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Check

Decent Work Check Zambia is a product of WageIndicator.org and
www.mywage.org/zambia



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>





05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>





06/13 Maternity & Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>





* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Zambia scored 40 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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01/13 Work & Wages

Regulations on work and wages:

Employment Act, 1965

Minimum Wages and Conditions of Employment Act, 1982

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Minimum Wage

The Minimum Wages and Conditions of Employment (General) Order 2011 defines minimum wage as the lowest wage that may be paid to an employee while the Minimum Wages and Conditions of Employment (Domestic Workers) Order 2011 defines minimum wages as the lowest wages which may be paid to a domestic worker.

The Minister (for Labour) may prescribe wage rates for different categories of workers in an employment through a statutory order if he/she is of the opinion that there is no other effective way of regulating the minimum wages or working condition for those groups especially in the absence of collective bargaining.

In pursuance of this provision, Minister for Labour has issues three different statutory instruments, i.e., Minimum Wages and Conditions of Employment (General) Order, 2011, the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011, and the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 sets minimum wage and working conditions for certain employment groups. These Statutory Orders have been amended in 2012 and wage rates have been increased. The total minimum wage includes allowances like Transport Allowance, Lunch Allowance and Housing Allowance. All of these allowances are specified under different statutory wage orders.

Procedure for making a statutory order regulating wages is not prescribed by the Minimum Wages and Conditions of Employment Act. However, the Act stipulates that the relevant trade union must be consulted before making any statutory order regarding a group of workers. Law does not impose any frequency of adjustment in minimum wage rates. However, any person affected by a statutory order made under this section may apply to the Minister for a review of such order.

Source: §3 of the Minimum Wages and Conditions of Employment Act, 1982; §3 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); § Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §3 of the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

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Regular Pay

The Minimum Wages and Conditions of Employment Act defines wage as the remuneration of any kind. The Employment Act defines wages as the remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by a contract of service or a contract of foreign service which are payable by an employer to an employee or a casual employee for work done or to be done or for services rendered or to be rendered.

In accordance with the Employment Act, an employer is under the obligation to pay the worker when due and payable on hourly, daily, fortnightly, monthly basis. The piece rate employees have to be paid on the completion of their tasks however wages of piece rate, daily/hourly employees can be accumulated and paid after a month, if agreed between the parties. Law requires payment of wages at regular intervals within five (5) days on the completion of wage period for which wages are payable.

Wages are paid in legal tender directly to the employee or, on written request, by cheque or postal order or money order or directly to the bank account. Wage payment can also be made to the person authorised by the employer in writing. Payment of wages should not be made in any shop, store or canteen or in places where intoxicating liquor is sold, except in the case of employees employed to work therein.

In kind payment, in addition to wages, is allowed. This payment is customary or agreed to by the employee or provided for in a collective agreement or in accordance with any written law, provided that any such payment, being an allowance in kind, shall be for the personal use and benefit of the employee, and his family, and it must not be in the form of intoxicating spirits or noxious drugs.

Deduction from wages is allowed in case of contribution in any fund or scheme approved by the Minister; damage/loss done by the worker; repayment of loan; and such other amounts as may be prescribed by the Minister through statutory instrument.

Deduction is prohibited from wages payable to an employee or any amount paid to such employee as an advance of wages in consideration of, or as a reward for, providing employment for such employee or for retaining such employee in employment.

The employer must keep the record of wages and the deductions made from the wages.

Source: §3 & 44-50 of the Employment Act, 1965; §3 of the Minimum Wages and Conditions of Employment Act

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02/13 Compensation

Regulations on compensation:

Employment Act, 1965

Minimum Wages and Conditions of Employment Act, 1982

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Overtime Compensation

In accordance with the General Wages Order 2011, Domestic Workers Wages Order 2011 and Shop Workers' Wages Order 2011, maximum working hours in a week are 48 hours (for both general and domestic workers) and 45 hours (for shop workers, other than managers). The weekly hour limit for watchperson is 60 hours, spread over 06 days. Daily working hours limit is not specified by the law except for shop workers. Normal working hours limit for shop workers is eight and a half hours per day and for workers employed in butcheries, bakeries and dairies, it is ten and a half hours per day.

Work done in excess of normal weekly working hours is considered as overtime and it is compensated by the premium of at least 150% of the normal hourly wage rate. Law does not clearly specify the limits to overtime.

Source: §3 & 4(1) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §3 & 4(1) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §6 of the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Night Work Compensation

In accordance with the General Wages Order 2011, workers working between 19:00 hours and 06:00 hours are paid hourly rate of categories I & II (3,646 Kwacha). These employees would also be paid an additional rate of 100 kwacha shift differential for hours worked between these hours.

On the other hand, the Shop Workers' Wages Order requires a shift differential of 500 kwacha for these hours.

Source: §2(5) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §3(4) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

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Compensatory Holidays / Rest Days

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. There is no provision of compensatory rest day when a worker has to perform work on a weekly rest day or a public holiday except in the case of domestic worker who can be granted time-off in lieu of overtime allowance. There is no provision for compensatory holiday for workers working on a public holiday.

Source: §7(2) of the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays with a premium pay for it. When a worker performs work on Sunday and Public Holidays, he/she receives wages at a premium rate of 200% of the normal hourly wage rate. If it is normal for some class of employees to be working on public holidays, such employees would be entitled to such wages as agreed under collective agreement or an individual contract of service.

Source: §4(2) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §4(2) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §7(2) of the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

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03/13 Annual Leave & Holidays

Regulations on annual leave and holidays:

Employment Act, 1965

Minimum Wages and Conditions of Employment Act, 1982

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012) Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Paid Vacation / Annual Leave

The Employment Act provides for annual leave to all workers on completion of six months of service. The full-time workers are entitled to two days of annual leave/paid holidays for one month of service. The total annual leave is 24 calendar days per year and it is independent of weekly rest days and Public Holidays.

Employees are entitled to one month's basic pay as well as other allowances for a period of one month prior to proceeding on leave. Part time employees are also allowed paid leave of absence in proportion to the number of hours worked in a month (a full time worker works 195 hours in a month to be eligible for paid annual leave). An employer pays the entire amount, including holiday allowance, immediately before the worker proceeds to leave.

Schedule of annual leave is mutually agreed between the parties. If the employment contract expires before a worker could acquire the right to annual leave, compensation for leave is paid as two days full pay for each completed month of service.

Source: §5 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §5 of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §15 of the Employment Act, 1965

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Christian origin).

The Public Holidays are usually 11 in number. It includes New Year's Day, Youth Day (12th March), Good Friday, Holy Saturday, Labour Day (1st May), African Freedom Day (25th May), Heroes Day (First Monday in July), Unity Day (Tuesday following Heroes Day), Farmers Day (First Monday in August), Independence Day (24th October), and the Christmas Day.

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The workers are entitled to a fully paid public holiday if he/she does not, without the permission of his employer or other reasonable excuse, absent himself from duty either on the day immediately preceding or on the day following such public holiday. Amount of payment received during public holidays is the basic pay, the cash equivalent of any food which may from time to time be provided, and working or other allowances where applicable up to one month, but does not include payments in respect of any bonus.

Source: §2 & Schedule of Public Holiday Act, 1964; §15(3) of the Employment Act, 1965

Weekly Rest Days

No clear provision on weekly rest period is provided under the Law. However, since the General Wages Order 2011, Shop Workers' Wages Order 2011 and Employment Act clearly mention that annual paid leave does not include weekly rest periods/Sundays, it can be inferred that these laws provide for one days of weekly rest. Shop Workers' Wages Order, however, clearly specifies that shop workers, other than managers, must not be employed on a Sunday.

These laws also provide for higher payment if a worker has to work on weekly rest day.

Source: §5(1)(b) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §3(1)(f) & 5(2) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §15(2) of the Employment Act, 1965

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04/13 Employment Security

Regulations on employment security:

Employment Act, 1965

Minimum Wages and Conditions of Employment Act, 1982

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Written Employment Particulars

In accordance with the Employment Act, there are two types of contracts only, i.e., oral and written contracts. It does not focus on fixed term and permanent/indefinite term contracts. Employment Act does not require contracts to be in writing unless required by this Act or some other law. Even in the case of oral contracts, the law requires preparation of a "record of service" in duplicate to be handed over to an employee within one month of commencement of contract. The record of contract must contain the following: the name and sex of the employee and his nationality; the name, address and occupation of the employer; the date of the employee's engagement and the capacity in which he is to be employed; the type of contract; the place of engagement; the rate of wages and any additional payments in kind; and the intervals of payment.

The written contract is required in the case of contracts of six months or longer duration or contracts of Foreign Service or for some specific tasks which is expected not to be completed within six months. A written contract of service will include all particulars of an employee, employer, wages, place of work, etc. The written contract must be signed by the employee or he/she puts the thumb/finger impression to indicate his/her consent and agreement to the terms and conditions specified in it. This contract is enforceable after attestation in triplicate under the relevant office, one copy for each party and third copy for the relevant government office. A written contract of service should not be binding on the family of an employee.

Source: §16-40 of the Employment Act, 1965

Fixed Term Contracts

Zambian labour Law does not allow hiring casual and fixed term workers for tasks of permanent nature. The Employment Act Cap 268, amended in 2015, makes casualization and unjustifiable termination of contracts of employment illegal. The amended Act makes it illegal for any employer to engage an employee on a casual basis for any job that was of a permanent nature.

The amended Act defines casual employees as a person whose employment is not permanent in nature, does not require any skill in performance of the work, and his/her employment terms provide for the payment at an hourly rate. payable at the end of each day. A short term contract is defined as a contract of service of 6 months but not exceeding 12 months. The permanent employment is defined as "employment that exceeds

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six months, is not casual work and is under a written contract of service; or a position in an undertaking that is necessary for the continued or sustainable operation of the undertaking or is core to the objectives of the undertaking.

Employers are prohibited from engaging an employee for a permanent job on casual terms of employment. The following types of contracts are not considered casualization: work under a consultancy agreement; piece work; seasonal work; temporary employment; part time work; and flexibalisation.

Where a casual employee continues to be employed after the expiration of 6 months, the employee ceases to be a casual employee and the contract is deemed to be a short term contract. If an employee is engaged on a short term contract and continues to be employed on expiry of this contract (in excess of 12 months), the contract is deemed to be a fixed term contract. On the expiry of cumulative period of fixed term contract, the contract of service is deemed to be a permanent contract.

The fixed term contract is defined as a contract of service for a period exceeding 12 months, renewable for a further term provided that the cumulative duration of successive fixed term contracts shall not exceed the period as prescribed under the law. The cumulative period (as fixed under regulations) can be jointly altered by employers and workers under a collective agreement specifying the reasons for renewals of fixed term contracts.

Source: §3, 12, and 28 of the Employment Act CAP 268, as amended by Employment (Amendment) Act of 2015

Probation Period

Laws do not specify maximum duration of probationary period. Although Employment Act (Section 26B) and Shop Workers' Wages Order 2011 (Section 6) mention certain provisions applicable only to the probationary employees, however, probation/trial period is not clearly mentioned in the law.

Source: §6 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §26(B) of the Employment Act, 1965

Notice Requirement

The employment contract can be written or oral. The oral employment contract terminates at the end of notice period and no specific grounds are required for its termination. However, specific procedural requirements are followed in case of summary dismissal and redundancy, as provided by the law. The written employment contract terminates by the expiry of the term for which it is expressed to be made; or by the death of the employee before such expiry; or in any other manner in which a contract of service may be lawfully terminated or deemed to be terminated whether under the provisions of this Act or otherwise. In case of sickness or accident, due to which an employee is unable to fulfill a written contract of service, the contract may be terminated on the report of a registered medical practitioner.

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Where a contract is terminated at the initiative of the employer, employer is required to give reasons to the employee for termination of employment. An employment contract cannot be terminated unless there is a valid reason for termination connected with worker's capacity or conduct or the operational requirements of the undertaking. The following have been specified as reasons for unfair dismissals:

- a. Union membership or participation in union activities outside working hours or within working hours with the consent of the employer;
- b. seeking office as an employees' representative;
- c. the filing of a complaint, the participation in proceedings against an employer involving alleged violation of laws or recourse to administrative authorities;
- d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion or affiliation, ethnicity, tribal affiliation or social status of the employee; or
- e. absence from work during leave or a rest period in accordance with a written law.

Either party can terminate a contract by serving a notice or paying in lieu thereof. According to the Employment Act, notice period for terminating an oral employment contract is as follows unless an agreement specifies longer notice duration:

- a. 1 day (24 hours) when the contract is for a period of less than a week;
- b. 14 days when the contract is a daily contract under which wages are payable at intervals not exceeding 1 month (and not on daily basis); and
- c. 30 days when the contract is for a period of one week or longer

Notice to terminate the contract may be written or oral and may be given at any time.

In the case of economic dismissals/redundancies, employer has to provide notice of at least 30 days to the employee representative on impending redundancies and informing the representative on the number of employees affected by redundancy and the time period during which such contract termination would be carried out.

Source: §20, 21 & 26(B) of the Employment Act, 1965; §36 of the Employment (Amendment) Act 2015

Severance Pay

Severance Pay is at least 2 months' basic pay for each completed year of service in the event of medical discharge. If an employer summarily dismisses an employee (without notice or paying in lieu of it) and the Labour Commissioner or Labour Officer finds it to be unfair, the employer would be required to pay severance benefit of at least 2 months' basic pay for each completed year of service.

In the event of economic dismissals/redundancy, workers are entitled to two months' basic pay for each completed year of service.

Source: §9, 10 & 12(3) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §9, 10 & 11 (3) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

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05/13 Family Responsibilities

Regulations on family responsibilities:

Draft Constitution of the Republic of Zambia, 2014

Paternity Leave

The Draft Constitution of Zambia support availability of adequate paternity leave in recognition of the nurturing role of both parents. However, this provision has yet not been translated into a law. The Tripartite Consultative Labour Council (TCLC), a representative body of workers, employers and the government, has recommended for an unpaid paternity leave of up to 7 days.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §60(3) of the Draft Constitution of the Republic of Zambia, 2014

Parental Leave

There is no provision in the law on paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

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06/13 Maternity & Work

Regulations on maternity and work:

Draft Constitution of the Republic of Zambia, 2014

Employment Act, 1965

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Free Medical Care

Medical care is available to all citizens in government hospitals at fairly low cost. The Zambian Constitution ensures the availability of adequate maternal and child health care facilities.

No maternity related statutory benefits are provided under labour laws.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §60(3)(c) of the Draft Constitution of the Republic of Zambia, 2014

No Harmful Work

It is obligatory for an employer to provide special protection to women during pregnancy from harmful work.

Source: §31(5c) of the Employment Equity and Equality Act No. 22 of 2015

Maternity Leave

Female employees are entitled to at least 12 weeks of maternity leave on the provision of medical certificate signed by a registered medical practitioner. The maternity leave is equal to 120 days under the Orders issued in pursuance of Minimum Wages and Conditions of Employment Act. In accordance with the Orders and Employment Act, maternity leave is provided to the workers who must have worked with the employer for at least two years from the date of first engagement or since the last maternity leave taken. Maternity leave is available only.

Maternity leave can be extended in case of illness due to pregnancy or confinement. She is entitled to a paid sick leave of a maximum 26 days in a period of twelve month on production of a medical certificate. The employer may continue to pay such employee for any longer period. Furthermore, every female employee is entitled to one day's absence from work each month without having to produce a valid medical certificate.

Source: §7 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §7 of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §15(A) & 54 of the Employment Act, 1965

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Income

Maternity leave is fully paid leave for a worker with two years of continuous service with the employer from the date of first engagement or since the last maternity leave taken and a medical certificate confirming the pregnancy. It is funded by the employer with no support from government.

Source: §7 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §7 of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); § 15(A) of the Employment Act, 1965

Protection from Dismissals

A women worker cannot be dismissed during the period of her pregnancy. Similarly, she cannot be penalized or put to a disadvantage for reasons connected with her pregnancy and maternity leave.

An employer is considered guilty of an offense if he/she terminates the contract of service or imposes any other penalty or disadvantage on a female employee within six months after delivery.

Source: §7(4) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §7(4) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); § 15(B) of the Employment Act, 1965; §31(5b) of the Employment Equity and Equality Act No. 22 of 2015

Right to Return to Same Position

Right to return is not explicitly provided under the law however since an employee cannot be fired during her pregnancy or penalized for it, it is fair to assume that a worker can return to her job after availing her maternity leave.

Source: §7(4) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §7(4) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); § 15(B) of the Employment Act, 1965

Breastfeeding/ Nursing Breaks

No relevant provision on nursing facilities for new mother could be located in the law although Draft Constitution requires the State to promote the availability of adequate child care facilities.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §60(3)(d) of the Draft Constitution of the Republic of Zambia, 2014

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07/13 Health & Safety

Regulations on health and safety:

Factories Act, 1966

Occupational Health & Safety Act No. 36 of 2010

Employer Cares

The Factories Act and the Occupational Health and Safety Act deal with the occupational health and safety in Zambia. The Factories Act requires the employer to provide clean working environment, adequate ventilation, first aid, lighting, sanitary facilities and fire extinguisher. The Factories Act also requires the employer to prevent overcrowding in the workplace. Factories Act contains provisions on Health, Safety and Welfare.

In accordance with the Occupational Health and Safety Act, it is a duty of the employer to ensure the health, safety and welfare of the employees at the workplace; and place and maintain an employee in an occupational environment adapted to the employee's physical, physiological and psychological ability. The employer must provide the work environment that is safe and without any risk to the health and safety of the employees at their workplace.

The Employer must also take preventive measures including adequate first-aid arrangements to deal with emergencies and accidents; provide and maintain adequate supply of drinking water; and separate eating & resting areas free from poisonous or injurious substances.

An employer, on recommendations of the Director, is required to prepare a health and safety policy concerning the protection of the health and safety of the employees, including a description of the organisation and arrangements for carrying out reviews to that policy. The employer has to provide plant and systems of work that are, so far as is reasonably practicable, safe and without any risks to human health and maintain them in that condition. The employer may also consult a health and safety representative for guidance and support.

A worker must also take reasonable care for his/her own health and safety and that of other persons who may be affected by his/her acts or omissions at the workplace.

Source: §16, 17 & 32 of the Occupational Health & Safety Act No. 36 of 2010; §19-75 of the Factories Act No. 2 of 1966, CAP. 441

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Free Protection

If workers are exposed to any poisonous, injurious or offensive substances, suitable protective clothing and appliances (including goggles, screens) will be provided and maintained by the employer for the workers' use.

According to the Occupational Health and Safety Act, the employer is responsible to provide all appropriate protective clothing or equipment to be used in the workplace by employees, who in the course of employment, are likely to be exposed to the risk of bodily injuries, and adequate instructions in the use of such protective clothing or equipment. All the protective equipments are provided free of cost.

Every worker should be provided with personal protective equipments and protective clothing that must be used at all the times during working hours.

Source: §16(2)(i) of the Occupational Health & Safety Act No. 36 of 2010; §71 of the Factories Act No. 2 of 1966, CAP. 441; Regulation 11 of the Factories (Benzene) Regulations (S. I. 179 of 1978), as amended up to S. I. No. 158 of 1993

Training

Employers are obliged to ensure that workers have been provided such information, instructions, training and supervision, especially on a machine or process likely to cause bodily injury, to protect the health and safety of employees at workplace.

Source: §16(2)(c) of the Occupational Health & Safety Act No. 36 of 2010; §35 of the Factories Act No. 2 of 1966, CAP. 441

Labour Inspection System

The Factories Act and the Occupational Health & Safety Act provides for a labour inspection system, however, due to resource constraints, it is not in line with the requirements of ILO Convention 081. The Occupational Health and Safety Act provides the enforcement powers of the inspectors including entering, inspecting, and examining any workplace.

The inspector has the power to enter, inspect and search the workplace; take samples; examine any document or article; require the production of any record, report or document; and interview anyone.

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The labour inspector is authorised to send a written notice to the employer of the factory requiring such building, part of the building, machine, plant, matter, thing or practice to be vacated, repaired, removed, remedied or stopped, as the case may be, either forthwith or within such time as may be specified in such notice; and may issue an order of closure of the workplace, in case of non-compliance to the act that is likely to cause death or bodily harm to an employee or any person in the factory's premises, Penalties for non-compliance include fine ranging from one hundred thousand penalty units to seven hundred thousand penalty units or an imprisonment for one to seven years. A court is also authorised to order remedy for the cause of contravention.

Source: §25-29 (Part-V) of the Occupational Health & Safety Act No. 36 of 2010; §103 of the Factories Act No. 2 of 1966, CAP. 441

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08/13 Sick Leave & Employment Injury Benefits**Regulations on sick leave& Employment Injury Benefits:**

Draft Constitution of the Republic of Zambia, 2014

Employment Act, 1965

Minimum Wages and Conditions of Employment Act, 1982

Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012)

Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 (amended in 2012)

Workers' Compensation Act (No. 10 of 1999)

Income

The Employment Act provides for a fully paid sick leave for a total duration of 26 working days in the event of temporary incapacity due to sickness or some accident. In order to avail fully paid leave, the worker must provide a valid medical certificate. The employer may continue to pay for longer period however it is not required under the law.

In accordance with the General Wage Order and Shop Workers' Wages Order, a worker may be granted paid sick leave at full pay during the first three months and thereafter at half pay for the next 3 months. Shop Workers' Wages Order also provides for paid sick leave for 26 working days for the probationary employees.

Source: §6 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §6(b) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); §54 of the Employment Act, 1965

Medical Care

No statutory medical benefits are provided under the law. No relevant provisions could be located in law. Medical care is available to all citizens in government run hospitals at a low cost. Constitution also considers it a right to have access to health care services.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §52 of the Draft Constitution of the Republic of Zambia, 2014

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Job Security

In accordance with the Employment Act, a contract may be terminated on the report of a medical practitioner, indicating that an employee is unable to fulfill a written contract due to illness or some accident. The General Wages Order however requires that if an employee does not recover from illness after six months from the date of accident/illness, employer may discharge such an employee on the recommendation of a registered medical doctor or medical facility designated by the employer.

Source: §7(4) of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012); §7(4) of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011 (amended in 2012); § 36(2) of the Employment Act, 1965

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent incapacity/disability (100% disability), 50% of the monthly earnings when the disability began is paid. The maximum amount of monthly earning is 800.00 kwacha. Constant attendance allowance is paid if temporary disabled person requires constant attendance of others.

In case of permanent partial disability, i.e., the assessed degree of disability is more than 10%; the amount of pension is 50% of the covered monthly earnings multiplied by the assessed degree of disability. If the assessed degree of disability is less than 10%, worker is entitled to a lump sum payment.

In the case of temporary disability, i.e., when the assessed degree of disability is 10% or less, 50% of the monthly earnings when the disability began are paid up to 24 months, provided that the medical certificate is provided. The minimum and maximum benefits vary according to the assessed degree of disability. Maximum monthly earning may not increase 800.00 kwacha.

In the case of fatal injury, dependents (widow/widower, children) receive survivors' pension. 80% of the permanent total disability pension a deceased worker would have received, if assessed with permanent total disability, is paid to the widow/disabled widower. The survivors' pension ceases on remarriage and a lump-sum of 24 months' pension is paid. 15% of the permanent total disability pension a deceased worker was entitled to receive is paid for each unmarried orphan younger than 18 years. For each additional orphan, 5% of pension is added and divided equally among them. The monthly pension can be paid up to 08 orphans and the maximum pension paid to orphans is 50% of the total pension. Law also provides for funeral grant. (Section

Source: §65-86 of the Workers' Compensation Act, 1999

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09/13 Social Security

Regulations on social security:

National Pension Scheme Act (No. 40 of 1996)

Pension Rights

For full pension, a worker must have attained 55 years of age (50 years for women) with at least 180 months of contributions. Early Pension is available to workers having attained the age of 50 years with at least 180 months of contributions.

The monthly pension is an insured worker's average monthly earnings multiplied by the number of years of contributions. The amount of monthly pension ranges from 20%-40% of the national average monthly earnings. The early pension is at least 20% of the national average monthly earning.

If a worker does not meet the eligibility conditions for pension, he/she would be eligible for old-age settlement as a lump-sum payment.

Source: §18-22 of the National Pension Scheme Act No. 40 of 1996

Dependents' / Survivors' Benefit

National Pension Scheme Act provides for survivors' benefit to the dependents only if, at the time of death, the worker was in receipt of retirement pension or invalidity pension; was entitled to invalidity pension or had reached pensionable age was entitled to retirement benefit. Eligible survivors include the spouse and children younger than age 18 (age 25 if a student, no limit if disabled).

The amount of survivor pension is equal to the old-age or disability pension the deceased received or was entitled to receive at the time of death. If the deceased was not of pensionable age at the time of death, the disability pension is paid according to the date of death as the date of onset of disability. In case of more than one eligible survivor, the pension is split according to a schedule in law. The survivors' pension is available to the spouse until death (or remarriage). If the surviving spouse is younger than 45 years and has no children with the deceased worker, a limited pension is paid for two years. If the deceased worker was already in receipt of old age or disability pension, this pension is replaced by the survivors' pension.

A lump-sum payment is also available to survivors if the deceased worker did not meet the qualifying conditions. Funeral grant, as a lump sum of 10 times the minimum pension, is paid to the survivor, only if the deceased received or was entitled to receive an old-age or disability pension, or had at least 12 months of contributions in the 36 months before death. If there is no survivor, the grant is paid to the person who paid for the funeral.

Source: §29-34 of the National Pension Scheme Act No. 40 of 1996

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Unemployment Benefits

Unemployment Benefits are not provided in Zambia.

Invalidity Benefits

The National Pension Scheme Act provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. Invalidity pension is available if a worker suffers from permanent invalidity or is under pensionable age but has either met requirements for old age pension or has paid at least 60 monthly contributions of which 12 were paid in the period of 36 months immediately preceding the beginning of invalidity.

The minimum amount of invalidity pension is 20% of national average earnings. Amount of invalidity pension is dependent on the workers' average monthly earnings and the length of pensionable service. Invalidity pension is available till a worker reaches the pensionable age (when he is entitled to retirement pension) or till he/she dies (before reaching pensionable age).

Source: § of the National Pension Scheme Act No. 40 of 1996

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10/13 Fair Treatment

Regulations on fair treatment:

Draft Constitution of the Republic of Zambia, 2014 and The Constitution of Zambia (Amendment) Bill, 2015
Anti-Gender Based Violence Act 2011
Penal Code 1931, last amended in 2012

Equal Pay

There is no provision in the labour laws about equal pay for equal work. The Draft Constitution provides for equality before the law and equal protection and benefit of law. There is also a provision for gender equality commission. The Constitution also provides that men and women have right to equal treatment including the right to equal opportunities. A person in employment has the right to fair remuneration commensurate to the productivity or size of the enterprise. Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

The Employment Equity and Equality Act provides equal remuneration, benefits and treatment in respect of work of equal value as well as equality of treatment in the evaluation of the quality of work for both men and women.

Source: §43, 51 & 54 of the Draft Constitution of the Republic of Zambia, 2014; §240 of the Constitution of Zambia (Amendment) Bill, 2015; §31(1e) of the Employment Equity and Equality Act No. 22 of 2015

Sexual Harassment

Sexual harassment is prohibited under the Anti Gender Based Violence Act 2011. The Act defines harassment as engaging in a pattern of conduct that induces the fear of imminent harm or feelings of annoyance and aggravation in a person, including sexual contact without the consent of the person with whom the contact is made and making unwanted sexual advances; following, pursuing or accosting a person or making persistent, unwelcome communication with a person. It also includes watching, loitering outside or near a building where the harassed person resides, works, carries on business, studies or happens to be; repeatedly making phone calls or using a third party to make phone calls to the harassed person, whether or not conversation ensues; repeatedly sending, delivering or causing the delivery of offensive or abusive letters, telegrams, packages, facsimiles, electronic mail or other offensive objects or messages to the harassed person; or engaging in any other menacing behaviour.

Criminal Sanctions are provided under the Penal Code. A person convicted of sexual harassment at the workplace is liable to imprisonment for a term of not less than 3 years but not exceeding 15 years.

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The Employment Equity and Equality Act prohibit sexual harassment. It includes conduct or contact of a sexual nature, such as the having physical contact, making advances, comments or innuendos without the consent of a person; being offensive, humiliating or intimidating to a person in a suggestive manner; or threatening or imposing a condition on a person for doing or undertaking anything or creating a hostile environment for an employee.

The Minister should develop and implement appropriate policy and procedures to eliminate sexual harassment. The said policy shall entitle a person who has been subjected to sexual harassment to raise a grievance and be guaranteed appropriate disciplinary procedures and action against the perpetrator. This Policy shall further entitle a person who has been subjected to sexual harassment to lodge a grievance with the Commission or an employer of the perpetrator where the conduct giving rise to the complaint has taken place at the workplace or in the course of being employed.

A person who has been subjected to sexual harassment need not have exhausted internal sexual harassment procedures before prosecution of the offence is commenced or civil proceedings are instituted.

Source: §3 of the Anti-Gender Based Violence Act 2011; §137(A) of the Penal Code 1931, last amended in 2012; §2, 17, 39 & 40 of the Employment Equity and Equality Act No. 22 of 2015

Non-Discrimination

There is no provision in the labour laws prohibiting discrimination in employment related matters on various grounds. However, the draft Constitution prohibits discrimination on any grounds including birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, pregnancy, health, marital, ethnic, tribal, social or economic status. Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

The Constitution amendment Bill 2015 also talks about establishment of Gender Equality Commission to promote the attainment and mainstreaming of gender equality.

The Employment (Amendment) Act 2015 considers dismissals on the following grounds as unfair: race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion or affiliation, ethnicity, tribal affiliation or social status of the employee.

In accordance with the Employment Equity and Equality Act, discrimination in employment on the basis of gender should be eliminated.

The Persons with Disabilities Act 2012 requires that no such person may be discriminated against on the basis of disability with regard to all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, the creation, classification and abolition of positions, the determination of wages, pension or other benefits, apprenticeship, promotion, career advancement and safe

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and healthy working conditions. The Act further allows fixation of employment quota for persons with disabilities in the public and private sectors.

Source: §27 of the Draft Constitution of the Republic of Zambia, 2014; §31 of the Employment Equity and Equality Act No. 22 of 2015; §35-39 of the Persons with Disabilities Act 2012

Equal Choice of Profession

Women can work in the same industries as men as no restrictive provisions could be located in the laws. In accordance with the Bill of Rights provided under Draft Constitution of 2014, a person has the right to choose a trade, an occupation or a profession, subject to limitations imposed by law.

In accordance with the Employment Equity and Equality Act, men and women are free to choose a profession and field of employment.

Source: §53 of the Draft Constitution of the Republic of Zambia, 2014; §31 of the Employment Equity and Equality Act No. 22 of 2015

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11/13 Minors & Youth

Regulations on minors and youth:

Draft Constitution of the Republic of Zambia, 2014

Employment Act, 1965

Employment of Young Persons and Children Act (No. 10 of 1933)

Minimum Age for Employment

Minimum age for employment is 15 years. The employers are not allowed to employ a person less than sixteen years of age unless authorised by Labour officer or he/she is employed under an apprenticeship contract.

The employer must maintain a register of all the young workers and make it available when required by a Labour Officer or Police officer or Assistant Officer. The register must contain general information such as their name and date of birth.

In accordance with the provisions of Bill of Rights provided under Draft Constitution of 2014, a person shall not engage a young person in an occupation or employment which would prejudice the health, education or interfere with the physical, mental or moral development of that young person. The Constitution also a young person may be employed for a wage, as prescribed. Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §63 of the Draft Constitution of the Republic of Zambia, 2014; §7 of the Employment of Young Persons and Children Act No. 10 of 1993, last amended in 2004; §12 of the Employment Act 1965

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. A young person shall not be employed on any type of employment or work which, by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of that young person. Young persons are prohibited from the employment or work that is detrimental to health, safety and morals.

The Prohibition of the Employment of Young Persons and Children (Hazardous Labour) Order provides a list of occupations that are considered to be hazardous for the employment of young persons and children. The Minister after consultation with the relevant trade unions and employers' associations, may authorise in writing the employment of young person not below the age of sixteen years of age in any type of employment or work, if satisfied that the health, safety and morals of the young persons are fully protected and that the young persons have received adequate and specific instruction or vocational training in the relevant branch of activity.

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A young worker can be employed in a work of artistic performance by written permission prescribing the number of hours to be worked and the conditions under which the young person works as provided by the Minister. A young worker must not be employed in a task that constitutes a worst form of labour. Otherwise, the person is liable to a fine of two hundred thousand penalty units to one million penalty units, or imprisonment of five to twenty-five years, or both.

Young workers are also not allowed to work at night. However, young workers above sixteen years of age can be employed in industries that require shift work, but not in cases of emergency.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §63 of the Draft Constitution of the Republic of Zambia, 2014; §8-19 of the Employment of Young Persons and Children Act No. 10 of 1933, last amended in 2004; The Prohibition of the Employment of Young Persons and Children (Hazardous Labour) Order, 2013 (S.I. No. 121 of 2013)

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12/13 Forced Labour

Regulations on forced labour:

Draft Constitution of the Republic of Zambia, 2014
Employment Act, 1965
Anti-Human Trafficking Act, 2008
Penal Code, 1931

Prohibition on Forced and Compulsory Labor

Forced Labour is prohibited under the Constitution, Anti Human Trafficking Act 2008 and Penal Code.

The Anti Human Trafficking Act defines forced labour as a labour or services obtained or maintained through threats, the use of force, intimidation or other forms of coercion or physical restraint.

Bill of Rights is not part of the 2016 Constitution of Zambia(Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §31 of the Draft Constitution of the Republic of Zambia, 2014; §2 & 22 of the Anti Human Trafficking Act, 2008; §263 of the Penal Code, 1931

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer.

For more information on this, please refer to the section on employment security.

Source: §21 of the Employment Act, 1965

Inhumane Working Conditions

Working time may be extended beyond normal working hours of 48 hours in a week (for both general and domestic workers) and 45 hours in a week (for shop workers). Law does not clearly specify the limits to overtime. In accordance with the Constitution, a person in employment has the right to decent working conditions.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

For more information on this, please refer to the section on compensation.

Source: §54(2) of the Draft Constitution of the Republic of Zambia, 2014; §3, 4(1) & 6 of the Minimum Wages and Conditions of Employment (General) Order, 2011 (amended in 2012)

Regulations on trade unions:

Draft Constitution of the Republic of Zambia, 2014

Industrial and Labour Relations Act, 1993

Freedom to Join and Form a Union

The Constitution and the Industrial and Labour Relation Act provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the Industrial and Labour Relation Act.

Trade union is any group or organisation of employees registered as a trade union under the Industrial and Labour Relation Act whose principal objectives are the representation and promotion of interests of the employees and regulation of relations between employees and employers; and includes a federation of trade unions.

In accordance with the Zambian Constitution, workers have the right to form, join or participate in the activities and programmes of a trade union. A person must not be compelled to join a union and the parliament must provide the legislation for the registration of associations. Trade union members are free to determine their own administration, programmes and activities; and form and join a federation.

The union must get registered within six months of its date of formation. As prescribed by the Minister, an application signed by at least 50 members is submitted to the Commissioner. The application must be accompanied by two duly certified copies of the constitution of the proposed trade union; and other information or document as may be required by the Commissioner by notice in writing addressed and delivered to the executive officer of the trade union within such period as may be determined by the Commissioner and specified in such notice.

Employer may deduct union dues from the wages of the members only after their written consent.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §38 & 54 of the Draft Constitution of the Republic of Zambia, 2014; §4-27 of the Industrial and Labour Relation Act, 1993

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Freedom of Collective Bargaining

Right to collective bargaining is guaranteed under the Constitution and recognized by the Industrial and Labour Relations Act. Collective bargaining means carrying on negotiations by an appropriate bargaining unit for the purpose of concluding a collective agreement. The Collective agreement is defined as an agreement negotiated by an appropriate bargaining unit in which the terms and conditions affecting the employment and remuneration of employees are laid down.

Collective bargaining may be undertaken at the level of an undertaking, through negotiations between the management of the undertaking and the trade union representing the eligible employees; or at the level of an industry, though negotiations between the employers' organisation and the trade union representing the eligible employees.

Collective agreement must contain the date on which the agreement is to come into effect and the period for which it is to remain in force; and the methods, procedures and rules for reviewing, amending, replacing or terminating the collective agreement.

The parties to a collective agreement submit 05 signed copies within two weeks to the Commissioner, who further submits it to the Minister for the registration. An approved CBA come into force on the date on which it is approved or on a later date specified in the collective agreement. It remains in force for such period as specified in the agreement; and it binds the parties involved in it.

In case a bargaining unit is unable to conclude a new collective agreement before the expiration of the existing collective agreement, or where for any other reason the bargaining unit desires to extend the period during which the existing collective agreement is to remain in force, it may apply to the Minister at least 60 days prior to the expiration of the existing collective agreement.

Bill of Rights is not part of the 2016 Constitution of Zambia (Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §54 of the Draft Constitution of the Republic of Zambia, 2014; §65-74 of the Industrial and Labour Relation Act, 1993

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Right to Strike

Right to strike is provided under the constitution and it is regulated under the Industrial and Labour Relations Act. The long list of essential services and a long series of procedural requirements actually frustrate the right to strike.

In accordance with the Zambian Constitution, the worker has the right to go on a lawful strike. The Industrial and Labour Relations Act defines strike as the cessation of work or withdrawal of labour contrary to the terms and conditions of a contract by a body of persons employed in any undertaking acting in combination; or a concerted refusal or a refusal under a common understanding of any number of persons who are so employed to continue to work or provide their labour.

Peaceful strike is allowed only after all the methods of dispute resolution fail. Majority members of union must approve strike by voting in favour of strike, which may commence ten days following the decision to do so and may continue for an indefinite period during which the dispute remains unresolved.

Workers are prohibited from participating in a strike that has not been authorised by a strike ballot taken in the manner provided by the constitution of a trade union under this Act; or it is not in contemplation or furtherance of a collective dispute to which the employee or trade union is a party. Otherwise the person is liable to a fine up to one thousand penalty units in case of a body corporate and a fine up to four hundred penalty units in all other cases.

Employers also have the right to lockout workers. This right is subject to the same rules and restrictions as the right to strike.

Bill of Rights is not part of the 2016 Constitution of Zambia(Amendment) Act and will be subject to a referendum during the 2016 general elections being held on 11 August 2016.

Source: §54 of the Draft Constitution of the Republic of Zambia, 2014; §3, 5, 78 & 101 of the Industrial and Labour Relation Act, 1993

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01/13 Work & Wages

ILO Conventions on Work and Wages

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Zambia has ratified the Conventions 95, 117 & 131.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation

ILO Conventions on Compensation

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Zambia has not ratified the Conventions 01 & 171.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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03/13 Annual Leave & Holidays

ILO Conventions on weekly rest days and paid annual leave

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Zambia has not ratified the Conventions 14, 47, 106 & 132.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security

ILO Conventions on employment termination

Convention 158 (1982) on employment termination

Zambia has ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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05/13 Family Responsibilities

ILO Conventions on family responsibilities

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Zambia has not ratified the Conventions 156 & 165.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work

ILO Conventions on maternity and work

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Zambia has ratified the Convention 103 only.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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07/13 Health & Safety

ILO Conventions on Health and Safety

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Zambia has ratified both Conventions 81 & 155.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits

ILO Conventions on Sickness and Employment Injury

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Zambia has not ratified the Conventions 102, 121 & 130.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Zambia has not ratified the Convention 102, 121, 128, 130 & 168.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Zambia has ratified both Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth

ILO Conventions on Minors & Youth

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Zambia has ratified both Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour

ILO Conventions on Forced/Bonded labour

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Zambia has ratified both Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

13/13 Trade Union

ILO Conventions on Trade Union Rights

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Zambia has ratified both Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Zambia. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

WageIndicator.org and Iftikhar Ahmad

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