

Tanzania

Vocational Education Training Act

## Contracts of Apprenticeship and Indentured Learnership (In-Plant Training) Regulations, 1987

Government Notice 822 of 1987

Legislation as at 31 July 2002

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Contracts of Apprenticeship and Indentured Learnership (In-Plant Training) Regulations, 1987  
(Government Notice 822 of 1987)

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## Tanzania

### Vocational Education Training Act

# Contracts of Apprenticeship and Indentured Learnership (In-Plant Training) Regulations, 1987

## Government Notice 822 of 1987

Published in Tanzania Government Gazette

### Commenced

*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

#### 1. Citation

These Regulations may be cited as the Contracts of Apprenticeship and Indentured Learnership (In-Plant Training) Regulations.

#### 2. Interpretation

In these Regulations unless the context otherwise requires—

"**Act**" means the Vocational Training Act <sup>1</sup>;

"**apprentice**" means a person who had undergone previous basic vocational or training in a specified trade or occupation and is subsequently bound by a written contract to serve an employer for a determined period with the view to acquire knowledge, including theory and practical, of a trade or occupation in which the employer is reciprocally bound to instruct that person for a period of not less than four years or such lesser period as the Board may determine;

"**apprenticeship**" means any training that is provided on the premises of an industrial or commercial undertaking and in which the trainee is in an employment situation based on a contract between an employer and an apprentice and which has been arranged at an ordinary work place and uses actual jobs of commercial value for instruction and practice purposes;

"**basic vocational training**" means a full-time training for a period of one year or more in a Vocational or Technical Institution or any other approved Institution of Technical Training in the specified trades or occupations including induction of trainees, acquisition of basic skills and initial development of special skills;

"**Board**" means the Vocational Training Board established by section 5 of the Act;

"**contract**" means a contract of apprenticeship or indentured leadership between the employer and an apprentice or indentured learner;

"**Directive**" means the Directive given by the Government regards compulsory workers education at the place of work;

"**Director**" means the Director of Vocational Education and Training appointed under section 10 of this Act;

"**factory**" has the meaning assigned to that expression in the Factories Act <sup>2</sup>;

"**formal vocational training**" means the hierarchically structured chronologically graded educational system running from compulsory primary school education to basic vocational training apprenticeship, technical college leading to the University;

"**indentured trainee**" has the meaning assigned to that expression in this Act;

"**in-formal vocational training**" means any organised educational activity outside the established formal vocational training system whether operating separately or as an important feature for some broader activity that is intended to serve identifiable clienteles and learning objectives;

"**in-plant training**" means practical knowledge or skill obtained by an apprentice or indentured trainee at the place of employment in specified trade or occupation;

"**Principal**" means the Principal of the Vocational Training Centre or School and includes the Instructor at the place of work, the Headmaster or Headmistress of the Technical Secondary School, the Principal of the Technical College or any other similar training institution or establishment.

### 3. Application

- (1) These Regulations shall apply to every employer and apprentice and indentured trainee in an industrial undertaking or factory—
  - (a) to which the Directive applies; and
  - (b) which is engaged in specified trade or occupation in accordance with the Training Scheme (Trade Testing) Order <sup>3</sup>.
- (2) These Regulations shall be read as one with Part III of the Act.

### 4. Registration of apprentices and indentured trainees

- (1) No employer shall employ an apprentice or an indentured trainee without being registered.
- (2) Every employer of an apprentice or indentured trainee shall—
  - (a) within 30 days of such employment; and
  - (b) in the prescribed Form,apply to the Director.

### 5. Contract of apprenticeship

A contract of apprenticeship or indentured learnership shall be entered into by every employer and apprentice or indentured learner and the same shall be in a prescribed form.

### 6. Employer to pay wages

The employer shall pay wages and provide other conditions of employment which are prescribed—

- (a) in the contract; or
- (b) in the wages regulation order; or

<sup>2</sup>

Cap. 297

<sup>3</sup>

G.N. No. 61 of 1987

- (c) in the negotiated or voluntary agreement; or
- (d) in the Government Circulars, Standing Orders as may be issued; or
- (e) in the directives to parastatal organisations, whichever is more favourable to the apprentice or indentured trainee and applicable to the employer.

## **7. Placement of apprentices and indentured trainees**

- (1) Where the Director is satisfied that an industrial undertaking or factory has reasonable opportunities and means for the proper training of a number of apprentices or indentured trainees, he may direct the employer of that industrial undertaking or factory to employ such number of apprentices or indentured trainees as may be specified in prescribed form.
- (2) The employer shall, within 14 days of such placement, sign or cause a contract of apprenticeship to be signed and registered according to the Act and these Regulations.
- (3) For the purposes of this regulation, an apprentice means and includes a student from a technical secondary school, technical college or any other institution of higher technical education.
- (4) Any employer who fails or neglects to comply with the direction under this regulation commits an offence and on conviction is liable to a fine provided for in section 29 of this Act.

## **8. Period of apprenticeship and indentured trainingship**

- (1) The period of apprenticeship shall not be less than three years or such lesser period as the Board may determine under subsection 2 of section 21 of the Act.
- (2) The period of indentured trainingship shall not be more than five years or such lesser period as the Board may determine.

## **9. Training programme**

- (1) The employer shall prepare an apprenticeship or indentured trainingship training programme for each of the specified trade or occupation.
- (2) The provisions of the Directive shall apply as shall be in force.
- (3) The training programme shall include in-plant training and related instruction courses conducted at a Regional or District Vocational Training Centre or any other training establishment approved by the Director.
- (4) The full details of the training programme shall be submitted to the Director for approval.
- (5) A copy of the training programme under this regulation shall be sent to the Director and to the Department of the Ministry concerned with workers education.

## **10. In-plant training**

The employer shall ensure that the inplant training provided for the apprentice or indentured trainee shall comprise both skills and operation pertaining to the specified trade or occupation in accordance with the in-plant training programme prescribed by the respective training committee which shall form part of the scheme regulating the training of apprentices or indentured trainees in any trade or of occupation made under the Act.

## **11. Supervision and control of apprentices and indentured trainees**

- (1) The Employer shall be responsible for the proper and efficient professional supervision of apprentices or indentured trainees and their training.

- (2) Where the number of apprentices and indentured trainees is five or more, the Employer shall appoint a full time instructor for this purpose.
- (3) Any inspector appointed under the provisions of the Act may inspect the training programmes of an apprentice or indentured trainee to ensure compliance of the contract.
- (4) The inspector shall submit a report of inspection to the employer in accordance with a prescribed form.

## **12. Duty to train instructors**

Every employer shall cause an instructor appointed by him to be trained at a Vocational Instructor Training Centre according to the training scheme made under the Act.

## **13. Record of in-plant training**

- (1) The apprentice or indentured trainee shall be issued with a Log Book by the Director for recording in-plant training undertaken throughout the period of apprenticeship or indentured trainingship.
- (2) The Log-Book shall contain the following particulars—
  - (a) name of apprentice or indentured trainee;
  - (b) name of employer and address;
  - (c) number of registration;
  - (d) trade;
  - (e) period of training;
  - (f) name of supervisor;
  - (g) jobs to be done in the first year, second year, etc.;
  - (h) hand tools to be used;
  - (i) equipments to be used;
  - (j) space for daily work record of operations, tools used, drawing, time taken and all other valuable information.
- (3) The employer shall ensure that the Log-Book—
  - (a) is kept up-to-date by the apprentice or indentured trainee; and
  - (b) is made available for inspection as may be required by the inspector.

## **14. Related instruction of apprentice**

- (1) The employer shall release an apprentice or indentured trainee to attend classes of related instruction at a registered vocational or technical training institution as may be specified by the Director in the Form of placement.
- (2) The related instruction syllabus and conditions for attendance shall be attached to the Form of placement.

## 15. Related training of indentured trainees and apprentices

- (1) Notwithstanding the provisions of regulation 14 every employer shall release apprentices and indentured trainees—
  - (a) to attend every course or classes of related subjects between 3.00 p.m. and 6.00 p.m. four times a week at a vocational training institution or establishment;
  - (b) to attend classes of related subject for at least one hour at the place of work during working hours according to the Directive.
- (2) At the request of the employer, the Principal shall, with a copy to the Director, inform the employer regarding—
  - (a) weekly time-table for the apprentices or indentured trainees;
  - (b) tuition fees for evening courses;
  - (c) related subjects undertaken by the apprentice or indentured learner;
  - (d) duration and contents of the course;
  - (e) certificate or diploma to be awarded to successful candidates;
  - (f) any other relevant information.

## 16. Progress report by training institutions

At the end of each term of the course, the Principal shall submit a report on apprentices and indentured trainees to the employers with a copy to—

- (a) the Director; and
- (b) the file of an apprentice or indentured trainee.

## 17. Personal tools

- (1) The employer shall provide the apprentice or indentured trainee with personal tools as may be prescribed in the Log-Books for the purpose of carrying out his work.
- (2) The cost of such personal tools may be recovered as a loan from the apprentice or indentured trainee by appropriate monthly instalments.
- (3) For the avoidance of doubts, where—
  - (a) an employer makes a loan to an apprentice or indentured trainee; and
  - (b) the total amount of the loan has been paid by the employer to the apprentice or indentured trainee in cash or by cheque; and
  - (c) a contract for the repayment of the loan is made and signed by or on behalf of each of the parties, the employer may deduct from the wages due to the apprentice or indentured trainee such instalments at such times as set out in the memorandum:

Provided that where regulations are made under the Employment Act <sup>4</sup> or any other law replacing the same providing for the maximum amount of any loans or instalments or for the terms and conditions upon which such loans may be paid or recovered, no loan or instalments may be recovered in excess of such maximum amounts or such loan or instalments may be recovered

upon terms more onerous to the apprentice or indentured trainee than those provided for in such regulations.

### **18. Loss of or damage to property**

- (1) Where an apprentice or indentured trainee admits that any tool, material or other thing which is the property of his employer has been lost or damaged by reason of his own default or neglect, the employer may, with the consent of the Director deduct from the wages due to such apprentice or indentured trainee—
  - (a) where such tools, material or thing is lost, a sum equal to the value thereof or a sum equivalent to one day's pay whichever is the lesser; and
  - (b) where such tool, material or thing is damaged, sum equal to the amount whereby the value has decreased by reason of such damage or a sum equivalent to one day's pay whichever is the lesser.
- (2) Where an employer makes a deduction under the provision of this regulation he shall—
  - (a) issue a receipt to the apprentice or indentured trainee; and
  - (b) make a record which shall contain the name and description of the apprentice or indentured trainee, his rate of pay, the sum deducted and the reasons for such deduction.

### **19. Responsibility of apprentice or indentured trainee**

- (1) The apprentice or indentured trainee shall attend related instruction as the Principal of the training institution or the instructor at the place of work may direct.
- (2) Where the apprentice or indentured trainee absents himself without reasonable cause—
  - (a) for two consecutive days; or
  - (b) for a period of 25 percent of the total number of days required for attendance in a year,the Principal or instructor shall inform the Director and the contract of apprenticeship or indentured trainingship shall be deemed to have been terminated at once.

### **20. Transfer of apprentices and indentured trainees prohibited**

- (1) No apprentice and no indentured trainee may be transferred from one employer to another except with the approval of the Director after consultation with the employers.
- (2) The Director shall not grant approval under this regulation unless the transfer is absolutely necessary for the satisfactory continuity and completion of the contract.

### **21. Change of trade or occupation**

No change in the originally allotted trade or occupation of an apprentice or indentured trainee may be made except—

- (a) with the prior approval of the Director; and
- (b) after consultation with the employer; and
- (c) in the opinion of the Director, the change is necessitated by the apprentices or indentured trainee's aptitude, health, progress in training or for any other reason considered genuine.



## 22. Trade testing of apprentice

The apprentice shall, during the period of apprenticeship, undertake—

- (a) Trade-Test Grade III at the end of first year; and
- (b) Trade-Test Grade II at the end of the second year; and
- (c) Trade-Test Grade I at the end of the third year:

Provided that the test shall be conducted in accordance with the Training Scheme (Trade Testing) Order made under section [20](#) of the Act <sup>5</sup>.

## 23. Trade Testing of indentured trainees

The indentured trainee shall undertake—

- (a) Trade-Test Grade III at the end of the second year; and
- (b) Trade-Test Grade II at the end of the third year; and
- (c) Trade-Test Grade I at the end of the fourth year:

Provided that the tests shall be conducted in accordance with the Training Scheme (Trade Testing) Order made under section [20](#) of the Act.

## 24. Certification

The employer shall issue a Certificate of Apprenticeship or Indentured Traineeship on the satisfactory completion of the contract of apprenticeship or indentured learnership as the case may be and shall cause such certificate to be endorsed by the Director.

## 25. Forms

The Forms prescribed in the Schedule to these Regulations shall be used with such variations as the circumstances require, for the matters and in the cases for which they are prescribed.

## 26. Appeal provision

- (1) Where any question, difference or dispute arises between the apprentice or the indentured trainee and the employer as to rights and liabilities under these Regulations, the Director shall give a decision.
- (2) Any person aggrieved by the decision of the Director may appeal to the Board or Committee appointed by the Board for such purpose whose decision shall be final and conclusive.
- (3) A certificate purporting to be under the hand of the Secretary of the Board or Committee starting the decision of the Board or Committee shall be admissible in evidence without further proof and shall be conclusive evidence of such decision.

## 27. Penalty

Any person who contravenes any of the provision of these Regulations commits an offence and on conviction is liable to a penalty provided in section [27](#) of this Act.

## **28. Civil and criminal proceedings**

- (1) The Director may—
  - (a) at the request of either party to the contract; or
  - (b) on his own motion,institute proceedings in respect of any contravention of any of the provisions of these Regulations.
- (2) The Director or any other person duly authorised by him in writing in that behalf, may appear and plead to the court under this Regulation.

### **Schedule**

#### **Forms NVTD/7 - NVTD/23**

*[Editorial note: The forms have not been reproduced.]*