

Template for Current Labor Policy and Regulations and Summary of Policy History

In this document, we summarize current policies affecting employment and work in Zambia by categorizing labor regulations in the following five areas: employment protections, child labor and age restrictions on employment, compensation and benefits, occupational health and safety, and dispute resolution. Summaries of current policy, including demographic groups and industries, are included where available.

Employment Protections

Various regulations exist for protecting the rights of formal sector employees in Zambia. The majority of these regulations are outlined in the Employment Act and the Minimum Wages and Conditions of Employment Act. Limitations on the use of contracts; duration of work day; vacation, sick and maternity leave; severance pay; and conditions for dismissal are included in these acts. Though the informal sector is not explicitly excluded from these acts, proving the various employer/employee relationships they depend on is very difficult. It should also be noted that the government has made it clear that the Minimum Wages and Conditions of Employment Act only applies to vulnerable employees, most of whom are in the informal sector (United Nations Development Programme, 2007). This makes the scope of the legislation opaque and its true effects limited.

1. Use of Contracts and Terms to be Specified in Contracts (e.g. duration, specific tasks, notification period for termination, wages, working hours, probation and leave provisions)

Chapter 268: The Employment Act. Part IV: Oral Contracts of Services. Section 20: Termination by notice.

- After six months' continuous service, an employee is entitled to a holiday with full pay at the rate of two days in respect of each period of one month's service.

2. Duration of Work Day

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997. Section 4 Hours of work – Normal weekly hours of work for any employee shall not exceed 48 hours.

3. Leave for Illness; Annual Vacation; Maternity (or Paternity) Leave

Chapter 268: The Employment Act. Part III: Contracts of Service Generally. Section 15: Holidays with pay.

- After six months' continuous service, an employee is entitled to a holiday with full pay at the rate of two days in respect of each period of one month's service. (Could also pay wage for the accumulated leave)

Chapter 268: The Employment Act. Part III: Contracts of Service Generally. Section 15A: Maternity leave.

- 12 weeks with full pay.

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997. Under Annual Leave

Sick Leave:

- Paid sick leave at full pay during the first 3 months (with medical certificate from a registered medical practitioner or medical institution designated by the employer)
- Thereafter at half pay for the next 3 months.
- Female employee shall be granted leave of absence without loss of pay to enable her to nurse her sick child who has been hospitalized and shall not be deducted from the employee's accrued leave days.

Maternity Leave:

- 90 days.

4. Severance Pay Requirements

The Minimum Wages and Conditions of Employment (General) Order, 1994 (MWG)

- Makes provision for employees whose services have been terminated to obtain severance pay benefits. Where workers in the private sector not covered by collective agreements are dismissed for operational reasons, under *clause 7* of the MWG, they are entitled to two weeks' pay for each complete year of service.

Minimum Wages and Conditions of Employment (Shop Workers) Order, 1994 (MWS)

- Workers employed in any shop or business or connected with the business of any shop, who are declared redundant after having served a minimum period of six months, are entitled to at least two months' notice and redundancy benefits of two months' pay for each completed year of service (*clause 14*, MWS).

5. Conditions for Dismissal (e.g., worker ability, redundancy, role of tenure)

Chapter 268: The Employment Act. Part IV: Oral Contracts of Services. Section 26B:

Termination by redundancy.

- Employer shall provide notice of not less than 30 days to the representative of the employee and inform number of employees to be affected, and the period within which the termination is intended
- Employee shall be entitled to such redundancy payment as agreed, and shall be paid the redundancy benefits not later than the last day of duty of the employee. If employer cannot pay the redundancy benefits on the last day of duty of the employee, the employer shall continue to pay the employee full wages until the redundancy benefits are paid.
- Not applied to bankruptcy or compulsory liquidation employer, casual employee, fixed term employee, and employee on probation.

6. What Size Firm is Subjected to Regulations?

- Chapter 268: any person, or any firm, corporation or company, public authority or body of persons who or which has entered into a contract of service to employ any person, and includes any agent, representative, foreman or manager of such person, firm, corporation,

company, public authority or body of persons who is placed in authority over such person employed;

Employment Act, Cap. 512 (EA) of 1965

- All firms. If they use daily paid workers they excluded from provisions regulating termination of employment under *sec. 19(iii)* of the EA, as are casual workers engaged for a short period. Moreover, an employer who has been declared bankrupt is exempted from the legal obligations in relation to termination of employment.

Year (and Month?) of Changes or Adjustments (Starting with most recent change)	Key Changes to Employment Protection Policy, Which Industries, Firms (size) or Population (Demographic) were Affected	References: Legal or Policy Documents, Official Memoranda, Policy Reports or Academic Papers
1997	Section 15, subsection 5 About pay wage for the accumulated leave of the Holidays that they did not take.	Amended by No. 28 of 1971 and Act No. 15 of 1997

Child Labor and Age Restrictions on Employment

The acts outlining employment protections, along with The Employment of Young Persons and Children Act, place employment restrictions on child labor and age. Though these acts have been ratified, child labor is still widespread, particularly in the informal economy (United Nations Development Programme, 2007).

1. Minimum age for Employment?

Chapter 268: The Employment Act. Part III: Contracts of Service Generally. Section 12 Minimum contractual age is under the age of 15 years. (With some exception in subsection (3))

2. Restrictions on Activities for Employment of Underage Children?

Chapter 274: The Employment of Young Persons and Children Act. Part II: Employment of children.

- No child shall be employed in any public or private industrial undertaking or in any branch thereof.
- A child aged between 13-15 years may be lawfully engaged in light work. (Section 4A)
- Part III: Employment of Young Person. No person shall employ a young person under age of 16 years in an industrial undertaking, unless such young person is either (a) employed under a contract of apprenticeship, or (b) in possession of a certificate signed by a Labour Officer authorizing such employment.

3. Mandatory Retirement Age?

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997. Mandatory retirement age 55 years

Compensation and Benefits

The Minimum Wages and Conditions of Employment Act and the National Pension Scheme Act are the primary documents detailing compensation and benefits for Zambian workers. The Industrial and Labour Relations Act establishes parameters for collective bargaining.

1. Minimum Wage Requirements?

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997.

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (Shop Workers) Order. Order by the Minister Statutory Instrument 120 of 1997.

2. Role of Unions/Organized Labor in Setting Wages (and differences across industries)

Wage setting in Zambia is conducted largely through the process of collective bargaining under the auspices of the Industrial and Labour Relations Act. Every employer employing not less than twenty five (25) employees and the trade union to which his employees belong are required to enter into a recognition agreement.

Collective bargaining as a means of establishing minimum wages and conditions of employment, and over 50% of the workforce in the formal sector are covered or affected by collective bargaining processes either directly or indirectly. That being said, the 1982 Minimum Wages and Conditions of Employment Act provides the State with residual power to determine minimum wages and other conditions of employment in cases where collective bargaining is not possible or effective.

There are two statutory wages determinations made under the Minimum Wages and Conditions of Employment Act covering shop workers (Statutory Instrument No. 3 of 2002), and a general determination (Statutory Instrument No. 2 of 2002). The general determination covers all employees except employees of the Government, local Councils, household domestic service, and more importantly employees in occupations where terms are regulated through the process of collective bargaining under the Act.

3. Overtime Requirements?

Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section 3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997.

- An employee who works in excess of 48 hours in a week shall be paid at 1.5 times the employee's hourly rate of pay (Not apply for a watchman or a guard.)

- An employee who works on a paid public holiday or on Sunday where a Sunday does not form a part of the normal working week shall be paid at 2 times the employee's hourly rate of pay (Not apply for a watchman or a guard.)
- To calculate the hourly rate of pay in a month, the actual amount received by the employee in basic wages for that month shall be divided by 208 hours.

4. Contributions to Pension, Disability Insurance, Unemployment Insurance Programs?

Chapter 256: The National Pension Scheme Act. Part IV: Contributions.

- Both employer and employee contribute to the pension Scheme at the prescribed percentage which is determined by actuarial valuation calculated to ascertain the financial sustainability of the Scheme.

Chapter 256: The National Pension Scheme Act. Part V: Benefits.

- The amount of retirement pension is based on the actuarial valuation calculated to ascertain that the Scheme is financially viable
- The minimum monthly pension shall be 20% of the national average earnings.

Year (and Month?) of Changes or Adjustments (Starting with most recent change)	Key Changes to Policies Governing Compensation and Benefits, Which Industries, Firms (size) or Population (Demographic) were Affected	References: Legal or Policy Documents, Official Memoranda, Policy Reports or Academic Papers
1997	Detail of minimum wage for different categories (under General order) and different grades (under Shop Workers) can be found in the reference.	Chapter 276: The Minimum Wages and Conditions of Employment Act. Subsidiary Legislation: Section3 – Minimum Wages and Conditions of Employment (General) Order. Order by the Minister Statutory Instrument 119 of 1997 and Section3 – Minimum Wages and Conditions of Employment (Shop Workers) Order. Order by the Minister Statutory Instrument 120 of 1997.
1995	Revocation of Statutory Instrument No. 171 of 1995. Check the Minimum Wages and Conditions of Employment (General) Order, 1995 for the changes.	

Occupational Health and Safety

Workplace safety; accident reporting and compensation; safety equipment requirements; and employee training in health and safety are outlined in the Workers' Compensation Act, the Occupational Health and Safety Act, the Factories Act, the Employment Act, and the Mines and Minerals Act.

1. Regulatory Agency Responsible for Workplace Safety?

Chapter 271: The Workers' Compensation Act. Part III: Administration.

- The Workers' Compensation Commissioner appointed by the Minister.
- The Workers' Compensation Fund Control Board which shall consist of a Chairman and not more than eleven other members. The Chairman and the other members shall be appointed by the Minister.

Occupational Health and Safety Act 2010

- established the Occupational Health and Safety Institute to regulate workplace safety
- Requires that work places with 10 or more employees must establish their own workplace health and safety committee

2. Requirements for Accident Compensation for Injured Employees?

Chapter 271: The Workers' Compensation Act. Part V: Right to Compensation.

- Compensation shall be paid by either the employer individually liable or the Commissioner.

3. Safety Equipment Requirements?

Chapter 441: The Factories Act

- Part VI Safety: General Provisions provides for requirements in regards to factory machinery, proper ventilation for fumes, precautions with explosives, and fire escapes.
- Part VII Safety: Lifting Machinery provides for requirements in regards to factory hoists and lifts, chains, ropes, cranes, and other lifting devices.
- Part VIII Safety: Steam Boilers, Etc provides for requirements in regards to factory boilers and air receivers.
- Part IX Welfare: General Provisions and Part X: Health, Safety, & Welfare: Special Provisions and Regulations provides for requirements in regards to general safety and welfare of workers.

Chapter 268: Employment Act, Part VI Housing and Welfare

- 42. Requires that there be adequate clean water available for employees
- 43. Requires that employers offer medical attention to employees who are ill or injured

Mines & Minerals Act

- Part IV Air Quality and Emission Standards requires that mines comply with all Occupational Health and Safety requirements, provide access to clean drinking water and have adequate ventilation
- Part VI: Storage, Handling & Processing Hazardous Materials requires proper storage and handling of hazardous materials

Occupational Health and Safety Act 2010

- establishes guidelines for building and providing safety equipment in the workplace.

4. Required Training on Health and Safety for Employees?

Chapter 441: The Factories Act, Part VI: General Safety Provisions

- 35. No person shall be employed at any machine or in any process, being a machine or process liable to cause bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, and- (a) has received a sufficient training in work at the machine or in the process; or (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process

Occupational Health & Safety Act 2010

- requires appropriate training and supervision on health and safety

5. Reporting Requirements for Serious Workplace Accidents?

Chapter 271: The Workers' Compensation Act. Part VII: Procedure for Obtaining Compensation.

- Employer shall report such accident to the Commissioner within 3 days after having gained knowledge of the happening of an accident to a workman.

Chapter 441: The Factories Act, Part XI: Notification and Investigation of Accidents, Dangerous Occurrences and Industrial Diseases

- Requires written notice to inspectors of any death, injury, or related disease that occurs within the factory, as soon as the proprietor finds out about the incident.

Occupational Health & Safety Act 2010 requires appropriate training and supervision on health and safety

Dispute Resolution

The rights of employers and employees when involved in a dispute are found in the Industrial and Labour Relations Act and proper arbitration procedures for dealing with disputes are briefly discussed in the Employment Act.

1. Existence of a Labor Relations Board to Resolve Disputes?

Chapter 269: The Industrial and Labour Relations Act. Part IX: Settlement of Collective Disputes.

- Labour Commissioner could request the Minister to appoint a conciliator for collective disputes that fail to agree within a period of 7 days from the date when the collective dispute arose.

Chapter 269: The Industrial and Labour Relations Act. Part X: Tripartite Consultative Labour Council.

- Consultative Labour Council consist of the Minister and such equal number of members representing the trade unions, the employers, and the Government, as the Minister may determine but the members shall not be less than 21.

2. Rights of Employees and Employers when Disputes Arise?

Chapter 269: The Industrial and Labour Relations Act. Part IX: Settlement of Collective Disputes.

- Employees could strike, and employers could lockout under unresolved collective dispute.

Chapter 269: The Industrial and Labour Relations Act. Part XII: General.

- There are some exceptions which they could not take part in strike or lockout in section 101. However, if they do, there are some penalties.

3. Procedures if Employee Alleges Unfair Dismissal?

Chapter 269: The Industrial and Labour Relations Act. Part XII: General.

- Employee may lay a complaint before the Court within 30 days of the occurrence. The court could extend to 3 months.

4. Arbitration Procedures?

Chapter 268: The Employment Act

- Part IV: whenever an employer or employee neglects or refuses to comply with the terms of any contract of service, or whenever any question, difference or dispute arises as to the rights or liabilities of any party to such contract or as to any misconduct, neglect or ill-treatment of any such party, or concerning any injury to the person or property of such party, the party aggrieved may report the matter to a labour officer, who shall thereupon take such steps as may seem to him to be expedient to effect a settlement between the parties and, in particular, shall encourage the use of collective bargaining facilities where applicable.

Year (and Month?) of Changes or Adjustments (Starting with most recent change)	Key Changes to Policies on Dispute Resolution, Which Industries, Firms (size) or Population (Demographic) were Affected	References: Legal or Policy Documents, Official Memoranda, Policy Reports or Academic Papers
1997	Penalties on taking part in strike or lockout under some exceptions	Amended by Act No. 13 of 1994

References

Employment Protections (Firms Subject to Regulations): http://www.mac.co.zm/employment_act.htm

Severance pay requirements and what firms are subject to regulations from:
<http://www.ilo.org/public/english/dialogue/ifpdial/info/termination/countries/zambia.htm>

The role of unions in setting wages: <http://library.fes.de/pdf-files/bueros/sambia/50015.pdf>

Occupational Health and Safety information:
http://www.parliament.gov.zm/index.php?option=com_docman&task=cat_view&gid=135&Itemid=113

Chapter 268 The Employment Act:
http://www.mywage.org/zambia/pdf-files/6._chapter_268_employment_act.pdf

All others are from: <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwezam.htm#Labor%20Law>

Chapter 256 The National Pension Scheme Act:
<http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>

Act No: 40 of 1996

Act No: 9 of 2000

Chapter 268 The Employment Act :
<http://www.mlss.gov.zm/images/pdf/chapter%20268%20employment%20act.pdf>

Act No: 57 of 1965

Act No: 28 of 1971

Act No: 29 of 1975

Act No: 18 of 1982

Act No: 15 of 1989

Act No: 8 of 1989

Act No: 28 of 1992

Act No: 13 of 1994

Act No: 15 of 1997

Chapter 269 The Industrial and Labour Relations Act :
<http://www.mlss.gov.zm/images/pdf/chapter%20269%20industrial%20and%20labour%20relations%20act.pdf>

Act No: 27 of 1993

Act No: 13 of 1994

Act No: 30 of 1997

http://www.parliament.gov.zm/index.php?option=com_docman&task=doc_download&gid=368
Act No: 8 of 2008

Chapter 271 The Workers' Compensation Act:
<http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>

Act No: 65 of 1963

Act No: 22 of 1965

Act No: 4 of 1966
Act No: 37 of 1969
Government Notices
176 of 1964
467 of 1964
Act No: 499 of 1964
Statutory Instruments
156 of 1965
222 of 1969
Act No: 19 of 1973
Act No: 19 of 1976
Act No: 20 of 1979
Act No: 24 of 1982
Act No: 27 of 1994
Act No: 13 of 1994
Act No: 10 of 1999

Chapter 274 The Employment of Young Persons and Children to Implement the International Labour Organisation Convention on Minimum Age and International Labour Organisation on the Worst Forms of Child Labour Act:

<http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>

Act No: 10 of 1933
Act No: 18 of 1936
Act No: 40 of 1938
Act No: 49 of 1950
Act No: 47 of 1963
Act No: 36 of 1967
Act No: 14 of 1989
Act No: 4 of 1991
Act No: 13 of 1994
Act No: 10 of 2004
Government Notices
233 of 1964
499 of 1964

Chapter 276 The Minimum Wages and Conditions of Employment Act:

<http://www.mlss.gov.zm/images/pdf/chapter%20276%20minimum%20wages.pdf>

Act No: 25 of 1982
Act No: 13 of 1994
Statutory Instrument
119 of 1997
120 of 1997

United Nations Development Programme. 2007. "Legal Empowerment of the Poor – Labour Rights in Zambia. Accessed at:

http://www.undp.org/legalempowerment/reports/National%20Consultation%20Reports/Country%20Files/26_Zambia/27_5_Labor_Rights.pdf.