

CHAPTER 276

THE MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT ACT

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CHAPTER 276

MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT Act No. 25 of 1982
13 of 1994

An Act to repeal and replace the Minimum Wages, Wages Councils and Conditions of Employment Act; to make provision for regulating minimum wage levels and minimum conditions of employment; and to provide for matters connected with or incidental to the foregoing.

[21st August, 1982]

1. This Act may be cited as the Minimum Wages and Conditions of Employment Act.
Short title

2. In this Act, unless the context otherwise requires- Interpretation

"protected worker" means a worker to whom a statutory order made under this Act applies;

"Labour Commissioner" means the person appointed as such under section four of the Employment Act; Cap. 268

"labour officer" shall have the meaning ascribed thereto in section three of the Employment Act; Cap. 268

"wage" includes remuneration of any kind.

3. (1) If the Minister is of the opinion that no adequate provision exists for the effective regulation of minimum wages or minimum conditions of employment for any group of workers he may, by statutory order, prescribe- Regulation of wages, etc.

(a) rates of wages to be paid to workers by the hour, day, week or month;

(b) normal hours of work in any day or week;

(c) normal working days in any week or month;

(d) rates for any work done in excess of or outside the normal hours of work or the normal working days;

(e) rates of paid holidays or any conditions attaching to the granting of such holidays;

- (f) rates for any piecework;
- (g) rates of allowance for any food or housing; and
- (h) any other matter which in the opinion of the Minister is necessary or expedient to prescribe:

Provided that if the group of workers in respect of which a statutory order is to be made is represented by a trade union, no such order shall be made before consulting such trade union.

(2) Any person affected by a statutory order made under this section may apply to the Minister for a review of such order.

4. (1) Every employer of a protected worker shall, in respect of such worker, compile and maintain such records of- Duties of employer

- (a) all wages and allowances paid;
- (b) any benefits given; and
- (c) any other matter required by the statutory order;
as are necessary to prove compliance with such statutory order.

(2) Any employer who fails to comply with the provisions of subsection (1) shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding one thousand two hundred and fifty penalty units.

(3) Any employer who knowingly makes, causes to be made or allows to be made any record referred to in sub-section (1) which is false in any material particular shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

(4) Any employer who fails to comply with any statutory order made under this Act shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

(5) A court before which any employer is charged with an offence under this section may, if it is satisfied that any wage or other payment is due from such employer to any worker, order such employer to pay the same to such worker:

Provided that any such order shall not prejudice the right of any worker to recover any wages or other payment by any other proceedings.

(As amended by act No. 13 of 1994)

5. (1) For the purpose of securing the due observance of this Act or any statutory order or regulation made hereunder, the Labour Commissioner, and any labour office authorised in writing in that behalf by the Labour Commissioner, shall have power to-
Functions of Labour Commissioner and labour officers

(a) order the production, for examination, of any record required to be compiled and maintained under section four, and make copies thereof or take extracts therefrom;

(b) enter, at all reasonable times, upon any land or premises, other than a private dwelling-house, where any protected worker is employed; and

(c) interrogate, either alone or in the presence of any other person, any-

(i) protected worker;

(ii) employer of a protected worker;

(iii) servant or agent of an employer of a protected worker; or

(iv) person in respect of whom there is reason to believe that he belongs, or has belonged, to any of the classes of persons referred to in sub-paragraphs (i), (ii) or (iii).

(2) The Labour Commissioner or a labour officer shall not, otherwise than in the performance of his duties under this Act, or for the purpose of any criminal or civil proceedings, disclose any information obtained in exercise of the powers contained in sub-section (1); and shall not, without the consent of the complainant, disclose the source of any complaint made by any person alleging contravention of any provision of this Act or any statutory order made hereunder.

(3) Any person contravening the provision of sub-section (2) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding one thousand two hundred and fifty penalty units.

(4) Any person who obstructs the Labour Commissioner or any labour officer in the exercise of the powers contained in sub-section (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding one thousand two hundred and fifty penalty units.

(As amended by act No. 13 of 1994)

6. (1) Where it appears to the Labour Commissioner that- Recovery of wages

(a) any sum is due from an employer to a protected worker by reason of the failure of the employer to comply with any statutory order made under this Act; and

(b) it is not possible to recover such sum or any part thereof by means of proceedings under sub-section (5) of section four; and

(c) by reason of the neglect of the protected worker to institute any proceedings, it is necessary or expedient for the Labour Commissioner to intervene;
he may institute civil proceedings on behalf, and in the name, of the protected worker for the recovery of the sum due.

(2) A court before which proceedings are instituted by the Labour Commissioner in exercise of the powers contained in sub-section (1) shall, in addition to any other powers, have the power, for the purposes of ordering costs, to deem the Labour Commissioner to be a party to the proceedings.

7. (1) If the Labour Commissioner is satisfied that a protected worker, or a person desiring to become a protected worker, is affected by any infirmity or physical disablement, he may, subject to such conditions as he thinks fit, issue to such person an exemption permit. Exemption permits

(2) If the protected worker, or the person desiring to become a protected worker, referred to in sub-section (1) belongs to a group of workers, of which group a substantial proportion of workers is, in the opinion of the Minister, represented by a trade union, the

Labour Commissioner shall not exercise his powers under sub-section (1) before consulting such trade union.

(3) An exemption permit issued under sub-section (1) shall, while it is in force and in accordance with its conditions, exempt the employer of its holder from the application, in respect of such holder, of such provisions of this Act, and any statutory order or regulation made hereunder, as is relevant in the particular case.

8. Any agreement which contravenes any of the provisions of this Act, or any statutory order or regulation made hereunder, shall be void to the extent of such contravention.
Void agreements

9. The Minister may, by statutory instrument, make regulations prescribing any matter which is necessary for the better carrying out of the provisions of this Act. Regulations

10. (1) The Minimum Wages, Wages Councils and Conditions of Employment Act is hereby repealed. Repeal and savings.

(2) Notwithstanding the provisions of sub-section (1), every determination which was, prior to the commencement of this Act, effective in accordance with paragraph (d) of sub-section (3) of section eleven of the Minimum Wages, Wages Councils and Conditions of Employment Act shall continue in force until it is revoked or replaced by a statutory order made hereunder. Cap. 506 of the old volumes

SUBSIDIARY LEGISLATION

SECTION 3-MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT (GENERAL) ORDER

Order by the Minister Statutory Instrument
119 of 1997

1. This Order may be cited as the Minimum Wages and Conditions of Employment (General) Order. Title

2. This Order shall apply to all employees except employees-
(a) of the government of the Republic of Zambia;
(b) engaged in domestic service;

- (c) of District Councils; or
- (d) in occupations where wages and conditions of employment are regulated through the process of collective bargaining under the Industrial and Labour Relations Act.

Application

Cap. 269

3. In this Order, unless the context otherwise requires- Interpretation

"employee" means any person engaged under a contract of service as defined in section three of the Employment Act; Cap. 268

"employer" means any person or firm, co-operative or company who or which has entered into a contract of service as defined in section three of the Employment Act; Cap. 268

"minimum conditions of employment" means minimum terms and conditions of employment which may be offered to an employee;

"minimum wages" means the lowest wages which may be paid to an employee;

"paid public holiday" means New Year's Day, Good Friday, Easter Sunday, Labour Day, Heroes Day, Unity Day, Independence Day, Christmas Day and any public holiday declared by the Minister to be a paid public holiday under subsection (4) of section fifteen of the Employment Act;

"watchman" means a person employed to watch over or guard any property in or on a building, yard site or any other place.

4. With effect from the date of publication of this Order, the minimum wages and conditions of employment shall be as indicated in the Schedule to this Order.

Minimum wages and conditions of employment

5. The Minimum Wages and Conditions of Employment (General) Order, 1995 is hereby revoked. Revocation of Statutory Instrument No. 171 of 1995

SCHEDULE

(Paragraph 4)

1. (1) The Minimum wages rate excluding any amount paid in lieu of rations, shall be as follows:

Category I-K245 per hour for a person engaged as-

- (a) a general worker, not elsewhere specified;
- (b) a cleaner;
- (c) a handyman;
- (d) an office orderly; or
- (e) watchman/guard.

Category II-K62,000 per month for an employee engaged as a driver.

Category III-K65,000 per month for an employee engaged as-

- (a) a clerk; or
- (b) a receptionist/telephonist.

Category IV-K80,000 per month for an employee engaged as a typist.

(2) The monthly rate of wages (irrespective of the numbers of hours worked excluding any amount paid in lieu of ration) to be paid to a watchman or a guard shall be two hundred and eight times the hourly rate specified in Category I. Wages

2. (1) The wages or any benefit enjoyed by an employee shall not be reduced or altered adversely as a result of the application of this Order.

(2) Where, prior to the application of this Order, an employee was in receipt of a wage in excess of the minimum rate of pay, the employee shall retain such wage rate and in addition such wage shall be increased by K20,000 which will allow identical credit, for length of service or experience or both, which the employee earned in that employee's existing wage rate at the date of coming into force of this Order.

(3) No employee shall suffer any reduction in pay upon transfer from a lower rate of pay to a higher one.

(4) Where a contract of service is for a period of less than a complete month, a watchman or a guard shall be paid a rate not less than one-thirtieth of the monthly rate of wages for each day of the contract period.

(5) An employee required to work between the hours of 1900 hours and 0600 hours shall be paid an hourly rate of pay in categories I and II in addition the employee shall be paid an hourly rate of twelve kwacha and fifty ngwee shift differential for each hour worked between those hours. General provisions

3. The normal weekly hours of work for any employee shall not exceed forty-eight hours. Hours of work

4. (1) An employee who works in excess of forty-eight hours in a week shall be paid at one and half times the employee's hourly rate of pay.
- (2) An employee who works on a paid public holiday or on a Sunday where a Sunday does not form a part of the normal working week shall be paid at double the employee's hourly rate of pay.
- (3) To calculate the hourly rate of pay in a month, the actual amount received by the employee in basic wages for that month shall be divided by two hundred and eight hours.
- (4) The provisions of sub-paragraphs (1) and (2) shall not apply to a watchman or a guard.
5. An employer shall grant leave of absence on full pay to an employee at the rate of two days per month, subject to, and in accordance with, the following conditions:
- (a) except on termination of the employee's service, an employee shall be entitled to leave only on the completion of six months' continuous service with that employer;
 - (b) paid public holidays and Sundays shall not be included when computing such period of leave; and
 - (c) the employer shall have the right to give reasonable consideration to the exigencies and interests of the business of the employer in agreeing to the dates when such leave may be taken.

Annual leave

6. (1) An employee who is unable to execute normal duties due to illness or accident not occasioned by the default of the employee shall on production of medical certificate from a registered medical practitioner or medical institution designated by the employer, be granted paid sick leave at the following rates:
- (a) at full pay during the first three months; and
 - (b) thereafter at half pay for the next three months:

Provided that if the employee has not recovered from illness or accident after six months from the date of illness or accident, the employer may on the recommendation of a registered medical practitioner or medical institution designated by the employer, discharge the employee, whereupon the entitlement to sick leave shall cease.

- (2) A female employee shall be granted leave of absence without loss of pay to enable her to nurse her sick child who has been hospitalised, if due to nature of illness the child requires special attention:

Provided that an employer may, before granting such leave, require the employee to produce certificate from a medical institution recommending that the leave be granted.

- (3) Days taken as leave under sub-paragraph (2) shall not be deducted from the employee's accrued leave days. Paid sick leave

7. (1) A female employee shall be granted ninety days paid maternity leave on production of a medical certificate as to her pregnancy signed by a registered medical practitioner or medical institution, subject to completion of two years of continuous service from the date of first engagement or since the last maternity leave was taken.
(2) The maternity leave shall be additional to any other leave to which the employee may be entitled.
(3) Where, by reason of illness arising out of pregnancy, a female employee becomes incapacitated of performing her normal duties, she shall be entitled to sick leave in accordance with paragraph 6 of this Schedule.
(4) No employer shall terminate the services of a female employee, or impose any other penalty or disadvantage upon such employee within six months after delivery, for reasons connected with such employee's pregnancy. Maternity leave

8. An employee who has served with an employer for not less than ten years and has attained the age of fifty-five years, shall be entitled to three months basic pay for each completed year of service:
Provided that where an employer has established a pension scheme approved by the Minister, the retirement benefits shall be paid in accordance with such pension scheme, and this paragraph shall not apply. Retirement benefits

9. An employee who retires in agreement with the employer before attaining the age of fifty-five years shall be paid retirement benefits in accordance with paragraph 8 of this Schedule. Early retirement

10. An employee whose employment is terminated on medical grounds as certified by a registered medical practitioner or by a medical institution shall be entitled to benefits in accordance with paragraph 8 of this Schedule. Medical discharge

11. Where an employee's contract of service is terminated by reason of redundancy, the employee shall be entitled to at least one month's notice and redundancy benefits of not less than two month's basic pay for each completed year of service. Redundancy benefits

12. An employee, together with the family of the employee, shall be transported by the employer to the employee's place of recruitment or paid a repatriation allowance by the employer equal to the current cost of travelling by public transport, and the most direct route to the employee's place of recruitment if the employee-

- (a) is discharged on medical grounds;
- (b) is declared redundant;
- (c) retires; or
- (d) dies in service, in which case the benefits shall accrue to the family of the deceased employee. Repatriation benefits

13. In the event of the death of an employee, spouse or registered child the employer shall provide the following in the form of a funeral grant:

- (a) standard coffin;
- (b) fifty thousand kwacha cash; and
- (c) one 50 kilogramme bag of mealie meal. Funeral assistance

14. An employee whose duty station is beyond three kilometre radius from his area of residence shall be paid a monthly allowance of ten thousand kwacha for transport expenses unless the employer provides transport to that employee. Transport allowance

15. An employee shall be entitled to lunch allowance of ten thousand kwacha per month unless the employer provides a canteen at which the employee may obtain wholesome and adequate meals, provided free of charge. Lunch allowance

SECTION 3-MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT (SHOP WORKERS) ORDER

Regulations by the Minister Statutory Instrument
120 of 1997

1. This Order may be cited as the Minimum Wages and Conditions of Employment (Shop Workers) Order. Title

2. This Order shall apply to all employees employed in a shop or in connection with the business of any shop but shall not apply to-

(a) a person employed in or in connection with the motor trade industry or the petroleum industry;

(b) a person employed- Application

(i) in a bazaar or sale of work for charitable or other purposes from which no private profit is derived;

(ii) in the hawking of newspapers;

(iii) in the running of coffee stores;

- (iv) in the sale, on behalf of a bona fide farmer or market gardener or any land occupied by him, nor in the hawking of agricultural produce nor in the hawking of produce on behalf of the persons aforesaid;
- (c) a person who holds a hawker's licence;
- (d) a person employed in-
 - (i) the manufacture of bread or bread stuff;
 - (ii) the reception, storage and treatment of fresh milk products;
 - (iii) the reception, storage and treatment of fish, meat, poultry, game, fruit and other perishable foods stuffs;
 - (iv) the printing of newspapers;
 - (v) the delivery of ice to hospital and nursing institutions during the day or at night; or
 - (vi) a person who sells before midnight any programmes, catalogues, or refreshments in a theatre, concert hall or other places of amusement during any performance.

3. In this Order, unless the context otherwise requires- Interpretation

"assistant bicycle assembler" means an employee who-

- (i) assembles perambulators, go-carts, scooters, express wagons, cans or any wheeled vehicles or toys propelled by hand or by foot, where the assembling does not involve the adjustment of precision bearings, chains or built-in wheels or the setting and tightening of spokes; or
- (ii) under general supervision, assembles bicycles from semi-knocked down units or any component parts, where the assembling does not involve truing of bicycle wheels, the final adjustment of precision bearing chains or built-in wheels or the setting and tightening of spokes;

"assistant clerk" means an employee engaged in clerical work who has three years experience and whose education qualification is Grade 9;

"assistant despatch clerk" means an employee who, under the supervision of, and subject to checking by, a despatch clerk makes up, packs or dispatches goods received or held in stock for despatch or who checks or weights packages and who may in addition mark or address packages;

"bicycle assembler" means an employee who assembles or carries out the following operations-

- (a) truing bicycle wheels or making final adjustments to assembled bicycles; or
- (b) adjusting precision bearing, chains or built-in wheels or setting and tightening spokes;

"book-keeper" means a qualified book-keeper who records financial transactions and prepares a trial balance;

"check-out operator" means an employee engaged in operating a check-out point in a self-service type of shop;

"credit controller" means an employee who scrutinises debtors' and creditors' accounts and who exerts credit control over accounts;

"despatch clerk" means an employee who receives goods into or from a store warehouse or from a department for despatch and makes consignment notes and does filing of despatch documents;

"employee" means a person employed in a shop or in connection with the business of a shop and who has entered into a works under a contract of service whether oral or written and whether express or implied but excludes an apprentice;

"employer" means a person who engages an employee to work for him, under a contract of service, whether oral or written and whether express or implied, in a shop, or in connection with the business of a shop;

"handyman" means an employee who makes minor repairs or adjustments to machinery, plant or other equipment and makes minor repairs or renovations to, or undertakes maintenance work on buildings owned or occupied by his employer;

"ledgerclerk" means an employee who posts ledgers unassisted and maintains control account;

"machine operator" means an employee who operates an accounting machine, comptometer or bookkeeping machine but does not include the operator of a duplicating machine, typewriter, addressing machine, cash register, folding machine or calculating machine;

"orderman" means an employee engaged in an office-to-office or private house-to-house round, inviting, soliciting or canvassing orders from persons for the supply to them of goods for their use or consumption, and who-

- (a) collects money on behalf of his employer; or
- (b) takes orders from other persons; and for the purpose of this definition, "house" includes a residential flat or boarding house;

"packer" means an employee who breaks down bulk packages, re-packs or re-bottles goods before they are offered for sale in a shop or prepares or pre-packs foodstuffs;

"part-time employee" means any person employed on permanent basis who works fewer hours than normal regulated hours but does not exceed five hours daily;

"punch card machine operator verifier" means an employee who is engaged in punching or verifying cards for use in an automatic tabulating machine;

"sales assistant" means an employee engaged in attending to customers in a shop but who does not completely effect credit sale or register cash received;

"sales person" means a person employed in a shop to-

- (a) attend to customers in a shop for the purpose of completely effecting a sale;
- (b) display goods; or
- (c) keep and control stock;

"shelf packer (self-service)" means an employee who replenishes stock on display in a self-service shop and is responsible for price marking on goods;

"shop" includes any building or portion of a building, structure, room, market stall, tent, booth, vehicle or place used for sale of goods, merchandise or samples and includes a hairdresser and barber saloon (whether or not such saloons are used for the sale of goods or merchandise or for the display of samples) but does not include a hotel, motel, inn, boarding house, restaurant, tea-room or any other premises used for the sale or preparation of food or drinks consumed on such premises, or any place licensed to sell intoxicating liquor or consumption of the premises;

"supervisor" means an employee charged with supervisory responsibilities for the conduct of sales, the safe control of stock and conduct of business with the public within a demarcated section or sections of a shop or a specified class or classes of merchandise in that shop, and who is placed in full or partial supervisory control of at least three employees employed in such section or sections or in connection with such class or classes or merchandise;

"tailor's assistant" means an employee engaged as an alteration hand or for pressing or ironing articles for sale or display, or both;

"watchman" means an employee who is engaged to watch over any property in or on any building, yard or other place; and

"window dresser" means an employee who is engaged in drawing, painting, making or preparing posters, placards or backgrounds, or set pieces on window, interior or exterior displays and installing such fixtures and arranging displays.

4. With effect from the date of publication of this Order, the minimum wages and conditions of employment for shop workers shall be as set out in the Schedule to this Order. Minimum wages and conditions of employment

5. The Minimum Wages and Conditions of Employment (Shop Workers) Order, 1995, is hereby revoked. Revocation of Statutory Instrument No. 170 of 1995

SCHEDULE

(Paragraph 4)

1. The minimum monthly wages to be paid to employees shall be in accordance with the following tables:

Grade I (K55,000)

Employees engaged in any of the following occupations-

- (a) bailing or wrapping articles and goods opening and closing and repairing packages;
- (b) delivery vehicle assistant, or a general worker, not elsewhere specified;
- (c) handyman; or
- (d) office orderly.

Grade II (K60,000)

Employees engaged in any of the following occupations-

- (a) operating a mechanically operated passenger or goods lift;
- (b) driver of a motor cycle, motor scooter or motorised three wheeled vehicle;
- (c) sales assistant;
- (d) packer; or
- (e) watchman.

Grade III (K85,000)

Employees engaged in any of the following occupations-

- (a) assistant bicycle assembler;
- (b) assistant despatch clerk;
- (c) driver of a motor vehicle requiring an ordinary driving licence;
- (d) shelf packer (self-service);
- (e) shoe repairer;
- (f) tailor's assistant;
- (g) telephone operator; or
- (h) window dresser's assistant.

Grade IV (K95,000)

Employees engaged in any of the following occupations-

- (a) bicycle assembler;
 - (b) check-out operator;
 - (c) darkroom assistant;
 - (d) driver of motor vehicle requiring a heavy duty vehicle or public service licence;
- or
- (e) picture framer.

Grade V (K105,000)

Employees engaged in any of the following occupations-

- (a) despatch clerk;
- (b) ledger clerk;
- (c) orderman;
- (d) sales person;
- (e) tailor; or
- (f) upholsterer.

Grade VI (K115,000)

Employees engaged in any of the following occupations-

- (a) audio visual equipment repairer;
- (b) costing clerk;

- (c) machine operator;
- (d) typist; or
- (e) watch repairer.

Grade VII (K125,000)

Employees engaged in any of the following occupations-

- (a) cashier;
- (b) credit controller;
- (c) shorthand typist;
- (d) supervisor; or
- (e) window dresser.

Grade VIII (K135,000)

Employees engaged as qualified book-keepers. Wages

2. (1) The wages or any benefit enjoyed by an employee shall not be reduced or altered adversely as a result of the application of this Order.

(2) Where, prior to the introduction of this Order, an employee was in receipt of a wage in excess of the minimum rate of pay on any grade, the employee shall retain such wage rate and in addition such wage shall be increased by thirty-three and one-third percent which will allow identical credit, for length of service or experience or both, which the employee earned in that employees' existing grade or category at the date of the coming into force of this Order.

(3) No employee shall suffer any reduction in pay upon transfer from a lower grade to a higher grade.

(4) A part-time employee or casual employee shall be paid wages appropriate to that employee's grade in the proportion that the hours worked by the employee per month bears to one hundred and ninety-five hours. General provisions

3. (1) No person shall employ an employee, other than a manager-

- (a) for more than forty-five hours in a week excluding meal hours;
- (b) for more than eight and one-half hours in a day, excluding meal hours, except in the case of butcheries, bakeries, and dairies who shall complete within ten and one-half hours of commencement of such employee's work;
- (c) for more than five hours without an interval of at least one hour for a meal;
- (d) to work after 1400 hours for more than five days in a week;
- (e) under sixteen but not below fifteen years of age for more than seven hours in a day confined within a period of ten hours; or
- (f) on Sunday or public holiday.

(2) For the purpose of stock-taking or the sale of perishable food-stuff or other emergency work which cannot be carried out during normal working hours, an employee may be employed on a Sunday or public holiday or beyond the hours prescribed in subparagraph (1).

(3) Weekly hours for a watchman shall be sixty, spread over six days, and any hour worked in excess shall be paid as provided in paragraph 4 of this Schedule. Hours of work

4. (1) Any employee who works in excess of forty-five hours in a week shall be paid at one and half times the employee's hourly rate of pay.

(2) An employee shall be paid for work done on Sundays or public holidays by the employer at an hourly rate of not less than double the employee's actual hourly rate of pay.

(3) To calculate the hourly rate of pay in a month, the actual amount received by the employee in basic wages for that month shall be divided by one hundred and ninety-five hours. Overtime

5. (1) An employer shall grant leave of absence on full pay to an employee, other than a part-time employee, at the rate of two days per month to an employee who has completed six months continuous service subject to and in accordance with, the following conditions:

(a) in computing the period of leave, Sundays and Public holidays shall be excluded;

(b) part-time employees shall be given leave of absence on full pay as set out in sub-paragraph (1) based on the proportion that their number of hours worked per month bears to one hundred and ninety-five hours; and

(c) the employer shall give reasonable consideration to the exigencies and interest of the business of the employer in agreeing to the date when an employee may take leave.

(2) An employee, the journey to whose home in Zambia necessarily involves travelling over two hundred and eighty kilometres from his place of employment and who accumulates sixty days leave, shall be granted travelling time at the rate of one day (on both the homeward and return journey) for each two hundred and eighty kilometres of the distance travelled.

(3) When proceeding on leave, all money due to the employee, including holiday allowances shall be paid immediately prior to proceeding on such leave.

(4) The holiday allowance referred to in sub-paragraph (3) shall be calculated at the rate of three hundred and fifty kwacha per day up to a maximum of thirty days. Paid leave

6. (1) An employee who, according to the judgement of a registered medical practitioner or medical institution designated by the employer, is unable to execute his work by reason of sickness or accident shall on producing a medical certificate be granted sick leave as follows-

(a) during probationary period, up to a maximum of twenty-six working days on full pay;

(b) for permanent employees, a maximum of ninety working days on full pay and a further ninety days on half pay;

(c) sick leave shall be computed separately for each year and shall not be cumulative.

(2) An employer shall grant leave of absence to a female employee to enable her to nurse her sick child who has been hospitalized, where that child due to the nature of the illness required special attention, and such leave shall not be deducted from female employee's accrued leave. Sick leave

7. (1) A female employee shall be entitled to ninety days paid maternity leave on production of a medical certificate signed by a registered medical practitioner if she has completed two years continuous service from the date of first engagement or since the last maternity leave was last taken.

(2) The maternity leave granted under this paragraph shall be in addition to any other leave to which the employee may be entitled.

(3) Where, by reason of illness due to pregnancy, a female employee becomes temporarily incapable of performing her official duties, she shall be entitled to sick leave in accordance with paragraph 6 of this Schedule.

(4) No employer shall terminate the services of a female employee or impose any other penalty or disadvantage upon such employee, within six months after delivery, for reasons connected with such employee's pregnancy. Maternity leave

8. (1) Where an employee dies whilst in employment, the employer shall provide-

- (a) a standard coffin;
- (b) transport to and from the cemetery;
- (c) financial assistance towards funeral expenses of fifty thousand kwacha; and
- (d) repatriation benefits to the employee, spouse, children or direct dependants previously declared to the employer, and such expenses shall include-
 - (i) reasonable travelling expenses; and
 - (ii) reasonable subsistence expenses.

(2) Where the employee's legal wife or husband dies the employer shall provide-

- (a) a standard coffin;
- (b) transport to and from the cemetery; and
- (c) financial assistance towards funeral expenses of forty thousand kwacha.

(3) Where a registered child dies and is under the age of sixteen years as defined in the Employment of Young Persons and Children Act, the employer shall provide-

- (a) a standard coffin;
- (b) transport to and from the cemetery; and
- (c) financial assistance towards funeral expenses of forty thousand kwacha.

Funeral benefits

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9. The employee may be declared redundant, subject to negotiation with the trade union where appropriate but if there is no trade union representing the employee in the shop, the employer shall give such redundancy benefit of not less than two months pay for each completed year of service. Redundancy

10. (1) The normal retirement age shall be fifty-five years.

(2) An employer who has served for a minimum period of ten years shall be entitled to retirement benefits of two and one half months for each completed year of service.

- (3) Where an employer has established a pension scheme which is approved by the Minister, the retirement benefits shall be paid in accordance with such pension scheme.
- (4) An employee who retires in agreement with the employer before attaining the age of fifty-five years shall be paid retirement benefits in accordance with sub-paragraph (2).

Retirement age

11. An employee whose employment is terminated on medical grounds as certified by a registered medical practitioner shall be entitled to terminal benefits of not less than two and a half months pay for each completed year of service. Early medical discharge

12. Where an employee spends a night away from home to attend to business of the employer, he shall be paid an allowance of twenty-five thousand kwacha per night to cover all expenses. Subsistence allowance

13. A machine allowance to tailors who provide their own machine shall be paid at the following rates-

- (a) for a hand machine, ten thousand kwacha per month; and
- (b) for a treadle or electric machine, twelve thousand kwacha per month.

Machine allowance

14. An employee whose duty station is beyond three kilometres radius from his area of residence shall be paid a monthly allowance of ten thousand kwacha for transport expenses unless the employer provides transport for that employee. Transport allowance

15. An employee shall be entitled to a lunch allowance of three thousand kwacha per month unless the employer provides a canteen at which the employee may obtain wholesome and adequate meals, provided free of charge. Lunch allowance

16. An employee, together with his family, shall be transported by the employer to the employee's place of recruitment or be paid a repatriation allowance by the employer equal to the current cost of travelling by public transport, and the most direct route to the employee's place of recruitment, if the employee-

- (a) is discharged on medical grounds;
- (b) is declared redundant;
- (c) retires; or
- (d) dies in service, in which case the benefits shall accrue to the family of the deceased employee.

Repatriation benefits