Contract of employment or contract of service, it is just like any other contract its required to conform all other requirement of an ordinary contract. also it remains to be the substantive document containing the various duties and obligations an employee may have to wards his/her employer. As in a case of *Mohamed Idrissa Mohamed vs Hashim Ayoub Jaku* it held that, the court reiterated the duty imposed by the law on parties to a contracts to perform their contractual obligations and we subscribe to the restated position.

Employment means, under *Section 4[[1]](#footnote-1)* state that is the performance of the contract of the employment by parties to the contract under employer and employee relationship. Therefore, in general meaning the contract of employment is a voluntary agreement between two parties in terms in which the employee places his or her labour potential at the disposal and under control while the employer in exchange for some form of remuneration.

**The Following Are the Duties of Employer and Employee.**

* DUTIES OF THE EMPLOYER.

1. **To provide a safe working environment/ condition.** Means that the employer. The employer must consider his workplace to have a good appearance, in the sense that when he hires an employee in his workplace, he must ensure that there is environmental safety and health safety for both the employer and employee to avoid challenges that will lead to endangering their lives. Under *Section 8* *(1)[[2]](#footnote-2)* state that every employer shall ensure the reasonable practicable and safety health at the work place of his or her employee. *In Stokes Vs Guest, Kean and nettle fold (bolts & nuts) ltd[[3]](#footnote-3).* It was held that, an employer does not fall below the standard to be properly expected of a reasonable and prudent employer if it follows a recognised practice unless it is clearly bad. Where employer has greater than average knowledge of the risk it might be obliged to take more than average precautions.
2. **Provide remuneration** **to the employee**. It is a compensation received by an employee, it includes not only bases salary but also any bonuses, commission payment, overtime pay or other financial benefits that an employee receives from an employer. Therefore, the employer must pay his employees according to what their contract says as well as what the labour law say. Otherwise, the employer will have gone against the law and wronged his employee. Remuneration it’s the right of an employee where the employer is legally responsible to pay him or her that right, as per *Section 27[[4]](#footnote-4)* as well as per *Article 23[[5]](#footnote-5)*in the case of *Masasi Food Industries Company Ltd vs Dennis Jamaldin Namanga &2others[[6]](#footnote-6),* the respondents were employed by the applicant on different dates between the year 2012 an 2018 and they were employed on different position. On august 2018 it was seeing that operation of the company was difficult. On December 2018 the applicant gave the respondents and other employees three months leave without pay. After failing to continue with production the applicant decided to retrench the respondent and on 17 may 2019 the respondents were served with letters of retrenching them from their employment. So respondents were dissatisfied by the decision of their employer to terminate their employment and referred their dispute to the commission claiming for various relief. So the commission Awarded the respondents unpaid leave one month pay in lieu of notice, severance pay and ordered the respondents to be paid the salaries of two months of April and May 2019.
3. **Treat the employee fairly with dignity and respect.** all workers/ employees wherever they are employed must be treated with dignity, respect and fairness. There is a heightened risk of abuse where employer rely on migrant workers/ employees, low skilled workers or works with low level of literacy. Therefore, the employer has a duty to ensure that the rights of his employees are valued and treated in an ethical manner in order to be protected from bullying, harassment or any forms of disciplinary action deemed overly harsh. As per *Article 25* provided that every person has the duty to participate responsibility with honest and discipline without any forced and humiliating or discrimination in a workplace, the same in *Section 7[[7]](#footnote-7)*it prohibit the discrimination at the work place*.*

1. The Employment and Labour Relations Act, Cap 366 R.E 2019. [↑](#footnote-ref-1)
2. The safety, health and welfare at work Act, 2005 [↑](#footnote-ref-2)
3. *[1968] 1WR1776* [↑](#footnote-ref-3)
4. The Employment and Labour Relations Act, CAP366 R.E 2019 [↑](#footnote-ref-4)
5. The Constitution of the United Republic of Tanzania, CAP 2 1977. [↑](#footnote-ref-5)
6. Revision Application No. 945 of 2019 [↑](#footnote-ref-6)
7. The Employment and Labour Relations Act, CAP366 R.E 2019 [↑](#footnote-ref-7)