordinance
No. 32 of
1923.

10. The Principal Ordinance is hereby amended by the addition of the following section immediately after section five thereof, namely:—

"Payment
of wages
in cash"

5A. The wages of every servant shall be payable in the currency of the Territory and not otherwise and any agreement whereby the whole or any part of a servant's wages shall be made payable in any manner other than that herein prescribed shall be void."

Amendment
of Ordinance
No. 32 of
1923,
section 18.

11. The Principal Ordinance is hereby further amended by the substitution of the following section for section eighteen thereof, namely:—

"Notification
of death or
bodily injury
of servant."

18.—(1) If during service a servant dies, or, as the result of any accident, whether attributable to the servant's employment or not, receives such

bodily injury as to prevent him from being employed upon his ordinary work for his ordinary daily period for seven days or more next after the occurrence of the accident, the employer shall give immediate notice thereof to the nearest Administrative Officer.

(2) In the event of the death of a servant during service the notice required by this section shall be accompanied by a medical certificate, if procurable, as to the cause of death and the employer shall pay to the administrative officer all wages due and deliver all property belonging to the deceased servant for transmission to the representative of the deceased to be distributed in accordance with the law.

12. The Principal Ordinance is hereby further amended by the addition to section 34 thereof of the following subsections:—

Amendment
of section 34
of Ordinance
No. 32 of
1923.

(3) When passing a sentence of imprisonment for an offence against this Ordinance, either in default of payment of a fine or otherwise, the Court, if it shall think fit, may order that upon the expiration of the sentence the servant shall return to work and complete the term of service still unexpired at the date of his conviction.

(4) In such case it shall be the duty of the Court to cause a certified copy of such order to be delivered to the employer and the term of service originally stipulated shall be deemed to be prolonged to the extent necessary to enable the order to be obeyed.