

*Supplement No. 7*

*1<sup>st</sup> May, 2015*

***SUBSIDIARY LEGISLATION***

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THE WORKERS COMPENSATION ACT

(CAP. 263)

**REGULATIONS**

*(Made under section 94)*

THE WORKERS COMPENSATION (PAYMENT OF TARIFF)  
REGULATIONS, 2015

PART I

PRELIMINARY PROVISIONS

- Citation            1. These Regulations may be cited as the Workers Compensation (Payment of Tariff) Regulations 2015 and shall come into operation on the 1<sup>st</sup> day of July, 2015.
- Application        2. These Regulations shall apply to the Fund, employers and employees.
- Interpretations   3. In these Regulations, unless the context require otherwise:
- Cap 263            “Act” means the Workers Compensation Act;  
                         “Fund” means Workers Compensation Fund established under section 5 of the Act;  
                         “Minister” means the Minister responsible for labour;  
                         “public sector employer” include employers in the central government, local government, parastatals, executive

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agencies and all government-related institutions;  
“private sector employers” means employers who are employed in the private sector;  
“risk exposure” means exposure to workers’ compensation liability;  
“tariff” means the sum of money equal to percentage of annual earnings of employees, paid to the Fund as per requirement of these Regulations.

PART II  
DETERMINATION AND PAYMENT OF TARIFF

Determination of tariff

4.-(1) The Minister may determine the tariff to be paid to the Fund by employers

(2) The tariff determined by the Minister under sub regulation (1) shall apply for a period of one year from 1<sup>st</sup> day of July, 2015.

(3) The tariff to be paid in subsequent years shall be communicated at appropriate time in compliance with the requirement of the Act.

5.(1) The employers in the public and the private sector shall pay tariff on monthly basis with effect from 1<sup>st</sup> day of July, 2015.

(2) The payment of tariff relating to a particular month shall be made within a period of one month after the end of the month to which the tariff relates.

Amount of tariff

6.-(1) The amount of tariff to be paid by the employers in the public sector shall be the sum of money equal to zero point five percentum (0.5%) of annual earning of employees for the public sector.

(2) The amount of tariff to be paid by the employers in the private sector shall be the sum of money equal to one percentum (1%) of annual earning of employees for the private sector.

(3) For the purposes of these Regulations, “annual earnings” in relation to any employee includes wages,

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salary, leave pay, sick pay, payment in lieu of leave, fee, commission, bonus and any subsistence traveling entertainments or other allowances paid to employee by the employer.

Assessment of  
tariff

7.-(1) The Director General shall carry out tariff assessment in compliance with requirement stipulated under the Act.

(2) In the assessment of tariff under sub regulation (1), the Director General shall take into consideration the following:

- (a) annual earnings of employees;
- (b) degree of risk exposure of the employer; and
- (c) any existing arrangement between employer and any other mandatory scheme for the same contingencies.

(3) The tariff shall be paid to the Director General in monthly installments as per regulation 5(2) through bank account, agent or financial institution or in the manner as the Director General may direct.

(4) The interest shall be paid on any overdue assessment at a rate determined by the Director General.

(5) The interest to be paid under sub-regulation (4) shall be based on the prevailing market rates, but shall not exceed the rate that the Minister may prescribe from time to time.

(6) In addition to the interest as per regulation 7(4), penalty shall be payable on any overdue assessment in line with the requirements of the Act.

### PART III PROVISIONS RELATING TO THE TRANSITIONAL PERIOD

Transitional  
period

8.-(1) The Minister shall determine transitional period prior to full operationalization of the Act.

(2) The transitional period determined by the Minister under sub regulation (1) shall apply for a period of one year starting from 1<sup>st</sup> day of July, 2015.

*The Workers Compensation (Payment of Tariff)*

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Collection of  
contributions

9.-(1) During the transition period, the contributions shall be collected from all employers in the public and private sector.

(2) The Fund shall not effect compensation payments during the transitional period.

(3) The payments of compensation benefits for employees in the public and private sector during the transitional period shall continue to be effected as per the existing arrangement prior to the commencement of the Act.

(4) Except for payment of benefits, the Fund shall continue with other activities as per requirements of the Act.

(5) The activities referred to under sub regulation (4) shall include public awareness campaigns and registration of members in the public and private sector.

Revocation  
GN No. 139 of  
2014

10. The Workers Compensation (Payment of Tariff) Regulations, 2014 is hereby revoked.

Dar es Salaam,  
....., 2015

GAUDENTIA M. KABAKA,  
*Minister of Labour and Employment*