

GOVERNMENT OF ZAMBIA

ACT

No. 25 of 1982

Date of Assent: 20th August, 1982

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

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Minimum Wages and Conditions of Employment Act, 1982.

Short title

2. In this Act, unless the context otherwise requires—

Interpreta-
tion

“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;

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“labour officer” shall have the meaning ascribed thereto in section *three* of the Employment Act;

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“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.

Duties of
employer

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

- (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 five hundred kwacha.

(3) Any employer who knowingly makes, causes to be made or allows to be made any record referred to in subsection (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 one thousand kwacha or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(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 one thousand kwacha or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(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.

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 officer authorised in writing in that behalf by the Labour Commissioner, shall have power to—

Functions
of Labour
Commis-
sioner 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 subsection (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 provisions of subsection (2) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five hundred kwacha.

(4) Any person who obstructs the Labour Commissioner or any labour officer in the exercise of the powers contained in subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five hundred kwacha.

6. (1) Where it appears to the Labour Commissioner that—

- (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 subsection (5) of section *four*; and

Recovery of
wages

- (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 subsection (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.

Exemption
permits

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.

(2) If the protected worker, or the person desiring to become a protected worker, referred to in subsection (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 subsection (1) before consulting such trade union.

(3) An exemption permit issued under subsection (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.

Void
agreements

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.

Regulations

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.

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

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(2) Notwithstanding the provisions of subsection (1), every determination which was, prior to the commencement of this Act, effective in accordance with paragraph (d) of subsection (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.