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Legislative Series
1938 — L.N. 2

LEAGUE OF NATIONS 2 TANGANYIKA TERRITORY¹

Ordinance: Employment of Women

An Ordinance relating to the employment of women in industrial undertakings. No. 14 of 1938. Assented to 28th October, 1938.

1. This Ordinance may be cited as the Employment of Women Ordinance, 1938, and shall come into force on such date as the Governor by notice in the Gazette may appoint.

2. In this Ordinance—

“women” includes all persons of the female sex above the age of fourteen years except women holding responsible positions of management who are not ordinarily engaged in manual work;

“industrial undertaking” includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including ship-building, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork or other work of construction, as well as the preparation for or laying the foundation of any such work or structure:

Provided that there shall not be included in this definition any undertaking in which only the members of the family of the proprietor or owner are employed;

“medical officer” means a registered medical practitioner in the public service of the Territory;

“night” signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning:

Provided that in industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances may demand it the Governor may in his discretion declare that the night period may be reduced to ten hours on sixty days of the year;

“night work” means work in an industrial undertaking at any time during the night.

3. After the commencement of this Ordinance it shall not be lawful except as expressly provided in this Ordinance to employ women in night work in any industrial undertaking in the Territory.

¹ Territory under British mandate.

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4. The provisions of section 3 shall not apply to a case where it is shown to the satisfaction of the court trying any proceedings brought under this Ordinance that the night work complained of was due to a cause beyond control bringing about an interruption of work which it was impossible to foresee and which is not of a recurring character, or where the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

5. (1) A medical officer, an administrative officer, or other duly authorized Government servant may at all reasonable times inspect industrial undertakings where women are employed to ensure that the provisions of this Ordinance are being observed.

(2) Any person refusing inspection to any such officer or obstructing him in the discharge of his duty shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a period not exceeding three months, or to both.

6. The proprietor, owner or manager of any industrial undertaking in which any woman is employed in night work contrary to the provisions of this Ordinance shall be guilty of an offence and shall on conviction be liable to a fine not exceeding four hundred shillings or to imprisonment for a period not exceeding six months, or to both.

7. The Governor in Council may, by order, after having obtained the advice of the Legislative Council, define the processes carried out in a particular type of industry which shall be deemed to be processes carried out by an industrial undertaking within the meaning of this Ordinance.

8. Nothing in the Master and Native Servants Ordinance² or in any Ordinance amending the same shall be deemed to sanction employment of women contrary to the provisions of this Ordinance.

² Cap. 51 of the Laws of the Tanganyika Territory, 1928. See Legislative Series, 1923 (L.N. 5), 1926 (L.N. 2), 1927 (L.N. 10), 1928 (L.N. 5), 1931 (L.N. 2), and 1932 (Indexes, p. 89).

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