THE ROLE OF LABOUR ADMINISTRATION AND
INSPECTION IN LABOUR LAW COMPLIANCE IN TANZANIA:
THE CASE OF DAR ES SALAAM
THE ROLE OF LABOUR ADMINISTRATION AND INSPECTION IN LABOUR LAW COMPLIANCE IN TANZANIA: THE CASE OF DAR ES SALAAM

By

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A Dissertation Submitted to Mzumbe University Dar es Salaam Campus in Partial Fulfilment of the Requirement for the Award of Degree of Master of Public Administration (MPA) of Mzumbe University

2014
CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by the Mzumbe University, a dissertation entitled; The role of the Labour Inspection and Administration in Labour law compliance in Tanzania: The case of Dar es Salaam, in partial fulfilment of the requirements of award of the degree of Master of public Administration of Mzumbe University

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DEDICATION

To Almighty God who is the source of all knowledge, wisdom and intelligence.
To my father Mr. Dawite Slaa and my mother Sabina Mighay.

To my beloved husband Baltazar Safari Awe, and our dear children Adela, Valentine (Awe Jr) and Innocent (Amsi Jr).

Thank you and God bless you all.
<table>
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<tr>
<td>ILO</td>
<td>International labour organization</td>
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<tr>
<td>KLI</td>
<td>Korean Labour Institute</td>
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<tr>
<td>OSHA</td>
<td>Occupational Safety and Health Authority</td>
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<td>URT</td>
<td>United Republic of Tanzania</td>
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ABSTRACT

This study investigates the potential of labour inspection and administration in enhancing the labour law compliance in Tanzania; its main purpose being to examine the effectiveness of labour administration and inspection in improving labour law compliance in mainland Tanzania. The study employed mixed methods research approaches (qualitative and quantitative) underpinned by case study research design in investigating the role of labour inspection and administration in enhancing the labour law compliance in workplaces. The participants of this study include twelve labour officers, five administrators from the Ministry of Labour and Employment, 30 hotel employees and five employers of different hotels making the total of 52 respondents. The data were collected through multiple instruments, such as namely questionnaires, interviews, observation schedules and documentary reviews. Quantitative data were analysed using Statistical Package for Social Sciences (SPSS) version 20 using descriptive statistics and qualitative data were organized according to the themes that answer research questions to complement the quantitative findings.

The findings of the study show that there is low labour law compliance in Tanzania because of the ineffectiveness of labour administration and lack of frequent inspections in work places by labour law enforcers. The findings also indicate that both employees and employers have inadequate understanding of labour law, which results into frequent industrial disputes as each group does not comply with the standards of labour law. Based on these findings, the study concludes that problems hindering the compliance with labour law the cause of low labour law compliances in Tanzania emanate from an ineffective labour law department due to its failure to enforce laws and provide labour law education to employers and employees. Thus this study recommends that the Tanzanian government should strengthen the labour law department by providing more resource to facilitate law enforcement through frequent inspections. Additionally, there is a need to conduct larger study that involves other parts of mainland, Tanzania to determine the severity of low labour law compliance by employers.
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CHAPTER ONE

INTRODUCTION

1.0 Introduction

This chapter provides the background to the problem, statement of the problem, research questions, objectives (both general and specific objectives) of the study, the hypothesis, significance and limitation of the study.

1.1 Background to the Research Problem

Labour administration and inspection are very important in bringing harmony at a work place. This is because labour inspectors usually work with both employers and employees to ensure that labour laws are respected by each party for the smooth running of public and private institutions such as industries and offices.

According to ILO (2008), the impact of labour administration in relation to national economic development has been recognized since the early nineteenth century. The same report asserts that the effective implementation of the international labour standards and sound socio-economic development call for appropriate labour administration and inspection systems. This is because if all parties at a work place complies with labour laws; there will be peace and harmony, which will motivate workers to work efficiently and effectively for high productivity.

Labour administration stems from a labour law system, and labour inspections are an essential part of this administration. Labour inspection plays a crucial role of supervision of labour law enforcement and effective compliance. Labour inspection is usually conducted by trained labour officers or labour inspectors. The most important function of a labour inspector is enforcing of the legal provisions and educating and advising stakeholders on labour standards such as working hours, remuneration, working conditions and health and Safety (ILO, 2009).
Labour inspection plays a crucial role in achieving an effective functioning of labour law. The function of labour inspection became well recognized in 1919 when the international labour conference established ILO, which was followed by the establishment of labour ministries in different countries around the world (ILO, 2008).

The labour standards recognised globally are those set by ILO. The primary ILO standards on labour administration are the ILO Convention No. 150 and its accompanying Recommendation of 1978. Tanzania ratified about 35 ILO conventions, out of which 34 are in force and one was denounced (ILO, 2012).

In Tanzania, as in many others countries, the common practice of labour inspection is that of a labour inspector visiting the firms, interviewing employees and going through some documents to attest whether the employers comply with the provisions of the laws. However, Pires (2008) argues that this system of inspection gives a room for the employer to hide some information because of the fear of being penalised. The same study proposed the changing of the labour inspection approach from sanctioning the firms for non-compliance to persuading and advising them as the means of enhancing the labour law enforcement and compliance.

The socio-economic and political transformation that took place in the 1980s in many parts of the world especially developing countries caused some changes in labour institutions. Some of the important changes are the change in the nature of employment from the public sector to the private sector which caused the increase in private employment. In Tanzania, one of such reforms in labour institution is the labour reform from the Security of Employment Act to Employment and Labour Relations Act No 6 of 2004 and labour institutions Act No 7 of 2004, which aimed at coping with such changes (URT, 2003).

The current economic crisis had also brought about the need for changing and restructuring the functions and structures and the working method of the Labour Administration and Inspectorate departments as a solution to such crisis. However,
labour inspectorates in developing countries are facing some challenges particularly in building and maintaining effective inspection systems (ILO, 2010).

The new transformations in socio-economic development in the context of free market economy necessitate the presence of a more vibrant labour administration and inspection system than ever before. However, in Tanzania as is in many other developing nations, there are a lot of challenges which hinders the achievement of this goal. The study by ILO (2009) indicates that labour inspection challenges such as few staff, lack of resources, lack of well-trained labour personnel and low salaries paid to the staff may result to corruption. Thus it is difficult to maintain international labour standards.

There are also noticeably possible deficiencies in labour inspection that can lead to low labour law compliance in Tanzania. For example, the Task Force Report on labour reform in Tanzania (URT, 2003) shows that in 21 regional labour offices there were between one and eight labour officers per office.

The Tanzania annual labour administration and inspection report of 2011/2012 shows that there were only 71 labour officers in the country. The Dar es Salaam region which hosts a lot of employees had only 13 labour officers or inspectors. This number is very small and it is far below ILO inspector/worker ratio standards which require one inspector per 40,000 workers in less developed countries (ILO, 2006). In the period between 2003-2006 the inspector per worker ratio in Tanzania was above 400,000 which is ten times above LDCs benchmark set by ILO (Weil, 2008).

Moreover, there are some cases where inspection targets are not met as planned. For example, the annual report 2011/2012 of the department of labour administration and inspection in the ministry of labour and employment and n show that for the 2010/2011 financial year the department planned to conduct 6200 labour inspections at work places country wide but due to limited resources they were able to conduct only 2401, which amounts to 38.7% only (URT, 2012). This may obviously lead to low labour compliance because there are fewer custodians of the law enforcement.
Additionally, the same report reports low labour law compliance in Tanzania, with leading sectors in the trend being hotels and domestic service, industry and trade, agriculture, private security companies, construction and education. The established reasons for the non-compliance are low level of awareness on Labour Laws amongst some employers and workers, insufficient Labour Inspection visits and deliberate violation of the labour law by few employers (URT, 2012).

The Report by the LHRC (2014) indicates that about 66.8% of the employees are not aware of the labour laws and 54% are aware but do not know the content of the law. There is also high job insecurity because about 70%-90% of the employees are employed on temporary basis and the 95% of the employment contracts distributed to the employees do not include all the rights that are supposed to be in those particular contracts.

Therefore there are many challenges facing labour administration and inspection. On one hand the labour officers face a lot of challenges in fulfilling their duties but on the other hand the labour department is also facing lot problems in achieving its predetermined goals. The end result is low labour law compliance which is detrimental to improving of welfare of workers and working conditions.

Therefore this study seeks to fill that knowledge gap on the challenges facing labour inspectors in fulfilling their duties of enforcing labour laws compliance in Tanzania. It also seeks to assess empirically the reasons for the insufficient labour inspection and how this leads to low labour law compliance and how labour law non-compliance leads to labour disputes.

1.2 Statement of the Problem

Generally, labour administration and inspection are meant to promote good labour relations at work places by ensuring with labour laws and provide security of employment to all employees both in public and private sectors as well as in formal and informal sector (Ludek, 2013). However, labour conflicts and disputes, accidents
at work places and other complaints have been reported to the labour department and other responsible authorities across Tanzania (Mtaki, 2004).

Most of the labour disputes include unfair termination and harsh working conditions which compel most employees to terminate their employment contracts. The increase in the number of labour disputes and conflicts particularly the dispute over basic rights is attributed to poor performance and ineffectiveness of the labour inspection system in Tanzania. For example, ILO (2012) report on labour law compliance in Tanzania indicates that the objectives that are set by the labour administration are partially achieved, resulting to low compliance with the existing Labour Laws.

Employers will reach the labour standards as a result of the rise of the dispute of rights such as right to be paid the minimum wages, right to work the standard working hours. Studies reports that labour administration and inspection department is responsible for ensuring harmony at the workplace through labour inspection; provision of the labour education and the advice the employers on the provisions of the labour laws so as to enhance the compliance of the law (URT, 2012).

Therefore, this study investigates the effectiveness of labour inspection in improving labour laws compliance in Tanzania mainland and the challenges facing labour inspectors to establish whether low labour laws compliance leads to labour disputes.

1.3 Research Questions
This section highlights both the general and specific research questions expected to be answered by the proposed study.

1.3.1 General Research Question
This study aims to answer the following general research question: how effective is the labour administration and inspection in improving labour compliance in Tanzania?
1.3.2 **Specific Research Questions**
Specifically this study aims to answer the following research questions:

(i) Whether or not labour laws are complied with in Tanzania?
(ii) What are the challenges facing labour officers in labour inspection in Tanzania?
(iii) What are the effects of non-compliance or low labour law compliance?

1.4 **Objective of the Study**
This section states both general and specific research objectives to be addressed by this study.

1.4.1 **General Objective**
The main objective of this study was to investigate the effectiveness of the labour administration and inspections in improving the labour law compliance in Tanzania mainland.

1.4.2 **Specific Objectives**
To achieve the general objective the study had the following specific research objectives;

(i) To evaluate whether low labour law compliance is the source of labour disputes at work places
(ii) To examine the challenges facing labour officers in labour inspection.
(iii) To examine why employers in Tanzania mainland do rarely comply with labour laws and employments standards.

1.5 **Hypothesis**
The major research hypotheses expected to be tested are;

(i) There is a relationship between employer’s awareness of the labour law and labour law compliance.
(ii) Labour officers faces some challenges in labour inspection
(iii) Low labour law compliance is the source of labour disputes at work places.
1.6 Significance of the Study

Very little research has been undertaken on Labour Law compliance in Tanzania in particular after the adoption of liberal economic policies where the government is not the major employer as used to be during the socialist error where the government was the major employer as it owned all industries or major means of production. Therefore, this study may have several contributions.

First, the findings can be used by decision makers and policy makers particularly in the public and private institutions to understand the impact of labour law compliance and how it may in one way or another affect the morale of employees and job performance work place.

Second, the findings from this study my serve as an eye opener on the ways employers and employees observe labour laws as well as how to improve labour law compliance in Tanzania.

Thirdly, the findings will, add to the existing knowledge about the potential of labour inspection towards the labour law compliance at work places.

1.7 Scope of the Study

This study has examined the issues of in Tanzania both in the public and private institutions located in Dar es Salaam region only. Therefore, its findings are not generalisable to other locations other than Dar es Salaam because the study involved few participants.

1.8 Limitation of the Study

In doing any study researchers do anticipate some drawbacks. Thus while I was conducting this study, I faced some challenges which somehow affected the quality of data.

The limitations that emerge during the study was ignorance of the law is among the study because most of the research respondents were not knowledgeable about the
Labour Laws and the labour inspections, therefore, it has been very difficult for them to answer some research questions and interviews properly. Although the ignorance of the law has been limitation to this study, but it provided an understanding that most of the people in Tanzania are not aware of the Labour Laws and therefore are vulnerable exploitations by employers. Another major limitation that impacted the study finding is the deception from the employers.

During data collection the researcher faced a serious deception views as most of the employees complains that the labour law compliance is low in Tanzania and that the labour department is not effectively administering the labour laws while the employers said that the compliance is high and most of the employers support that the labour department is doing well in administration of the labour laws. In order to solve this problem the researcher decided to use oral questions to get the inner feelings and reality by asking indirect questions regarding the matter.

Time is one of the limitations; the time available to conduct this is small and therefore a lot of pressure and tension particularly during data collection. The research work require enough time for several readings on different literature works, data collection and analysis for the better and standard research work for the postgraduate studies. However, with little time we had, we produced the reasonable results useful in formulating policy instruments in the area of labour law compliance.

Another limitation is language; most of the questionnaires have been be prepared in the English while most of the employers and employees are not conversant in English language. The common language in both formal and informal sector in Tanzania is Kiswahili, so there was a need of a researcher having research questions written both in English and Kiswahili. This has also been a problem in data analysis especially a researcher needs translation from Kiswahili to English.

A limited resource is another problem; any research work requires resources such as financial resources and other facilities such as stationery and transport during data collection. The research work requires enough financial resources, limited resources
has affected this research work because my sponsor had no enough funds for my research field work such that I have to condense my study to Dar es Salaam only.
CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction
This chapter presents a review of literature relating to the research questions for this study. First, definitions of the key terms, theoretical overview, and the importance of labour inspection and administration, the principles guiding labour administration and inspection, labour law compliance and labour administration, the role of Labour Administration and Inspection in Labour Law compliance and the research gap.

2.2 Definition of the Key Terms
There are key concepts that are used in labour law compliance that are important in developing common understanding and avoiding using them interchangeably. These terms include: labour inspection, labour administration and Labour Law. The Concise Oxford English Dictionary (2008) defines inspection as the process that involves closely looking at the activity or object to assess quality. The Cambridge Advanced Learners Dictionary (2008) defines inspection specifically as an act of carefully looking at something or it is an official visit to a building or organization to check that everything is correct or legal. It is a process of assessing an environment activity or object with the aim of determining quality against certain given standards or requirements.

Likewise, ILO (2010) defines labour inspection as a public function of labour administration that ensures the application of labour legislation at the work-place. Thus, its main purpose is to convince social partners of the need to observe the law at work place and mutual interest through preventive, educational and where necessary, enforcement measures.

According to LIA (2004) Labour Inspection has been defined as the act of investigating the work place conducted by a Labour Officer to foresee whether there is compliance with the labour laws by the employer.
Concerning labour administration, ILO (2010) defines it as public administration activities in the field of national labour policy. By public administration system is meant that all the public administration bodies responsible for or engaged in labour administration are either ministerial departments or public agencies. These include parastatal and regional or local agencies or any other form of decentralized administration and any institutional framework. They are responsible for the coordination of activities of such bodies and for consultation with and participation by employers and workers and their organizations.

Lastly, labour law is defined as the legislation dealing with human beings in their capacity as workers or wage earners (Columbian Encyclopedia, 2014).

2.3 Theoretical Overview

Credible research study is informed by theoretical framework adopted from literature. There are some theories which explain the labour law compliance, namely rational theory and deterrence theory. These theories were pioneered by scholars such as Becker (1968); Stigler (1970), and compliance theory (Koh, 1998) and evolved from different disciplines including economics and human resources management.

The theories about compliance aligned to economics explain that the actors, firms and individuals comply or not comply with either domestic laws or the international laws because they aim at utility maximization (Robert, 2005). The compliance theory states that in order for the firms, actors and individuals to comply with the state and the non-state actors should use different approaches to strengthen compliance (Oka, 2010). Each of these theories is discussed in detail in the following sections.

2.3.1 Rational/Deterrence Theory

This theory is basically known as Becker model and it focuses on deterrence and enforcement. Becker (1968) and Stigler (1970) argue that the individuals and firms decide to comply or not to comply after weighing the cost and benefit of complying
or not complying, the implication being that the firms and individuals do not comply when the expected cost of compliance is higher than the cost of non-compliance. The central point to deterrence theory is that “human beings are rational actors in terms of ends means calculation” (Robert, 2005). The major argument according to the Rational/deterrence theory is that employers do calculate the probability to be caught by the labour inspector for non-compliance to the labour law and if probability to be caught is high then they comply and if it is low, they do not.

According to deterrence theory the crime offenders should be punished as a warning so that the pain they will get from punishment will make them to learn and they are not likely to commit an offence again (Robert, 2005). Siegel (1992) argues that the firms or individual behaviour of violating the laws for personal interest such as money and personal values and that before any one commits an offence he or she analyses cost and benefits of it.

The deterrence theory relates to the labour law compliance as it emphasizes the use of different techniques and approaches in changing the firms and individuals behaviour both in public sectors and private sectors based on the cost and benefit analysis of compliance or non-compliance.

2.4 The Role of Labour Administration and Inspections in Labour Law Compliance

Labour administration and labour inspection play a key role in improving the working conditions, ensuring compliance with labour legislation and preventing and settling labour disputes (Casale & Sivananthiran, 2010). The same authors further argued that labour administration is the important aspect in relation to the national development goals achievement especially the millennium development goals which aim at poverty reduction. This can be through creation of employment by providing an environment conducive for investors and by promoting decent work labour administration is the core of labour law compliance particularly labour inspection. Because of its importance in relation to the socio-economic issues labour administration has now gained higher recognition globally.
Labour inspection has a background in Europe particularly during the industrial revolution and the first and Second World War which brought about many changes in the world of work. As a result of industrial revolution, there were problems such as child labour, long working hours and low wages, a situation which called for the need of the labour inspectorate to protect the interest of workers and to ensure that the national legislations cover rights on working hours, workers health and safety (ILO, 2010).

Labour inspection is one of the important aspects towards the administration of the labour laws; labour inspection is the key for the labour law compliance in general and it aims at maintaining the good labour relations. It is through labour inspection that the labour department can oversee the administration of the labour laws (ILO, 2009). In understanding of labour inspection it is important to know what it is; who does it and the principles guiding labour inspection, the obligations of the labour inspector and the aims of conducting labour inspection in relation to the labour law compliance and its challenges.

The main role of a labour inspection is to convince social partners of the need to observe the law at work place and mutual interest in this regard, through preventive, educational and where necessary enforcement measures (ILO, 2010). Labour inspection is conducted by the labour department under the ministry of labour and employment by the labour inspectorate known as the labour officers who have been empowered by section 45 of the Labour Institution Act to administer the labour laws (LIA, 2004).

The powers of the labour officers include the power to enter any work place at any reasonable time and search for any information, to interrogate any person at the concerned work place, to order any employer to appear before him with the required information at specified time, place, and date and take any copy of required information (LIA, 2004).
Casale and Sivananthiran (2010) identified the labour inspection function of the labour inspector known as the Labour Officer. They have highlighted the function of the labour officer as the enforcement of all labour law provisions relating to labour standards, wages and the basic rights and principles, issuing the compliance orders advising employers and employees and doing investigation on the employees’ complaints.

Under the International Labour Organization (ILO) there are conventions on labour laws and among the conventions there is Labour Administration Convention, 1978 (NO.150) which clearly states the functions of the labour administration and inspection as the enforcement of the labour laws.

The labour administration and inspection play a significant role in promoting labour law compliance especially through labour inspection visits. The primary role of the labour administration is to ensure the labour law compliance, and basically the essential instrument in the administration of the labour law is labour inspection.

Labour inspection is an intervention to labour problems such as poor working conditions and low wages and promotion of the equal opportunity at work places. It’s through the labour inspection the labour and administration can oversee the compliance of the Labour Law, can link between the law and public interest and monitor the labour law compliance, play the role of labour dispute prevention and ensure that the social security systems operate effectively.

According to ILO (2010), labour administration is a tool for the promotion of the equal opportunity at the work place, there is a need to build its capacity for effective labour administration and effective performance and strengthening of the link with the social actors without affecting the impartiality of the labour inspectors. It has been raised that the ineffectiveness of the labour administration in labour law compliance is the result of lack of strategies for inspection, inadequate data and financial backups and the lack of proper advisory and prevention services.
The report by the minister of labour and employment to the members of parliament highlighted the reasons for the low labour compliance as the insufficient labour inspection (URT, 2011). Hence, there is a need for labour administration and inspection. That most of the sectors are not complying therefore deliberate efforts to ensure that the large enterprises are inspected routinely.

ILO (2009) report on labour administration indicates that among the problems facing labour administration in developing countries is the lack of human resources lack of training to labour inspectors and poor transport facilities. Heron et al. (1998) argue that labour administration problem is the insufficiency of training and guiding materials on labour inspection; training materials will help the labour administration systems to restructure their roles and will help labour administration management to give directives on labour inspection particularly to the new employees or new inspectors.

A study was conducted in the United Arab Emirates in response to the non-compliance of the federal Act no 8 of 1980 on labour relations. The federal governments imposed some sanctions to the employers after inspecting and discovering that labour compliance was low. Sanctions aimed at improving the level of compliance. The sanctions included suspension of the processing of their new employees’ contracts for foreign employees, refusal to approve their contracts and down grading or removal of the company from the ministry register temporarily or permanently.

Another study conducted in Venezuela and discovered that the strategic planning was introduced to labour inspection to enhance labour compliance through guidance, advice and promotion of prevention means.

Similarly, a study was conducted in Switzerland and discovered that the government under the ministry of labour introduced the sanction for minimum compliance particularly the occurrence of job accidents at the workplace by cancelling their business license and withdrawal of their work permits.
Another study was conducted in Latin America and discovered that there was a developed awareness creation programme for all social partners to the national level for labour administration. A national workshop programme was established to improve the labour law compliance particularly for awareness creation on labour standards, working condition, labour inspection and its sanctions.

Another study was conducted in the Republic of Korea and it discovered that the Korean labour institute (KLI) offered an example on how research can be linked with labour issues such as policy formulation and implementation. The Korean Labour Institute has been responsible in the establishment of the country’s labour issuance system at all stages and through its professional approaches and objectives it has received credit and credibility in government policies on labour and other related matters.

Another study was conducted in India in response to regular data collection and publication of labour statistics where by the Indian government under the ministry of labour established a small working group whose role was to simplify, rationalize and prepare the registers and reports stated by the sections of the Labour Laws.

In 1999 the study group on the Labour statistics did a review on the problems facing the labour statistics data collection and recommend on what can be done by the Indian government to strengthen the labour statistics as a result of the formation of the National Statistics Commission which deals with the improvement of the statistics and data on labour and employment.

Another study was conducted in Namibia in relation to computerized data for labour inspection and it was observed that the labour ministry has put in place the system of labour inspections records keeping by having both electronic and manual registers to all headquarters offices and regional offices for better coordination.
2.4.1 Principles Guiding Labour Inspection

Labour officers as civil servants are guided by the public service codes of good practices such as Public Service Act no 8/2002. The labour inspectors must be independent and impartial, they must not have an interest to the firms they are inspecting; they must be impartial in terms of decision making to ensure fairness and professional standards as civil servants (Rice, 2006). Erikson (2006) identifies six features of a labour inspector as follows:

(i) Knowledge and competence: they are supposed to use their professional skills in helping the employees in getting their rights;
(ii) Courtesy and respect: they must act without bias when making decisions, and make judgments without any favouritism;
(iii) Confidentiality and consistency: they must be consistent and keep their information and that of their clients confidential,
(iv) Commitment: they must remain committed in achieving the goals and objectives that have been set; and
(v) Creativity, neutrality, fairness and honesty and integrity are the other principles.

2.4.2 Principles Guiding Labour Inspectorates

According to Wheeler and Goddar (2013) the well-functioning labour inspectorates for the effective and efficient labour law compliance must have some guiding principles. These principles are: first, enforcement which will much depend on the use of sanctions, well equipped officers and well trained inspectors who are guided by the codes of ethics. Second, educates, conducts outreach and support employers and employees with the information on the labour laws and advise them properly on how they can comply effectively; third, provide reports on the Labour Laws compliance and the performance of the department itself; and lastly, improves the Labour Laws coverage and identify the defects within the Labour Laws provisions in the existing laws.
In order the above principles to work properly there is a need of effective implementation and enforcement through good management, coordination, and communication and motivated and well trained and motivated inspectors.

2.5 The role of Labour Administration and Inspection

According to Casale and Sivananthiran (2010) labour administration and inspection generally plays the following roles:

(i) Promoting the international and the national labour standards which include the working conditions, wages and remuneration, safety and health at work places, doing the labour inspection all this aiming at attaining the ILO decent work agenda;

(ii) Promoting good industrial relations at work places through collective bargaining, dispute prevention and labour dispute settlement.

(iii) Capacity building: labour administration aims at building the capacity of labour administration in order to implement the ILO agenda on decent work. The ILO decent work agenda insists on the role of the different actors such as the employers, workers and the government itself to cooperatively promote equity in employment, income and security and respect of human beings;

(iv) Creating employment: labour administration can promote employment opportunity by having a good employment policy and the provision of the employment services through employment agencies;

(v) Promoting equal opportunities: the overseer of the labour law labour administration department emphasises on the provision of equal opportunity in the employment process regardless of age, sex nationality, race or colour; and

(vi) Conducting research and surveys concerning labour issues and the advising on issues concerning labour market.

2.6 Labour Law Compliance

Labour law compliance is an important factor for effective implementation of labour policies. Therefore, labour administration and inspection must be encouraged, because it’s through labour administration and inspection that we can create public
awareness on the Labour Law, educate the stakeholders on labour legislation especially the new laws and advise them on the advantages for compliance and the disadvantages of non-compliance, as well as how to remain in compliance.

Labour law compliance has impact on the national economic development. It enhances productivity and competitiveness, quality and quantity. It is through payment of good salaries that workers will be motivated to work hard. As a result they will produce good products with higher quality and the firms will have good reputation in the market (Pires, 2008).

2.7 Labour Law Compliance and Labour Administration
Labour law compliance and labour administration are the intertwined aspects; the presence of effective labour administration is an indication for labour compliance, the core for labour compliance is labour administration and inspection. It’s through labour education provision and advice provision to the stakeholders will be aware of different labour legislations (ILO, 2009).

2.8 Research Gap
Apart from all studies that have been conducted in different parts of the world by different researchers and scholars, this study will fill the left gap on the problem of the low labour law compliance in Tanzania. Many scholars mentioned the problem of the low labour law compliance as a result of a lack of enough workforces, lack of funds, lack of proper inspection methodology and poor planning and lack of proper information.

However, there is a need to study the challenges facing labour inspectors as key stakeholders in enhancing the labour law compliance. There is also a need to thoroughly study the factors which lead to insufficient labour inspection in the context of Tanzania.
2.9 Conceptual Framework

According to Jabareen (2009) conceptual framework is “a network, or “a plane,” of interlinked concepts that together provides a comprehensive understanding of a phenomenon or phenomena” (p. 51). A conceptual framework is a research tool intended to assist a researcher to develop awareness and understanding of the situation under the scrutiny and to communicate this. A conceptual framework has potential usefulness to as a tool a researcher to make meaning of subsequent findings. It forms part of the agenda for negotiation to be scrutinized and tested, reviewed and reformed as a result of investigation.

In this study there are two main variables, independent variable and dependent variable. Independent variable is the labour inspection and administration and dependent variable is the labour law compliance. Also on the other side there is an intermediate variable which includes intervening variable and moderating variable. Labour inspection is the way through which labour laws can be complied with by giving labour law education, awareness creation and sensitization seminars and brings harmony at the workplace.

Lack of awareness on labour law and material resources and funds are among factors that affect the labour law compliance in Tanzania. In order for the employers and employees to effectively comply with the labour laws they need to be informed and guided on how to comply with all the legal requirements on the labour laws. Also it is through labour inspection that the enforcement of the labour laws is ensured by advising the employers and employees on the means of complying and the possible penalties for not complying with the Labour Laws URT (2011).

In order for labour inspection to be effective and achieve the role of enhancing the labour law compliance the labour inspectorates should also be well equipped and well-funded with facilities such as transport facilities and travel allowances to enable the labour inspectors perform their duties smoothly.
The labour administration and inspection department under the ministry of labour and employment cannot perform their roles effectively due to the lack of enough human and material resources, this directly affects the whole process of conducting the labour inspection as a result the employers and employees cannot get the proper information on all the legal provisions on the Labour Laws.
CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction
This chapter presents the study research methodology, research design, data collection technique, sampling procedure and data analysis tools that I used in answering the research questions about the research topic on labour law compliance problems in Tanzania.

3.1 Area of the Study
The study was conducted at the Ministry of Labour and Employment headquarters specifically at the Labour Administration and Inspection and selected hotels in Dar es Salaam. Dar es Salaam was selected as a study site because the department is concerned with the administration of labour Laws in Dar es Salaam region and also I have prior knowledge of about the duties of the labour department in Dar es Salaam. Therefore, it was the proper place in getting relevant data easily rather than the other places. In addition, Dar es Salaam is the largest city in Tanzania with vibrant industrial activities and a large number of employers and employees. Hence the findings are representative enough.

3.2 Research Approach and Design
In this study both qualitative and quantitative approaches (Mixed methods approach) were employed in investigating the problem of labour law compliance in Tanzania. The adoption of mixed method approach was because mixed methods help to overcome the weaknesses of both quantitative and qualitative research; provides more comprehensive evidence for studying a research problem than either quantitative or qualitative research alone can do, and helps answer questions that cannot be answered by qualitative or quantitative approaches alone (Creswell, 2006, p. 9). This study research questions, require both use of quantitative and qualitative approach.
Concerning research design, the study employed case study design because it allows a researcher to use data collection methods such as interviews, questionnaires and documentary review. The study opted to use these methods of data collection because of the limited resources such as time and money. This research method of data collection was affordable due to the fact that information was easily accessible to me due to my experiences of the real situation as an insider.

3.3 Population of the Study
In this study the targeted population was all staff within the Ministry of Labour and Employment, the labour and administration department at the Dar es Salaam regional labour office and the labour officers and the administrators at the headquarters, and the employers and employees from 3 hotels out of 204 hotels in Dar es Salaam. These hotels are: hotel A with 23 employees, hotel B with 270 employees and hotel C with 486 employees and the 279 employees from the labour department of Ministry of Labour and Employment, making a total population of 1058 respondents.

3.4 Sample Size and Sampling Technique
3.4.1 Sample Size
The sample of the study include 55 labour office staff in Dar es Salam labour region in Ilala, Temeke and Kinondoni districts. The labour office staffs in Dar es Salaam were purposively sampled due to the fact that they have rich information about labour inspection and administration as their responsibilities. Another sample was the employers and employees from three hotels in the Dar es Salaam region out of 204 hotels. In this study the researcher used pseudonyms’ to hide the identity of the hotels and participants for ethical purposes. The pseudo names for hotels are Hotel A, hotel B and hotel C.

The researcher selected these three hotels purposively because of there being frequent reports of labour disputes between employees and employers to the department of labour office. Thus the sample of this study include 12 labour officers, 5 administrators from the Ministry of Labour and Employment, 30 employees, and 5 employers making the total of 52 respondents. The researcher assumed that this
sample size represented the entire population of the study because it had the similar characteristics and therefore it could represent the other elements of the study in Dar es Salaam.

3.4.2 Sampling Technique
Sampling is the procedure a researcher uses to gather people, places or things or objects in the study. It is a process of selecting a number of individuals or objects from a population such that the selected group contains elements representative of the characteristics found in the entire group (Orodho & Kombo 2002). The sampling technique used in this study is purposive.

3.4.2.1 Purposive Sampling
The purposive sampling technique was used in selecting sample units and the sample unit was the staff at the labour department specifically labour officers and senior administrators in the Ministry of Labour and Employment, and the employers and employees from 3 hotels both male and female. The hotel sector was selected by using purposive sampling technique because it is among the sectors with the high non-compliance reported to the labour department particularly in Dar es Salaam city.

Out of 13 labour officers, 12 labour officers were selected as a representative sample of the study, 5 administrative staff in the labour department, and 5 directors on part of the employer. The 30 employees from the three selected hotels management were given questionnaires and some of the employers were interviewed the same applied to the employees. Moreover, the questionnaires and interviews were administered by using the convenient sampling technique depending on the redness and availability of the respondents.

3.5 Data Collection
The study adopted different methods of data collection. These research methods are questionnaires, interviews, and observations. This data collection instruments are discussed in next subsections.
3.5.1 Questionnaires
This used the both open-ended and close-ended questionnaires which were administered by the researcher. The researcher used convenient sampling technique in distributing the questionnaires to the respondents who were willing to participate. The respondents filled in the blank spaces by giving their own opinions for the open-ended questions and circling or ticking in for the close-ended questions.

The aim of choosing this approach was to give respondents freedom to express themselves without fear or hiding something which was required secrecy or confidentiality that they could express in public. This helped the researcher in getting the deep understanding and feelings of the respondents about labour law compliance. The questionnaires were constructed in both English and Kiswahili and they were distributed according to the interest and level of education of the respondents.

3.5.2 Observation
Observation is another method that was used during data collection. Observation has been defined as “systematic watching of behaviour and talk in naturally occurring settings” (Pope & Mays, 1995, p. 43). The researcher used participatory and non-participatory observation technique in observing the working condition and labour law compliance with the aim to observe the real working situation at workplaces both for employers and employees, thus facilitating collection of data from primary sources.

3.5.3 Interviews
Interviewing is a qualitative data collection technique that involves collecting data through verbal interactions between an interviewer and the interviewee (Denscombe, 2007). This study used unstructured interviews with open-ended interviews during the participants’ convenience time. The interviews allowed for a face to face interaction and helped get information directly from the interviewees. The interview data helped complement quantitative data that require more explanation.
3.6 **Data Analysis**

The qualitative data collected from interviews were analyzed thematically where by similar themes were categorized together according to the research objectives. The data addressing a particular research objective were coded and then organized according to the themes of the study. The quantitative data were analyzed by using the Statistical Package for Social Sciences (SPSS) version 20.0 using descriptive statistics for percentages, graphs and tabulations and frequencies. The quantitative data were complemented by qualitative data where the researcher used the quotations taken from interviews extracts. The data of this study was analyzed according to the study questions and objectives aiming to achieve the intended study objectives.

3.7 **Ethical Consideration**

Ethical consideration is an important issue in any research that involves human beings as the subject of the study. The major ethical concerns in any social research that involves human being consist of the following: the potential harm to the research participants’, participants informed consent, privacy/confidentially and deception (Behi & Nolan, 1995; Bryman, 2008; Cohen et al., 2011). During this study the researcher sought and obtained a clearance letter from the university authority allowing conducting research. The synonyms were used to represent names of hotels which are hotel A, B, C and also names of participants are not their real names. The participants’ informed consent was obtained and privacy was ensured.
CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.1 Introduction
This chapter presents findings of the study. The data is presented, analyzed and discussed basing on research objectives and questions. This chapter is organized as follows: section 4.1 one presents the characteristics of participants’ age, sex, and level of education, profession, employment status, work place and current job experience. Section 4.2 presents and analyses the data with respect to research objectives and questions. Section 4.3 dwells on discussion and interpretations of the findings depending on the objectives and research questions.

4.2 Characteristics of the Respondents
In this study the respondents ‘characteristics were categorised into demographic and social characteristics. Demographic characteristics were the age of the respondents while social characteristics were the sex education and profession of the respondents. This study involved 52 respondents who involved labour officers 12 (21.7%), employees 27 (51.9%), employers 5 (7.7%) and labour administrators 5 (7.7%) from the Dar es salaam office under the labour department of the ministry of labour and employment and others 5 (9.6%).

4.1.1 Age of the Respondents
Age distribution of the respondents was used as an important aspect in analyzing which age group was mostly not aware of the labour laws and the labour inspection in general. The age of the respondents has an impact in explaining the impact of low labour compliance and the reasons for low labour compliance. The respondents’ age distribution was as follows: bellow 25 4(9.1%), between 25 to 40 years 16(36.4%) and above 40 years 24(54.5%). Table 4.1 shows the age distribution of the respondents.
Table 4.1:  Respondents Age Distribution

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Below 25 years</td>
<td>4</td>
<td>8.0</td>
<td>9.1</td>
<td>9.1</td>
</tr>
<tr>
<td>25 Up to 40 years</td>
<td>16</td>
<td>32.0</td>
<td>36.4</td>
<td>45.5</td>
</tr>
<tr>
<td>Above 40 years</td>
<td>24</td>
<td>48.0</td>
<td>54.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>44</td>
<td>88.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>6</td>
<td>12.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2014

4.1.2 Sex of Respondents

The sample involved selected labour officers from the ministry of labour, employers from the three selected hotels and employee from the same. The percentage of male respondents interviewed was 28(53.8%) and 19(36.5%) was that of female respondents as shown in Table 4. 2.

Table 4.2:  Respondents’ Distribution employed by Sex in Percentage

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Male</td>
<td>28</td>
<td>53.8</td>
<td>59.6</td>
<td>59.6</td>
</tr>
<tr>
<td>Female</td>
<td>19</td>
<td>36.5</td>
<td>40.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
<td>90.4</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>5</td>
<td>9.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2014

Table 4.2 shows that most employees are male. This study developed the sex distribution of respondents to establish which respondents groups were not aware of labour laws and labour laws compliance in general. The sex distribution of the respondents is presented in Table 4. 2. The findings show that the overall number of male participants outweighs the number of females. Males and females make 53.8 % and 36.5% respectively. This disparity implies that women tend to be more mobile as they sometimes have to follow their couples.
4.1.3 Respondents by Level of Education

The level of respondents’ education was a very important factor in this study. The assumption was that the education of the respondents can have a direct or indirect impact on the level of understanding of Labour Law, Labour Law, service provision and delivery, as well as the level of accountability and integrity (See table 4.3).

Table 4.3: Respondents’ employed by Education level in Percentage

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School</td>
<td>10</td>
<td>19.2</td>
<td>33.3</td>
<td>40.0</td>
</tr>
<tr>
<td>Secondary School</td>
<td>12</td>
<td>23.5</td>
<td>40.0</td>
<td>73.3</td>
</tr>
<tr>
<td>Certificate</td>
<td>5</td>
<td>9.6</td>
<td>16.7</td>
<td>90.0</td>
</tr>
<tr>
<td>Diploma</td>
<td>2</td>
<td>3.8</td>
<td>6.7</td>
<td>96.7</td>
</tr>
<tr>
<td>Degree</td>
<td>1</td>
<td>1.9</td>
<td>3.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>57.7</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2014

Table 4.3 shows that primary school leavers were 11.5%; Diploma 2%; degree holders 1%, while secondary school leavers were 23.1%. The table further shows that employees with lower level of education were highly employed in private sectors. The employees with secondary school education were 23.5% followed by the primary education level 19.2%, Certificate 9.6%, diploma 3.8%, and degree holders are 1.9% respectively. This indicates that most of the less educated employees are affected by ignorance of labour laws.

4.1.4 Respondents by Profession

The profession/cadres of the respondents indicates that among the 52 respondents, the employers were 8.5% as per SPSS output. Moreover, employees from selected amounts to 51%, Labour officers are 12%, while administrators are only 7.7%. Other professions are 1.9% of all respondents.
Table 4.4: Response by Profession in Working Area

<table>
<thead>
<tr>
<th>Profession</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employers</td>
<td>4</td>
<td>7.7</td>
<td>8.5</td>
<td>8.5</td>
</tr>
<tr>
<td>Employees</td>
<td>27</td>
<td>51.9</td>
<td>57.4</td>
<td>66.0</td>
</tr>
<tr>
<td>Labour Officers</td>
<td>11</td>
<td>21.2</td>
<td>23.4</td>
<td>89.4</td>
</tr>
<tr>
<td>Administrators</td>
<td>4</td>
<td>7.7</td>
<td>8.5</td>
<td>97.9</td>
</tr>
<tr>
<td>Others</td>
<td>1</td>
<td>1.9</td>
<td>2.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
<td>90.4</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>5</td>
<td>9.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2014

Table 4.4 shows that employers were 7.7%, employees 51.9%, labour officers 21.2% while administrators were 7.7%

4.1.5 Work Experience

Time spent by employees on job was a variable that researcher was to exploring from respondents to know how long labour officer, administrator and employee has worked for and knowledgeable on labour law compliance and inspection (see Table 4.5).

Table 4.5: Time Spent in Current Job

<table>
<thead>
<tr>
<th>Time Spent</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5 years</td>
<td>18</td>
<td>34.6</td>
<td>46.2</td>
<td>46.2</td>
</tr>
<tr>
<td>6-10 years</td>
<td>9</td>
<td>17.3</td>
<td>23.1</td>
<td>69.2</td>
</tr>
<tr>
<td>11-15 years</td>
<td>5</td>
<td>9.6</td>
<td>12.8</td>
<td>82.1</td>
</tr>
<tr>
<td>16-20 years</td>
<td>4</td>
<td>7.7</td>
<td>10.3</td>
<td>92.3</td>
</tr>
<tr>
<td>21-25 years</td>
<td>3</td>
<td>5.8</td>
<td>7.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>39</td>
<td>75.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>13</td>
<td>25.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2014
4.2 Research Findings and Analysis

The research findings and analysis are based on the collected information and inferences made by the study on the basis of the research questionnaire as well as objective of the study. The main objective of this study was to investigate the role of labour administration and inspection in the labour law compliance.

The analysis based on the following research questions:
(i) Why employers in Tanzania do rarely comply with labour laws and employments standards?
(ii) What are the challenges facing labour officers in labour inspection in Tanzania?
(iii) How does low labour law compliance result into labour disputes?

4.2.1 To Examine why Employers in Tanzania do rarely Comply with labour Laws And Employment Standards?

This research question was intended to explore the challenges facing the labour inspection officers in the Ministry of labour and employment, particularly those working at the inspection department. The aim of this question was to establish how labour inspection was conducted and how this challenge affected the general administration of labour laws in Tanzania. The data were collected from the labour officers who were in charge of doing labour inspection and the senior administrators in the labour department through questionnaires, and the interviews. The findings indicate that most respondents had positive views on the potential of labour inspection and they regarded it as an important tool towards effective labour law compliance if conducted properly.

Most of the respondents argued that the most of the labour inspection dealt with employees complaints when there was a serious problem in the undertakings so as to manage the situation in particular work places. The major themes that arose during the interviews include: inadequate facilities, lack of commitment and professionalism among leaders and inspectors, few number of inspector, and corruption. These findings are reported in the next subsections.
4.2.1.1 Lack of Commitment and Professionalism among Leaders and Inspectors

The interviewed employees reported that leaders and administrators in the labour department lack commitment and political will at the national level. One respondent claimed that: “… you know our leaders in particular those responsible to enforce laws such as labour law inspectors are not committed in helping us … Also, there is no political will at national level in helping employees” (Hadija, Hotel A employee).

In the similar vein another responded reported that:
Yah … let me tell you … when inspectors come here they see the hotel management first they talk themselves with management … yah then they come to us. But the talk is useless because when the left the same thing continue (Rose, Hotel C employee)

During the field study it was observed that most of the top leaders in the labour department are were professionals in labour issues, which affects the general labour policy formulation and enforcement, and prioritization of activities in the labour department, particularly labour inspection. it was also reported that labour inspection was not effective because of the lack of political will on part of the government itself to prioritize the labour matters as important towards economic growth and poverty reduction. The government’s lack of prioritizing to the labour department resulted to a very small budget allocation to the labour department which could not perform the intended activities generally. One of the interviewed employers said:

… the problem of the low labour compliance and poor labour administration has originated from the government itself because it does not make any initiatives to make sure that the labour department is performing their role and no any measure are taken to improve the department that is why we are not informed about the roles of the ministry of labour (Kamau, hotel B Manager)

This view suggests that labour department is not performing their responsibilities as required by the Labour Law.
4.2.1.2 Few Number of Inspection

Concerning the number of the labour officers’ visits to the workplaces, most of the respondents were asked to express their views on the number of labour inspections conducted to various workplaces. Most of the respondents in this part were the labour officers. The results showed that 19.2% of 16 respondents described two – three inspections conducted, while 7.7% were three-four, 1.9% was four-five and 1.9% responded above five per week (see Table 4.6). The labour inspectors fail to meet their inspection plan due to the challenges facing the labour department such as work facilities and the lack of inspection facilities such as means of transport and allowances.

Therefore, the possibility of doing labour inspection for the labour officers is very low due to the above mentioned deficits. Such environment affects the general performance of the whole ministry of labour and employment in general as the administrator of the labour laws. When interviewed labour inspector said:

I do inspection when there is a car but when there is no there is no car and ground travel allowance it is impossible for me to do labour inspection because the workplaces are far away from the city centre where the labour office is and if I do inspection it is around near places where is a working distance (Amina, Labour inspector)

<table>
<thead>
<tr>
<th>Table: 4.6: Frequency of Inspection Conducted by Labour Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Frequency</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Valid</td>
</tr>
<tr>
<td>Two-three</td>
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<tr>
<td>Three-four</td>
</tr>
<tr>
<td>Four-five</td>
</tr>
<tr>
<td>Above five</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Missing</td>
</tr>
<tr>
<td>System</td>
</tr>
</tbody>
</table>

**Source:** Field Data, 2014
The findings in Table 4.6 imply that there are few numbers of inspection visits at the workplaces by labour inspection offices. Therefore, both employers and employees cannot get the education or awareness on the Labour Laws because the labour department did not have enough employees and resources to conduct inspections in workplaces to boost labour law compliance.

The findings indicate that in Dar es Salaam region there was few labour inspectors ranging from 10 to 13, which is a very small number compared to the needs given that Dar es Salaam has many working stations that need to be inspected. During the interview one of the labour inspectors commented that: “I have a lot of activities to do apart from labour inspection and because we are few in number and I do what argent for the time being such as doing inspection where there are complains or strikes”(Lucas, Labour inspector). This implies that the labour inspectors cannot perform their role effectively because they are few and have negative implication toward labour law compliance in Tanzania.

One of the senior managers in the department commented that “we are trying to employ labour officers but they are leaving the job and I think the available number for the city like Dar es Salaam with a lot of employers and employees” (Haymu, Senior labour administrator). The statistics taken from the labour department shows that the labour officers’ job turnover is high as most of the newly employed labour officers terminate their contracts due to hard working environment. When asked one of the senior administrator commented that ‘‘the main reasons for the inspectors leaving their job is the work related environment which is not conducive and not friendly for a labour inspector’’ (John, Senior labour administrator)

4.2.1.3 Labour Inspection Methodology
Among the interviewed respondents on the way labour inspection is conducted by labour department officers reported that it is not properly conducted and it does not promote the effectiveness towards labour compliance because they are using old methods of doing labour inspection where by the labour inspector got to the work place and do inspection and issue compliance order without giving education on
what should be conducted so that they comply with all the provisions under the Labour Law.

The respondents reported that in order for labour inspection to be effective there is a need of having a social dialogue forums that will help create awareness to both stakeholders, employers and employees where by the labour department can coordinate awareness creation seminars and call all the stakeholders concerning with the labour law social security funds, occupational and health services and workers education department where by the labour law education and labour inspection in general then that can be follow up by labour inspection this will make labour inspection effective because at list most of the employers will have the knowledge. Social dialogue forums will help in creating Labour Laws awareness.

Most of the respondents particularly the employers named the present system of labour inspection as the policemen system of touché ring employers that does not promote harmony. One of the employers when interviewed said that:

.....the labour inspection system is not friendly to us employers the way labour is conducted is not friendly to employers because the inspectors are not giving the notice for labour inspection, the labour inspectors should notify the employer on the intention to do the inspection at the work place and all the requirements explaining the reason for inspection and not doing inspection without prio-notice (Employer, hotel A)

Another respondent said that:

........in order for the employers and employees to comply with the labour law both employers and inspectors should seat together and discuss the requirements of the Labour Laws and what can employers do to comply from then labour inspection will be fruitful’’........I think there is a need of changing the way of doing labour inspection in Tanzania (Employer, hotel C).
4.2.1.4 Poor Working Conditions and Frustrations

This study has established that most of the labour officers also have frustration that has resulted out of poor working conditions. An effectiveness and efficiency requires good working environment with enough salary, facilities and allowances to the labour inspectors.

When one of the labour inspectors was interviewed he claimed that:

The work environment is very embarrassing especially when there are no transport facilities and ground travel assistance as a result we walk long distance even when you reach to the workplace you feel tired and also we can’t be respected by the employers under such circumstances (Lumumba, labour inspector).

In the similar vein another labour inspection officer during interview she reported that “… you know doing frequent visit to different workplaces here in Dar es Salaam require support from the office by provision transport such as car, allowance” (Ali, Labour inspector)

According to the findings it has been observed that the extra duty allowances and ground travel allowances are given occasionally due to budget deficit. Therefore, the hard working condition affects the general role of labour law administration through labour inspection and awareness creation to employers and employees.

Without enough work facilities such as transport allowances and ground travel allowances that will support the labour officers to go to work places and do labour inspection and provide the labour law education to the employers, the labour law administration is inevitable. Thus, the proper functioning and effectiveness of the labour department in the administration of the Labour Laws depend in the availability of enough work facilities and the conducive working environment for the labour officers to perform their roles.
4.2.1.5 Low Number of Labour Officers

The findings of this study proved that even the number of the labour inspectors is low compared to the number of undertakings in Dar es Salaam region. The number of the labour officers ranged from 10 to 13 which is a very small number of the labour inspectors to do inspection and to provide education to the employers and employees and do other activities such as responding to different claims and complains bring in the office by different clients.

One of the labour inspectors when interviewed said that “We have a lot of activities to do apart from labour inspection and because we are small in number and we do what argent for the time being such is doing inspection where there are complains or strikes” (Matilda, labour inspector). “This notation shows that the labour inspectors cannot perform their role effectively because they are not small in number and this has the direct to the labour law compliance in Tanzania.

The small number of the labour inspectors is the result of high numbers of employee’s turnover particularly the labour officers. The statistics taken from the labour department shows that the labour officers turnover is high most of the newly employed labour officers terminate their contracts due to the hard working environment. According to the statistics out of 23 new employed labour officers in 2009 about 9(39%) labour officers have terminated their contracts of employment between 2009 and 2013 (LAISED, 2013).

The main reason for the inspectors leaving their job is the work related environment which is not conducive and not friendly for a labour inspector. Any effective and efficient labour inspectorate requires a sufficient number of labour inspectors. There should be coherence between the number and size of the establishments and number of the labour inspectors.
4.2.1.6 Lack of Integrity and Corruption

The study findings indicated that employees are not satisfied with the way labour inspection is conducted in Tanzania. They reported that labour inspectors during inspection visits they only meet the management and without conducting meeting with employees to discuss their problems they face their work stations.

One of the respondents blamed that “we do not believe if the inspectors are coming to help us because they come and talk with the employer, they are given money and they leave without asking us” (Abdullah, hotel B employee). This views suggest that the labour inspectors lack integrity as the civil servants they are bribed and this affects the labour law administration because they can no influence compliance and sanction the employers for not complying they will be protecting the employers interest.

The lack of integrity labour inspection will not help in building good industrial relations because there will be no compliance and employees will protected from hard working conditions. Apart from that the labour law compliance cannot be achieved because the labour law compliance requires transparency and accountability under such circumstances there is not accountability and transparency.

The following are the discussions of the results for our first research question: Research findings show that the insufficient labour inspection is the result of the lack of resources such as financial, material and human resources and the lack of training to the inspectors which affects labour inspection and the labour law administration in general. Labour inspection is important in enhancing the labour law compliance because it is through labour inspection the employers and employees can get the labour education.

The aim of doing labour inspection is maintain peace and harmony at the work places. Therefore, if labour inspection is not sufficient then it will affect the labour law compliance. For labour inspection to be effective there is a need of having the enough resources to perform their role.
According to the International labour Organization benchmarks for the effective labour inspection are that the labour inspectors must be well equipped with transport facilities and material and they must be sufficient in number depending on the nature and size of the workplaces, adequately trained.

In addition labour inspections must be conducted thoroughly to make sure that both employers and employees get the education on the labour law provisions and advice on how to comply with the Labour Laws for effective labour law compliance (ILO, 2010).

According to the International Labour Organization standards and benchmarks the ratio per one labour officer is about one labour officer to 40000 people. However, the findings of this study indicate that the Dar es Salaam city which host the highest population of employers and employees there are only about 13 labour inspectors which is far below ILO standards.

Therefore, labour inspection is the only way the through which the labour law information is provided to employers and employees. This study finding also conform to the (ILO, 2009) on labour inspection which highlighted some challenges facing labour inspection in several countries such as violations of the Labour Laws, lack of material resources specifically transport and low salaries which discourage the labour inspectors.

Consequently, due to the above challenges there is a need is a need to develop the effective inspectorates that are well equipped to improve the labour law education to workers and employers together with outreach seminars for awareness creation and sensitizations on Labour Laws and improve compliance.
4.2.2 What Are The Challenges Facing Labour Officers in Labour Inspection in Tanzania?

This research question intends to explore the challenges that the labour officers in performing their role of labour law administration. In order to answer this research question the researcher has used several methods of data collection such as questionnaires, interview and documentary reviews. Among the reasons given by the respondents as pre research findings were as following:

4.2.2.1 Ignorance of the Labour Laws

The lack of knowledge on the labour laws for some employers and employee is one of the challenges that affect the labour law compliance in Tanzania. During the interviewed labour officer say that:

Employers are not aware of these Labour Laws there’s need of more efforts on education because when we go to the workplaces most of the employers are totally not aware of the laws as a result we have to explain each and everything……there is a possibility that they do not comply because they are not informed on the laws, the government should find the way of educating employers through media (Kambahita, labour administrator).

This finding suggests that it is difficult for a labour officer to enforce the compliance of laws for the employer who is not aware of the law itself. Also labour inspection becomes very hard for a person who does not know even one section of the law. Therefore, instead of doing labour inspection they have to educate the employers on the important sections of the law at the same time the labour officer will be discouraged.

On the other hand the ignorance of the law is not only to the employers but also to the employees. Most of the employees are not aware of the laws because there are no forums for labour URT (2011) law education that could help the employees to know at least their basic rights. There is also unavailability of the codes of good practice and the acts and brochures on the part of labour administration services department.
Due lack of education on the Labour Laws by the employees they are also not ready to disclose any information concerning the situation at the workplace as a result the labour officer fail to get the proper information on that work place. When the employees were asked if they know any law regarding their rights almost about 27(77.1%) out of 35 interviewed employers and employees say that they are not aware of the Labour Laws. Only 8 (22.9%) say that they are just informed on the laws but not aware of all the provisions of the law. Therefore, the ignorance of the law for both employers and employees affects the labour officers to conduct labour inspection smoothly.

When interviewed one of the employee say that “the government does not provide any information on the Labour Laws in Tanzania, the labour department does not provide education either by newspapers or booklets to help us to know the basic things as employees” (Yassin, employee hotel B).

4.2.2.2 Inadequate Resources

The respondents said that in performing their role of labour inspection they are facing some challenges which in one way or another affects their performance in meeting the annual inspection plan as per labour officer. Inadequate resources are among the mentioned factors that labour officers are facing. The inadequacy of resources involve lack of enough work facilities such as means of transport especially cars, ground travel allowances and other work facilities such as computers and that most of the available computers currently are not working. Basically the lack of adequate work facilities is the result of the financial constraints.

The effect of inadequate resources is that the labour officer cannot do labour inspection and if they do is for the places near to their offices which are also some kind of embarrassment to them. The inadequate resources have resulted to frustrations and demoralization for the labour officers, such environment also opens the room for corruption for the labour officers.
Inadequate resources discourage the labour officers because of the prevailing working conditions which do not allow them to fulfil their duties and above all are the lack of incentives. When asked on the problems hindering labour inspection one of the labour inspector

4.2.2.3 Unwillingness of Employers during Inspection

In respond to the problems that the labour officers face during inspection study participants reported that most employers are unwilling for their premises to be inspected and to answering the questions related to inspection. During inspection at work places some of the employers are not ready to cooperate with the labour officers so as to give them support for all the required information and documentations.

One of the labour officers when interviewed said that:
… the employers in Tanzania have negative attitude towards labour inspection during inspection it takes time to educate the employer so that he gave us some of the documents when we asked for and sometimes we use the police support to inter to work places (Clementine, Labour inspector).

Most of the respondents argued that the employers and employees generally have negative attitudes towards labour inspection conducted by the labour officers and the labour officers. The problem here is that the employers always fear of being caught and being taken to the court when discovered that they go contrary to the sections of the law. Also the employers are reluctant because they know the sanctions for not complying are not so painful because the enforcement means are weak and the fines are small, according to the Labour Institutions act the fine for non-compliance range between one million to five million (URT, 2004).

The employers and employees reluctance towards labour inspection also can be due to low education on the Labour Laws or because of the ignorance of the law. Apart from employers reluctance towards labour inspection the employees also do not want
to cooperate with the labour officers during labour inspection. When one of the employees was asked on labour inspection he claimed that:

… the aim of labour inspection is not to help us because when the inspectors come for inspection they just talk to employers and live without asking our problems I don’t believe in this government because people they are always after money (Lutuli, Hotel A employee).

4.2.2.4 Lack of Professionalism

From the findings of this study it was found that most of the labour officers are not professionals. Most of them are employed with different education background particularly having qualification as social workers, public administration and very few are lawyers. This has been justified by the views given by the labour officers when interviewed as one of the labour officers said that:

...I have never attended any labour law studies but I learn all about the Labour Laws through practice and my work experience somehow I know the Labour Laws but I need to have the specific studies on the Labour Laws to become more competent as the world of work is changing and increased interaction between different nations and we face a lot of challenges I need to learn more to provide education to different employers from different parts of the world (Rakai, Labour inspector).

It has been observed that the labour officers do not have specific specialization on the Labour Laws most of them have carriers in social sciences as a result it makes them hard to learn and understand the Labour Laws only through practice and by using the experience from the senior labour officers which is also a problem under the changing world of work within globalization.

Apart from the lack of professionalism they are not given training on the Labour Laws so as develop their carrier. The lack of professionalism makes the labour officers incompetent in performing their role of labour law administration. The respondents, particularly labour officers when interviewed argued that there is a need
is a need to have the carrier path professionalism that allows to grow based on output and quality services to the people. Also the lack of professionalism applies to the senior administrators that most of the top officials are political appointees who are not professionals on the labour studies which also affects labour administration because of the political interest.

When one of the labour administrator asked about his career path elaborated that “I was appointed as the labour commissioner but basically I was a magistrate in the court of appeal and I have conducted my studies in criminal cases specifically and I learn Labour Laws through experience” (Amina, labour administrator).

4.2.2.5 Inadequate Number of Labour Officers

The respondents (labour officers) claimed that they are very few to do inspection in all employment places. They are not only the field officers they are also doing other activities such as administration of the workers compensation act including giving advice the employees whose rights are violated. The labour inspectors also do other official duties such as doing computation, administering and processing the payment, verifying the employment contracts for private employers.

Other duties assigned to labour inspectors are like provision of education to the employers and employees who come to the labour office, providing advice concerning the labour law in general for those who need it. The labour officers are as well engaged in policy making, labour law enforcement and to prepare the inspection reports. Due to the inadequate number of the labour officers the available numbers of officers are much stressed to make sure they attend all the clients. This implies that by the time they are through the time do not allow them to go the workplaces and do the inspection.

The inadequate number of the labour officers due to the large workload and also affects the labour law compliance in general. When interviewed one of the labour inspectors said:
...I do labour inspection at the same time I do computation of workers compensation and witness the workers compensation payments, and listen to the client who are seeking for advice both employers and employees and reply to letters from the clients therefore because we are few in number I do all other activities in the morning and do inspection in the afternoon I think the government should employ more labour officers (Kalamu, labour inspector).

Another labour inspector was asked and said that:  
... I have a lot of activities to do as a labour officer two days in every week I verify the contracts for transportation sectors especially for drivers and reply to letters from clients but because we are few when other go for inspection I should listen to all clients and most of them do not totally know the Labour Laws at the end of the day I am frustrated (Maria, Labour inspector).

4.2.2.6 Lack of Job Satisfaction  
During the field work the respondents (labour officers) were asked to express their level of satisfaction in the job environment. The results showed that 9.6% of 43 respondents were somehow satisfied, 51.9% were not satisfied, while those who were extremely satisfied accounted for 5.8% (see Table 4.7). This means that 3.8% of all respondents were satisfied with the working environment cumulatively.

These figures imply that most of the labour inspectors were not satisfied with the working environment due to the lack of work facilities and incentives which in one way or another demoralizes them. Incentives and good working environment are part of job satisfaction. Lack of incentives affects the performance of the workforce. Poor job satisfaction also implies that poor salaries affect the employees and their work performance.
Table 4.7: Level of Satisfaction in Work Environment

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Extremely Satisfied</td>
<td>3</td>
<td>5.8</td>
<td>7.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Satisfied</td>
<td>2</td>
<td>3.8</td>
<td>4.7</td>
<td>11.6</td>
</tr>
<tr>
<td>Somehow satisfied</td>
<td>5</td>
<td>9.6</td>
<td>11.6</td>
<td>23.3</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>27</td>
<td>51.9</td>
<td>62.8</td>
<td>86.0</td>
</tr>
<tr>
<td>Miss</td>
<td>6</td>
<td>11.5</td>
<td>14.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>43</td>
<td>82.7</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>9</td>
<td>17.3</td>
<td></td>
<td></td>
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<tr>
<td>Total</td>
<td>52</td>
<td>100.0</td>
<td></td>
<td></td>
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</tbody>
</table>

Source: Field Data, 2014

Those who were not satisfied qualitatively disclosed that the working environment was not conducive; salaries were minimal, there was shortage of working facilities and that there were no opportunities for promotion. When asked one of the labour officers said:

...I am lowly paid on the other side my working condition is poor because no transport we have only one car which is used for labour inspection for the Dar es salaam region, and sometimes the same car is taken by our bosses when their cars are out of road for some problems but I should do labour inspection to make sure that I meet my annual targets. Therefore, I use my small salary for bus fare going to work places to do labour inspection (Buta, Labour administrator).

However, they further commented that the government should improve the working environment including providing good salaries, fringe benefits and opportunities for promotion so that the labour officers can do their activities in a better way.

4.2.2.7 Lack of Job Security

Labour inspectors do not have any security on the working environment and any form of rumours during and after inspection, which has also frustrated the inspectors because they work under very hard environment prone to corruption. In case of any doubt there is no security and society believes that they are bribed and still they work
is not recognized. Such environment affects the labour law administration and compliance in general. Out of 11 interviewed labour inspectors 8(72.7%) said that they felt insecure and 3(27.3%) said they felt secure. When asked, one of the labour officers said that:

...I am very uncomfortable with my working environment and in the society where their belief is negative toward labour inspection and even the employers who try to give some money so that we do not ask them about some document to see if they comply or no (Lohi, labour inspector).

4.2.2.8 Lack of Information and Database
The lack of proper information is another challenge that faces the labour law inspection and administration. The labour inspection and administration department lacks a proper database and the information system to enable the labour inspectors to know the number of the undertakings and the locations.

The problem with poor information and database is that it affects labour inspection by not knowing where a certain undertaking is and where labour compliance is low. The lack of proper information on the locations of the undertakings makes the labour inspectors take many hours to know where a certain company is located and most of the time they rely on the information given by the employees with complaints.

When interviewed, one of the labour inspectors says that:

… you know it is very hard for me to go and do labour inspection to the undertaking which I do not know exactly where it is, therefore, it takes me time to find the undertaking and sometimes I cannot find Therefore, I should go back to the office without doing the inspection, its wastage of time and fuel (Katamain, labour inspector).

According to Casale and Sivananthiran (2010), the effective labour administration require the database and record keeping as a guide the labour inspector in doing
labour inspection. The database should be both in a computerized system and manual master registers. This will guide the labour inspector to know the number of undertakings and the sectors which requires more labour inspection visits.

4.2.2.9 Lack of Labour Inspection Policy
According to the findings it has been observed that there is a lack of labour inspection as a direction for improving labour inspection in a coordinated way is another problem that hinders the labour law administration and inspection department under the ministry of labour and employment in Tanzania. When one of the labour inspectors interviewed on the challenges facing labour inspection they has this to say “...you know if the labour policy itself does not promote labour compliance labour compliance and the available policies do not change with the changing world labour inspection will not function” (Katarina, labour officer).

4.2.3 Few Number of Prosecutors
According to this study finding it was observed that the numbers of the prosecutors who load the cases to the court are very few and they are among the labour officers. The shortage of the prosecutors makes cases to take long time before being judged. When interviewed, one of the labour officers respondent that the “the cases takes time because the prosecutors are very few and the same prosecutor is the labour officer” (Joan, labour officer).

According to the findings it has been observed that the labour inspectors fail to perform and the main reasons are the lack of financial and material resources, lack of professionalism, employers’ reluctance to inspection and lack of job satisfaction, lack of labour inspection policy, and the lack of information system and database. The labour inspectors require good working environment to encourage them to play their role effectively, they should be trained on the modern labour inspection techniques so as to enhance the labour law compliance at work places. Also salaries do motivate labour inspectors to perform their duties diligently.
According to Debra, (2010) ‘‘wages have become easiest measure of the quality of jobs’’. Therefore, the poor salaries may result to the poor performance because the employees will be in a bad working condition. Therefore, there will not have work motivation.

According to Casale and Sivananthiran (2010) Labour low administration requires a good labour inspection policy that promotes labour law compliance with the labour standards, the policy that insists on the partners and stakeholders participation and structural change including the law itself, coordination between OSH and general inspection and workers compensation and the expanding the coverage of labour inspection for the informal sector.

According to the ILO, (2009), supervisory bodies report that among the current challenges in labour administration are corruption and lack of integrity, lack of merit and technical qualification and political appointments. Basically the labour department is supposed to be well equipped with well-trained officers for the administration of the Labour Laws (ILO, 2010).

The labour officers cannot perform their work effectively if the there is lack of work facilities such as cars and any other facilities such as computers. The availability of enough work facilities is the basis for labour inspectors to do reliable number of labour inspection and this will help in creating awareness among the employers, advice on how they can comply to reduce the even the reluctance of employers against inspection in their premises. The small number of the labour inspectors affects the labour laws administration because the small number of inspectors also implies a few numbers of labour inspections.

The International Labour Organization standards on the ratio of inspector as per number of the people to provide service in developing countries is 1:40000, which is not met in Tanzania because of few officers. The effective administration of the labour law requires enough labour inspectors to do inspections and to attend other visitors in the office who seek for advice, respond to complaints and administer the
workers compensation act. With the available labour officers in the labour office it is not possible to do all the activities and do inspection effectively.

4.2.3 How does the Low Labour Law Compliance Result into Labour Disputes?
This research question intended to explore the state of labour law compliance in Tanzania. The findings show that a low level of labour law compliance causes an increase in labour disputes at work places.

Respondents were asked to express their views on the level of labour law compliance in the workplaces. They were particularly asked if employers were providing them their basic rights in their employment such as employment contracts, annual leave, standard working hours, salary as well as good working environment.

The results show that 5.8% of 44 respondents described the level of labour compliance as high, while 69.2% said it was low, and 9.6% responded moderate (see Table 4.8). This finding suggests that there is low labour law compliance in Tanzania.

Basically this implies that most of the employees were not satisfied with the work environment at their workplaces that why the percentage for the low compliance was very high.

When asked, one of the employees reported that “I do not have any written agreement with my employer I have worked for seven years in this hotel but never sign any contract” (Anna, Hotel B employee).
Table 4.8:  Level of Labour Law Compliance

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>High</td>
<td>3</td>
<td>5.8</td>
<td>6.8</td>
</tr>
<tr>
<td></td>
<td>Low</td>
<td>36</td>
<td>69.2</td>
<td>81.8</td>
</tr>
<tr>
<td></td>
<td>Moderate</td>
<td>5</td>
<td>9.6</td>
<td>11.4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>44</td>
<td>84.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>8</td>
<td>15.4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>52</td>
<td>100.0</td>
<td></td>
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</tbody>
</table>

Source: Field Data, 2014

Most of the respondents complain about the harsh working environment associated with harassment, discrimination and intimidation to termination and unfair termination by their employers at the workplaces.

When asked, one of the employees says that “most of the employees are employed on monthly basis but their contracts are from six months to one year on renewable basis”. This also creates the grounds of being terminated easily. One of the employee when interviewed reported that “I am employed on specific contracts which does not provide any right such as contribution to the social security schemes I work as laborers” (Kawele, Hotel A employee).

This finding shows that the employees do not have any form of security after termination of contract by their employers. This is in conformity with the observation that the employees with specific type of contracts are not entitled with the severance pay (URT, 2004). Therefore, the law itself seems to be discriminative in nature. The employers need the labour education on the social security schemes as their protection after termination of contracts and unemployment.

This study finding indicated that the compliance of the labour law in Tanzania and particularly in the Dar es Salaam region is low. This is subjected to the lack of labour law URT (2011) labour law compliance in Tanzania; these factors include poor
service delivery, lack of labour law education and unfair termination of employment contracts. These factors are discussed in the next subsections.

### 4.2.3.1 Poor Service Delivery

When the respondents were interviewed to explain on the service delivery by the labour department one of them has this to say that:

… labour department is not doing well in performing the role of administration including labour inspection and this make employers not to comply with the labour laws because they are given powers but they are not using them effectively (Shirima, Hotel B employee).

Most of the respondents said that the service delivered by this department was poor. Table 4.9 shows that out of the interviewed respondents, URT (2011) were satisfied with the service provided and 83% of the respondents said that they were not satisfied with service provided.

#### Table: 4.9: Does the Department of Labour Service Delivery to the Public Meet Quality Standard of Service Delivery?

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>URT (2011)</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>URT (2011)</td>
<td>8</td>
<td>17.0</td>
<td>17.0</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>39</td>
<td>83.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>47</td>
<td>90.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>5</td>
<td>9.6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>52</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Field Data, 2014

The service delivered by the labour department was poor because even the numbers of the inspection visits were very few. Therefore, it is very hard to provide good service to the public because the department itself does not achieve the objectives and inspection plans. The reasons for not meeting the objective are lack of enough resources human, financial and material resources (URT, 2012).
4.2.3.2 Inadequate Labour Law Education

The low labour compliance can be due to the fact that the employers do not have the knowledge on the labour laws generally. But those with the knowledge on the labour law have developed the culture of not complying because there is lack of committed enforcers.

The labour inspectors are unaccountable, incompetent and not transparent. As indicated above, the findings also show that lack of enough resources contributed to the small number of labour inspection visits. Most of the interviewed employees said that the problem is the government which does not enforce the law effectively.

During interview with the employees one of them has this to say “the poor administration and enforcement of labour law are the source of non-compliance because employers are using weaknesses of the labour department to exploit workers” (Lucy Hotel C employee). This statement implies that the labour department takes no any initiatives to make sure that employers comply with the labour laws.

According to the respondents from the interviewed employees, the labour disputes are among the effects of low labour compliance that due to the low labour compliance the employees will not be able to get their rights, particularly the dispute on rights.

4.2.3.3 Unfair Termination of Employment Contracts

There has been an increase in the number of the termination of contracts unfairly at work places. Due to the lack of labour law education the employers terminate their employees’ contracts without following the procedures of termination and job insecurity is the result of low labour compliance. Among the interviewed employees on their contracts of employment, URT (2011) ed that “there is low compliance because the employees we do not have the written contracts and at any time the employer can terminate the contracts without any reasons” (Lulu, hotel B employee).
It is due to the low labour compliance, employers terminate the contracts of employment with their employees without following the termination procedures regardless of the termination. The compensation for unfair termination is not less than twelve months salary for one employee who has continuously worked for the employer for more than six months, which is somehow costful for the employer to pay but they mess up because they do not have education on the Labour Laws (URT, 2004).

4.2.3.4 Increase in Outcry
Due to the low labour compliance, the employees will not get their rights as a result the employees are likely to decide to form disputes with their employers. One employee when interviewed on labour law compliance and labour disputes claimed that "employers do not comply with the Labour Laws consequently intolerable working conditions. Therefore, we strike to demand our rights by any means" (Egada, Hotel A employee).

The data from the respondents from both ministry of labour and workers in three selected hotels revealed that most complaints were about the disputes on rights such as the right to annual leave, maternity leave, working hours, unfair termination and overtime payments. When asked one of the employee said we work for normal and more hours hardly and nothing is added to my salary when you demand more payment my employer intimidate to terminate my employment’’ (Mitima, hotel C employee).

The dispute between the employees and their employers is the last resort for employees to demand their rights which are denied and which cannot be acquired through negotiation. The employers fail to provide their employees with their rights because they are not aware of the requirements of the law and employees right in general. The employers need education on labour laws particularly and on the International Labour Organization standards.
Generally, the low labour compliance has resulted to the increase in the number of labour disputes as the employees try to get their denied rights by their employers. The employees due to the hard working environment and intolerable working conditions open the disputes with the employers by demanding their rights. Such demands can be extra working hours, denied annual leaves and social security contributions.

As far as the third research question is concerned; findings show that the labour law compliance was low due to insufficient labour inspection in Tanzania and it has contributed to labour disputes at work places due to the lack of harmonious working environment, harsh treatment to the employees and unfair termination.

According to the ILO (2010), the primary role of labour inspection is aimed at bringing harmony at work places through provision of education on Labour Laws to both employers and employees. Labour inspection is believed to be the only way of achieving the labour low compliance through labour inspection the employer can understand the Labour Laws comply with them. Therefore, if the labour low compliance is low then employers and employees will not have good industrial relations at work places. The aim of labour administration and inspection is to make sure that the labour standards are observed and employees and their employers to leave in industrial harmony.
CHAPTER FIVE

SUMMARY, CONCLUSIONS AND POLICY IMPLICATIONS

5.1 Introduction
The main objective of this study was to investigate the effectiveness of labour administration and inspection in improving the labour law compliance in Tanzania. This chapter presents the summary of the study, main conclusions, recommendations and implications of the study.

5.2 Summary of the Study
Labour inspection plays URT (2011) a key role in labour law compliance. Labour inspectorates are responsible for labour inspection URT (2011) work places to ensure that labour laws are enforced and complied with by providing advice, education, and awareness creation and sensitization seminars. Labour inspectorates have been established to encounter the recent labour disputes due to economic crisis. Due to the global economic transformation, there is a need of having more powerful and effective labour inspectorates’.

In developing countries like Tanzania labour inspectorates are facing some such include lack of resources, well trained personnel, lack of enough personnel and low salaries which in one way or another have contributed to the low labour compliance (ILO, 2009). The main role of the labour inspectorate is to make sure that both employers and employees get the education on Labour Laws, proper information on the labour laws and advice on how they can comply. In order to promote good industrial relation and harmony at work places the employers and employees should get education on the Labour Laws.

The persistence of the labour disputes at work places implies that the preventive measures do not work effectively.
This study has investigated the effectiveness of labour inspection and the relationship between labour law compliance and labour inspection and to ascertain whether there is relationship between the low labour compliance and the labour disputes.

In this study three research questions and three research objectives have been scrutinised to establish why employers in Tanzania rarely comply with the labour laws and to know if the labour inspectorates are effectively performing their role to promote harmony and good industrial relations. This study also investigated the problem of the low labour compliance as the lack of proper inspection methodology, poor planning; lack of resources such as funds and human resources. It also analyzed the problem of low labour compliance as the lack of education and awareness creation.

The significance of this study is to add more knowledge to the other studies. If the role of education and awareness creation will be effectively performed, it will improve labour law compliance in Tanzania. This case study research conducted at the Dar es Salaam labour office of the Ministry of Labour and Employment involved employees and employer in three hotels in Dar es Salaam. It also involved different literatures that have been written by different scholars on labour inspection and labour law compliance in both in Africa and the other parts of the world.

This study used deterrence theory of labour compliance as theoretical framework of investigation. According to the deterrence theories of labour compliance employers decide to comply or not to comply with Labour Laws after analyzing the cost and benefits of compliance and non-compliance. Then if the cost of complying outweighs the cost of not complying, employers choose not to comply as the way of maximizing profit and minimizing costs.

This study used both qualitative and quantitative research method. It is a case study research design and this has been opted because of the limited resources. The data collection methods such as questionnaires, interview, observation and documentation were used in data collection. The targeted population of the study was 52
respondents this involves 12 labour inspectors, 5 administrative staff in the labour department, and 5 employers and 30 employees from the three selected hotels in Dar es Salaam, but due to the inconveniences 47 replied to the questionnaires only. In selection of the sample of the study purposive sampling technique was used in selection of the sample size. The data collected were analyzed according to the research questions and objectives.

The research findings show that the employers’ compliance to the Labour Laws has been low in Tanzania due to poor labour laws administration and enforcement and ineffectiveness of the labour inspectorates. Labour inspectorates as law administrators and enforcers have partially performed their role which has resulted in low labour compliance by the Tanzania employers.

Several reasons have been raised by the respondents as the cause of low labour law compliance that such as lack of the labour law education for both employer and employees as a result of low labour compliance because they are not aware of the provisions and also lack of enough resources has contributed to the small number of the inspection visits at work places.

The lack of the labour law education has effect to both the employer and employees but much more to the employees because they are always in weaker position in negotiating with the employer. As result of incompliance of labour laws by employers implies that employees are likely to work the extra hours without payment or underpaid, subsequent labour disputes such as strikes and riots and unfair termination.

Finally, findings of this study indicate that effective labour inspection and administration is important for enhancing labour law compliance and the general labour standards established. The findings suggest that it is through labour inspection that stakeholders, employers and employees can get the labour education, advice and guidance and make sure that the law is observed complied with. Apart from that
through labour inspection, sanctions for non-compliance can be applied through verbal or written warnings, administrative orders, monetary fine and prosecution.

Therefore, it can be concluded that labour without labour inspection labour law compliance cannot be achieved. Thus low labour compliance will result to lack of industrial harmony, peace, decent work and productivity in Tanzania.

5.3 Conclusion of the Study
The main objective of this study was to investigate the potential of labour inspection and administration in enhancing the labour law compliance in Tanzania. The study examined the effectiveness of labour administration and inspection in improving labour law compliance in mainland Tanzania.

The findings of the study show that there is low labour law compliance in Tanzania because of the ineffectiveness of labour administration and lack of frequent inspections in work places by labour law enforcers. The findings also indicate that both employees and employers have inadequate understanding of labour law, which results into frequent industrial disputes as each group does not comply with the standards of labour law.

Based on these findings, the study concludes that problems hindering the compliance with labour law the cause of low labour law compliances in Tanzania emanate from an ineffective labour law department due to its failure to enforce laws and provide labour law education to employers and employees.

Drawing from findings of this study, the study further concludes that lack of frequent labour inspections and inadequate funds to support labour department is the root cause of non-compliance of labour laws by employers and employers and this has been the reason for labour disputes in many hotels in Dar es Salaam. Labour inspection plays an important role in improving Labour Laws compliance.
Therefore, in order to improve the labour law compliance in Tanzania the Ministry of Labour and employment should give priority to the labour inspections to make sure employers and employees get the education on the labour laws. This will be made possible by strengthening the labour inspection and administration department in enforcing the labour laws.

5.4 Policy Implications

Basing on the findings of this study, the following recommendations are proposed to make the labour department, administrators and policy makers to take action to increase effectiveness in the labour department and finally to improve the Labour Laws compliance in Tanzania.

First, the Ministry of Labour and Employment should strengthen the capacity of the labour department by providing training and funds to support daily activities of the inspection department. With enough financial resources, the labour department will be able to run all its activities including awareness creation on labour laws to the general public through different sources such as radios, website, televisions and magazines. Also enough funds will enable the labour department to get enough working facilities such as computers and provide travel allowances and extra duty allowances on regular basis. Also, enough funds will help improve the working conditions for labour officers by providing them with incentives such as enough salary, extra duty payment on regular basis, provision of reliable working tools and protection when doing their work. Availability of incentives will help as motivation for labour officers.

Second, the findings indicate that some labour officers and inspectors are not experts of Labour Laws. Therefore; the Ministry of Labour and Employment needs to set aside a fund to provide in-service training to currently employed labour administrator’s senior officials, and inspectors on Labour Laws for effective policy making and laws enforcement. This is because employing non-professionals on labour issues affects the policy making due to the fact that they are not aware of the Labour Laws and also not aware of the labour working conditions.
Third, the study participants have reported that lack of education about Labour Laws is one of the factors for non-compliance of labour law in Tanzania. This study recommends establishment of unit in the labour department responsible for Labour Laws education particularly to concentrate much on the labour law education rather than doing labour inspection because awareness creation will make employers to understand the labour laws and therefore they can comply and remain in compliance.

Fourth, the findings indicate that there is little a dialogue between employees and employers in the hotel sector. This study therefore recommends establishment of workers councils. Workers council will provide social dialogue forums and this will help develop collective efforts among the stakeholders in order to effectively address the labour issues and enhance awareness and sensitization to all Tanzanians. Therefore, such kind of participation at the end will help in evaluation of the performance of the labour inspectorate in Tanzania because the different stakeholder is aware of the laws and then it will be easy to evaluate their performance and commitment.

Fifth, the findings indicate that employers do not submit employees’ social security contribution as one of the basic rights according to Tanzanian laws and labour standards under the International Labour Organization social security convention, 1952, No. 102. Therefore, this study recommends that employers should adhere to labour laws and ministry of labour and workers trade union to make thorough follow-up of workers right.

5.5 Areas for Further Research
This study observed that there is low in Tanzania, particularly in Dar es Salaam region specifically in the Hotels sector. This study involved only three hotels in Dar es Salaam and labour department officers in Dar es Salaam headquarter. The size of this sample limits the generalisability of the findings.
Therefore, this study makes the following recommendation for further research.

(i) First, there is a need for doing larger study by increasing the scope of the study to investigate the status of labour law compliance in hotels in Tanzania so that we can generalize the status of labour compliance across all hotels in Tanzania.

(ii) Second, there is a need for similar study to investigate labour compliance in other employment sectors such as security companies, domestic workers, and mining sectors and more specifically compliance on working hours and extra hours payment.

(iii) Third, there is also a need to evaluate the relationship between poor motivation and high labour efficiency.

(iv) Fourth, further there is importance of doing a study on the implications of labour laws for employers and employees and the economy at large.

Fifth, it is also necessary to study the role of trade unions in enhancing the compliance of the labour laws in Tanzania.
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APPENDICES

Appendix 1: Questionnaires

THE ROLE OF LABOUR ADMINISTRATION AND INSPECTION IN IMPROVING THE LABOUR LAW COMPLIANCE IN TANZANIA

Dear respondent,

I request you to answer the following questions. The questions are purely for academic purposes, and I do not intend to victimize any person, in one way or another. The researcher will not disclose the source of information in public for any reasons.

Your contribution in answering these questions will assist me in writing my research paper, which will be the partial fulfillment of the award of Masters Degree in public administration.

You need not to write your name.

THANKING YOU IN ADVANCE,

RESEARCHER
Questionnaires for the Labour Inspectors

Personal profile

1. Position .......................................................................................................................... 
2. Age....................................................................................................................................
3. Sex......................................................................................................................................
4. Number of years you work with the labour department ..............................................
5. What are the challenges you are facing as a labour inspector in performing your duties.
   Briefly explain....................................................................................................................
   ...........................................................................................................................................
   ...........................................................................................................................................

6. What is the status of the labour law compliance in Tanzania low/high, if low explain why?
   ...........................................................................................................................................
   ...........................................................................................................................................

7. Are the employers committed to follow the rules and regulations stipulated under the labour laws if yes explain how and if no explain why?
   ...........................................................................................................................................
   ...........................................................................................................................................

8. Do you manage to meet your inspection plan? if no explain why and if yes explain how?
   ...........................................................................................................................................
   ...........................................................................................................................................
9. How many inspections do you manage to do per month(tick the correct answer)
   (i) 2 – 3
   (ii) 2 – 4
   (iii) 3 – 4
   (iv) 4 – 5

10. What government can do to improve efficiency of the labour department?
    ............................................................................................................................
    ............................................................................................................................

11. What are your other responsibilities apart from labour inspection (Mention)
    ............................................................................................................................
    ............................................................................................................................

12. What is the status of the labour inspectors’ turnover; high/low if high explain why?
    ............................................................................................................................
    ............................................................................................................................

13. Is there any form of motivation provided to the labour inspectors yes /no?
   (a) If yes, what kind of motivation do you get?
      ............................................................................................................................
      ............................................................................................................................
   (b) If no, what type of motivation do you need (Briefly explain)
      ............................................................................................................................
      ............................................................................................................................
Appendix 2: Questionnaires for Administrators in the Labour Department

Personal Profile

1. Age ..............................................................................................................
2. Position ....................................................................................................
3. Sex ..........................................................................................................
4. What are the challenges facing the labour department? (Briefly explain)
   ..............................................................................................................
   ..............................................................................................................
   ..............................................................................................................
5. What are the challenges you face from the labour officers?
   (Briefly explain)
   ..............................................................................................................
   ..............................................................................................................
   ..............................................................................................................
6. Are the labour officers competent in doing labour inspection? Yes/No
   If no briefly explain
   ..............................................................................................................
   ..............................................................................................................
   ..............................................................................................................
7. Briefly explain what can be done in order to improve labour law compliance in Tanzania
   ..............................................................................................................
   ..............................................................................................................
   ..............................................................................................................
Appendix 3: Questionnaires for the Employers

Personal profile

1. Age ..............................................................................................................
2. Position ....................................................................................................
3. Sex ...........................................................................................................
4. Explain in short on performance of the labour department in bringing awareness on labour laws
   ..............................................................................................................
   ..............................................................................................................
5. What do you comment on the way labour inspection is done (Briefly explain)
   ..............................................................................................................
   ..............................................................................................................
6. Have you attended any of the training seminars on labor laws provided by the labour department? Yes/no (tick appropriate)
   If no why
   ..............................................................................................................
   ..............................................................................................................
   If yes state its importance
   ..............................................................................................................
   ..............................................................................................................
7. Can the effectiveness of the labour department reduce the labour disputes? Yes/No (Tick the correct).
   If yes explain how
   ..............................................................................................................
   ..............................................................................................................
Appendix 4: Questionnaires to Employees

Personal profile

1. Age.............................................................................................................. years

2. Sex,
   (i) Male
   (ii) Female………

3. Education level(tick relevant)
   (i) Certificate
   (ii) Diploma
   (iii) Advance diploma
   (iv) Degree

4. Title/position........................................................................................................

5. For how long you have been working with your employer (mention)
   ........................................................................................................................................

6. Do you have the employment contract with your employer yes/no, if yes what type of contract do you have(tick relevant)
   (i) 1 year contract
   (ii) years contract
   (iii) Permanent contract
   (iv) Employed as Labourer
   (v) Weak workers union

7. How often did you meet labour inspection officers? Kindly explain
   ........................................................................................................................................
8. Do you know any laws that protect employee’s rights? If no explain why and if yes kindly mention those laws

.................................................................................................................................
.................................................................................................................................

9. Does labour inspection which is done by the labour inspectors help in making employers comply with the labour laws yes/ no, if no explain why

.................................................................................................................................
.................................................................................................................................
.................................................................................................................................

10. What do you think are the reasons for employers not complying with the labour laws, (tick the relevant answer)

(i) Negligence
(ii) Ignorance of the law
(iii) Ineffectiveness of the responsible department
(iv) Poor sanctions

11. Do you think there is any relationship between labour inspection department and the persistence of the labour disputes at the workplaces? (Briefly explain)

.................................................................................................................................
.................................................................................................................................

12. What can be done by the labour administration and inspection department to improve labour compliance at work places?

Explain briefly

.................................................................................................................................
.................................................................................................................................
.................................................................................................................................
Appendix 5: Interview Guide Questions for Labour Inspectors

1. What is your understanding on the labour law compliance?
2. What is the status of the labour law compliance in Tanzania?
3. Are employers committed to follow rules and regulations stipulated under the labour laws?
4. What do you think are the causes of insufficient labour inspection in Tanzania?
5. Are you confident with your inspection plan? How do you manage?
6. How many inspections do you manage per week/month?
7. What are the challenges facing you in performing your duties as labour inspector?
8. Is there any relationship between low labour law compliance and the labour disputes at work places? Give your comments.
9. What do you think can be done by the government to improve efficiency and effectiveness of the labour department?

Thanks for Your Cooperation
Appendix 6: Interview Guide Questions for the Employers

1. What is the functional performance of the labour department in bringing awareness on labour laws?
2. What is your comment on the way labour inspection is done in Tanzania?
3. What are the causes of insufficient labour inspection in Tanzania?
4. What are the challenges related to labour inspection facing you in performing your duties as an employer?
5. How do you overcome the challenges to smoothen your roles of employer-employee relationship?
6. Have you attended any of the training seminars on labour laws provided by the labour department? Give comments.
7. What is your comment on the fact that low labour law compliance is the source of labour disputes at work places?
8. What are your views on the effectiveness of the labour department to reduce labour disputes?
9. What do you think can be done by the government to improve efficiency and effectiveness of the labour department?

Thanks for Your Cooperation
Appendix 7: Interview Guides Questions for Employees

1. For how long you have been working with your current employer?
2. Do you have employment contract with your employer?
3. How many hours do you work per day/week?
4. What is your understanding on the functions of labour inspection department under the ministry of labour and employment?
5. Do you think labour inspections done by labour inspectors played part in enhancing employers to comply with the labour laws?
6. What are the reasons for employers not to comply with the labour laws?
7. What are your views on the relationship between labour inspection department and the persistence of the labour disputes at the work places?
8. Give out your comments, what can be done by the labour administration and inspection department to improve labour law compliance at work places.

Thanks for Your Cooperation