



International Labour Office



## National Consultant for the Development of an Issues Paper on Labour Legislation in Zambia

### Background

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Despite the significant economic growth in Zambia, the Labour Market continues to face challenges dating back to the liberalization of the Zambian economy from the early 1990s. There has been a steady growth in the use of casual labour, fixed term contracts, and workers engaged through private employment agencies. An overarching trend has been the continuing decline in the proportion of the economically active population that participate in the formal labour market, and in the formal economy more broadly.<sup>1</sup> Efforts in recent years to revise labour legislation (including with some measure of ILO advice) have been largely piecemeal, and in some cases no longer represent government policy. They have, however, been developed through a technical committee of the standing Tripartite Consultative Labour Council (TCLC).

In this context, the Government of Zambia wishes to revise the country's labour legislation.<sup>2</sup> Its goal is to construct a legal framework that will play a positive role in protecting fundamental human rights at work, in promoting employment and economic growth, and in improving labour market performance. The government wishes in particular to address the adverse effects of changes in the labour market on the lives of working people in Zambia. At the same time, the government is mindful of the role of labour law and labour market institutions in promoting economic growth, particularly among micro- and small enterprises.

### Role of the consultant/issues paper (in accordance with the attached Terms of References):

1. To work with the Ministry of Labour, Youth and Sports, together with the International Labour Office (ILO) to prepare an *Issues Paper* for submission to the Ministry.
2. To conduct a comprehensive review of labour legislation in Zambia;
3. To recommend necessary labour law reforms and how they may be developed to ensure coherency with other relevant policy initiatives.
4. To provide concrete solutions (where possible) on policy reform, process and sequencing for the way forward

### Duties and Responsibilities

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#### Scope of Work:

1. Desk review of:
  - Existing Zambian employment and labour legislation:
    - Employment Act, Cap 268

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<sup>1</sup> The concept of 'paid employment' also needs to be seen in context in Zambia: recent data suggest that as many as 70 per cent of employed persons work in agriculture: ILO, *Zambia Decent Work Country Profile* (draft, December 2011, p 7).

<sup>2</sup> The recently-elected Patriotic Front government, under the leadership of President Sata, campaigned on a manifesto that included specific commitments to revise employment and labour laws: see Annex [ ].

- Industrial and Labour Relations Act, Cap 269
  - Employment Act (Special Provisions Act), Cap 270
  - National Pensions Scheme Authority Act, Number 40
  - Factories Act, Cap 441
  - The Employment of Young Persons and Children’s Act, Cap 274
  - Minimum Wages and Conditions of Employment Act, Cap 276
  - Workers Compensation Act, Number 10
  - Zambia Institute of Human Resources Act
  - Occupational Safety and Health Act
  - Local Authority Superannuation Fund Act
  - Public Service Pension Fund Act
- Documents relating to previous efforts to revise employment and labour legislation, including for example minutes of TCLC meetings and any minutes of its technical committee.
  - ILO documents including advice on previously proposed changes, and reports from recent ILO missions to Zambia that have concerned labour legislation, labour administration and inspection, and/or international standards.
  - Comments of the ILO’s supervisory bodies concerning compliance with ratified conventions.
2. In collaboration with the Ministry, conduct consultation with relevant agencies of government, including in particular the Ministry of Justice, the Ministry of Finance, and the Ministry of Commerce, Trade and Industry, Public Service Management Division, Ministry of Mines and Mineral Development, and Ministry of Health.
  3. Participation in Ministry consultation with labour officers from across Zambia (in Lusaka).
  4. Consultation with senior Ministry officials, and ILO officials (in Lusaka and by phone or email).
  5. Consultation with employers’ and workers’ representatives.

In this work, the Consultant(s) will pay close attention to *General and Specific Considerations and concerns outlined in the TORs*:

### **Expected Output:**

The final *Issues Paper* should include sections addressing the following matters:

- Background and imperatives for reform
- Previous reforms (back to a date to be determined)
- Key areas for reform
- Ways to ensure coherence with other areas of policy
- Recommendations for:
  - Specific legislative reforms
  - Prioritising the various reforms to be proposed
  - Developing and managing a sustainable consultative process
  - A proposed work-plan for the Ministry, identifying inputs that may be needed from the ILO.

The final report will be submitted to the Ministry, for presentation at a meeting of the TCLC (or its technical committee, as appropriate). So far as possible, it should propose concrete solutions, and draw attention to examples of good practice in comparable jurisdictions. The final report need not be limited to the specific matters identified in these terms of reference.

## Required Qualifications and Experience

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- Hold an advanced degree in law
- Have special expertise in international and comparative labour law and industrial relations,
- Experience of labour law policy and drafting processes in common law countries.
- Extensive experience working on the subject, preferably in southern Africa, and be particularly attentive to the local conditions and the practicability of any proposals.
- Excellent written and oral communication skills
- Excellent negotiation and mediation skills.

## Submitting the Proposal

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All interested individual consultants (and firms) must submit the following documents/information by 28<sup>th</sup> February 2012:

- Proposal explaining their suitability for the work
- Methodology/work plan on approaching the Issues Paper
- Time frame
- Financial Proposal
- Personal CV (or CV's of Consulting Team) including past experience in similar projects and 3 traceable references

This submission should be made to:

The Permanent Secretary  
Ministry of Information, Broadcasting and Labour  
P O Box 32186  
Lusaka, Zambia

Attention-Chief Planner

Email: [mgemezulu@hotmail.com](mailto:mgemezulu@hotmail.com)

All applications should be clearly marked-Labour Law Reform

For the terms of reference click download terms of reference

**Download terms of reference**