

# The Role of Human Resource in Legal Compliance

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# Agenda

- ▶ Introduction to Compliance
- ▶ Laws, Regulations and Rules for Compliance in HRM
- ▶ What are the Key legal compliance issues in HRM (focus on Labour Laws only)
- ▶ How to keep abreast with Legal issues in HR as a non legal practitioner

# What is compliance

- ▶ **The act of obeying an order, rule, or request by Cambridge Advanced Learner's Dictionary & Thesaurus,**
- ▶ The action or fact of complying with a wish or command
- ▶ Compliance or acting according to a set of rules is a fact of doing business whether you are a business owner, executive, HR manager or sales representative. The adherence to e.g. rules or orders can come from internal or external sources.
- ▶ As HR practitioners we should be the ones to ensure that we comply with Labour laws and other laws of our country as we do our day to day activities, Navigating the path to compliance requires proactive planning and organization but doesn't have to be overwhelming

# Laws and Regulations for compliance

- ▶ Human resources covers a vast amount of important issues and requires a compliance deep dive.
- ▶ Failure to comply with even a single Law of Tanzania can land your company in a legal mess.
- ▶ Main laws that any Human Resources practitioner should be able to know and comply are;
- ▶ **Labour Laws:**
  - ❖ The Employment and Labour Relations Act of 2004
  - ❖ The Employment and Labour Relations (Code of Good Practice) Rules 2007

# Laws and Regulation for compliance cont.

- ❖ Employment and Labour Relations (General ) Regulations GN 47 2017
- ❖ The Labour Institutions Act 2004
- ❖ The Labour Institutions (Mediation and Arbitration)Rules 2007 (GN. 64 of 2007)
- ❖ The Tanzania Workers Compensation Act 2008
- ❖ The Workers Compensation (payment of Tariff) Regulations, 2015
- ❖ The Public Service Act 2002
- ❖ The Public Service (Negotiation Machinery )Act 2003 etc.

# Laws and Regulations for compliance cont.

## Other Laws;

- ❖ E.g. **Occupational Safety and Health Act no.5 of 2003**
- ❖ **Minimum requirements for employers**
- ▶ Register with OSHA, Have a health and safety policy
- ▶ First Aid Toolbox , 2 staff trained on first Aid
- ▶ Fulfill statutory inspection
- ▶ Pre and post medical examination for joiners(staff) and when exiting organizations
- ▶ Mandatory annual medical checkup for employees

# Laws and Regulations for compliance cont.

- ❖ The Income Tax Act Cap 332 R.E 2008
- ❖ The Immigration Act Cap 54, GN 247 2016
- ❖ The Non-Citizen (Employment Regulation) Act, CAP. 436 2016
- ❖ The Law of Marriage 1971
- ❖ The Law of The Child Act 21 of 2009

# Laws and Regulations for compliance cont;

▶ **ILO conventions on Labour,**

There are 8 fundamental conventions on

- ❖ Prohibition of Forced Labour
- ❖ Child Labour
- ❖ The Right to Organize in trade union
- ❖ Suffer no discrimination ,

These conventions are binding upon every member country of ILO and Tanzania is one of them.



# Key Legal Compliance issues in HR

- ▶ The Human resource department must be able to work with internal/external legal team in ensuring every action by the employer is in compliance with laws of the country. Compliance could be specifically for Labour laws or other laws that affects employees in an organisation .
- ▶ Review at least once in three years your internal policies especially HR policies and procedures to ensure that they are compliant.
- ▶ Keep up with the changes when they occur and stay current.

# Key Legal Compliance Issues Cont;

- ▶ The main legal compliance issues that need to be adopted in HR policies and procedures and other company polices are as follow;



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# How to Keep Abreast of Changes on Relevant legislation and remain Compliant

- ▶ Use of your Internal /External Legal team, to receive updates on when the new law is enacted/ revised/ case laws and its impact on the employer and employees.
- ▶ Join Professional Forums /Networks who work in related fields and get updates on changes in your industry
- ▶ Subscribe to ATE Updates/Be a Member as an organisation
- ▶ Use of Social Media –follow prominent people in the field , well known experts and industry people on LinkedIn, Twitter, Facebook.
- ▶ Most organisations now find a professional knowledgeable advocate and make him/her part of your HR team . The legal personnel will need to understand your HR approach to employees and your company . You will be happy you did this.



Thank you for listening , Thank  
you for your participation.



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