

THE JURISDICTION OF THE COMMISSION FOR MEDIATION AND ARBITRATION AND THE LABOUR COURT IN DETERMINING TORTIOUS MATTERS ARISING IN THE COURSE OF EMPLOYMENT IN TANZANIA

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ABSTRACT

There have been debates on the bench on the jurisdiction of the Commission for Mediation and Arbitration (CMA) and the Labour Court in determination of tortious matters. The basis of the debates is the amendments brought by Act No.8 of 2006, the Written Laws (Miscellaneous Amendments) Act, which, inter alia, amended sections 88(1)(b)(ii) and 94(1) of the Employment and Labour Relations Act, 2004. The Court has interpreted the provisions of the amending law in two different ways. Some Judges argue that the Labour Court has jurisdiction to hear cases of defamation while others are of standing that neither the CMA nor the Labour Court has such jurisdiction. This paper considers whether the relevant provisions of law are properly interpreted in determining the jurisdictions of the CMA and the Court. By way of research methodology, the author made use of secondary sources of information which involves a review of law dictionaries, text books, statutes, and cases. After making a thorough analysis of the materials employed, the author submits that the said amendments were intended to widen jurisdictions of the CMA and the Labour Court. Therefore, they should not be interpreted negatively.