

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 2 OF 1995

**The Zambezi River Authority Act
(Act No. 17 of 1987)**

**The Zambezi River Authority (Terms and Conditions of
Service) By-laws, 1995**

IN EXERCISE of the powers conferred upon the Zambezi River Authority by Article 10 of Schedule to the Zambezi River Authority Act with the approval of the Council of Ministers the following By-laws are hereby made:

PART I

PRELIMINARY

1. (1) These By-laws may be cited as the Zambezi River Authority Term and Conditions of Service By-laws, 1995. -Title and commencement
- (2) These By-laws, shall come into operation on the 1st January, 1995.
2. In these By-laws, unless inconsistent with the context— Interpretation Act No. 17 of 1987
- " Authority " means the Zambezi River Authority established by the Zambezi River Authority Act;
- " employee " means a person confirmed in a post specified in the Second Schedule;
- " Head of Department " means the person having the overall responsibility for any particular department within the Authority or in the absence of such person, any person designated to act in his place;
- " leave " means leave of absence from duty;
- " length of service " means the continuous period of Service the employee has served with the Authority or its predecessor, which period shall be calculated from the original date of engagement;

" pay " means the salary of an employee together with such allowances as may be payable to him;

" dependant " means—

(a) a spouse of an employee;

(b) any child of an employee including an illegitimate and adopted child or step-child who is of, or below the age of 18 years or below the age of 25 years and undergoing full-time education and wholly dependant on him;

" retirement age " means the age of retirement as specified in by-law 6;

" working day " means any day of the week except Saturday, Sunday, and public holidays.

PART II

GENERAL

Probation

3. (1) Subject to this section every person entering the service of the Authority shall serve a probationary period of six months unless the Authority expressly appoints him to the service without him having to serve such probationary period.

(2) The period referred to in sub-by-law (1) may be reduced or extended by the Authority, so however, that no probationary period shall, save in exceptional circumstances, exceed twelve months.

(3) A person serving on probation may resign by giving 24 hours notice of his intention to do so or his service may be terminated by the Authority upon like notice.

(4) A person shall not be confirmed to the service of the Authority unless he has passed a medical examination by a medical practitioner appointed or specifically approved by the Authority.

Additional remuneration

4. Save as may otherwise be prescribed, an employee shall not be entitled to additional remuneration in respect of any duty or work which he is required to perform whether during or after the normal hours of work.

Hours of work

5. The normal hours of work shall be as laid down from time to time by the Authority.

Retirement

6. (1) Subject to by-law 9 an employee may retire from service with the Authority on his 55th birthday or at any time thereafter and shall retire not later than his 60th birthday unless the Authority extends his retirement age in accordance with sub-by-law (2).

(2) The Chief Executive may, upon application made by an employee, at any time during six months following his 59th birthday, extend the employee's retirement age to later than his 65th birthday.

(3) By-law 9 relating to period of notice shall apply, with necessary modifications, to an employee wishing to retire in terms of this section:

Provided that for an employee listed in Parts C, D and E of the Second Schedule whose service has been extended under sub-by-law (2), the period of notice shall be three months.

7. (1) Where a post of an employee becomes surplus due to the re-organisation or re-structuring of the Authority or any station of the Authority the employee shall be declared redundant or be retrenched and such employees shall be paid—

Restructuring and re-organisation

(a) a severance benefit of three months current basic pay; and

(b) a redundancy package calculated as follows:

<i>Completed Years of Service</i>	<i>Rate of Compensation</i>
0-4	2 years current basic pay
5-10	2.5 years current basic pay
10 or more	3 years current basic pay

(2) Where the Authority requires an employee to be deployed or transferred to another station on account of the re-organisation or re-structuring of the Authority or any station of the Authority and such employee is unable to be redeployed or transferred due to special circumstances, the Board may pay a severance benefit to such employee in accordance with sub-by-law (1).

8. (1) When an employee retires, becomes redundant or is retrenched from the service of the Authority or is discharged on medical grounds, the Authority shall meet the cost of transport for the employee and up to six dependants to the employee's home district:

Repatriation

Provided that where the employee chooses not to be repatriated to his home district, the Authority shall meet the cost of repatriation to his chosen destination subject to the cost not exceeding that to this home district.

(2) Where an employee dies in service the Authority shall repatriate the dependants of the employee in accordance with sub-by-law (1).

(3) Where an employee's service is terminated by the Authority or where he resigns from the service of the Authority, the Authority may meet the cost of road transport for the employee and up to six dependants to the employee's home district.

Notice of
resignation

9. (1) An employee who wishes to resign from the service of the Authority shall give notice, in writing, to his Head of Department, of his intention to do so.

(2) The period of notice to be given in terms of sub-by-law (1) shall be—

(a) in the case of an employee in a grade listed in Part A or B of the Second Schedule, three calendar months;

(b) in the case of any employee in a grade listed in Part C, D or E of the Second Schedule, one calendar month or such longer period as the Authority may determine at the time of such employee's appointment:

Provided that—

(i) the Authority may permit an employee to resign without giving notice or upon giving such shorter notice as the Authority may determine;

(ii) any period spent on annual leave shall not form part of the last month of the period of notice; and

(iii) an employee shall surrender one month's salary in lieu of notice.

Termination

10. (1) The Authority may at any time terminate the service of an employee by giving him—

(a) such period of notice in writing as is equivalent to the period of notice which that employee is required to give in accordance with sub-by-law (2) of by-law 9; or

(b) one month's salary in lieu of notice.

(2) The Authority may take any action as described in sub-by-law (10) of by-law 13 against any employee whom the Authority has found guilty of misconduct after considering—

(a) a report by his Head of Department on the conduct of the employee; and

(b) any written representation made by such employee in relation to the alleged misconduct:

Provided that no action against the Chief Executive, Chief Engineer or Corporate Secretary/Chief Accountant in terms of sub-by-law (10) of by-law 13 may be taken without the permission of the Board.

Misconduct

11. (1) An employee shall be guilty of misconduct for any of the acts specified in the First Schedule.

(2) An employee who is convicted and sentenced as specified in paragraph 40 of the First Schedule shall be deemed to have forfeited his post and his employment shall *ipso facto* be terminated by the Authority with effect from the date he was so sentenced and without recourse to the disciplinary machinery and procedures provided for in these By-laws.

(3) The code of conduct, disciplinary and grievances procedures shall be laid down in rules as determined by the Authority and such rules shall be made available to the employees of the Authority.

(4) An employee shall, on receipt of any rules specified under sub-by-law (3), sign such rules as acknowledgement of receipt of the rules.

12. If an employee or his spouse—

Conflict of interest

(a) acquires or holds direct or indirect pecuniary interest in any contract or knowingly acquires or holds a direct or indirect pecuniary interest in any firm or company applying or negotiating for a contract with the Authority;

(b) owns any immovable property in, or has direct or indirect pecuniary interest in, any firm or company and such ownership or interest results in the private interest of the employee coming into or likely to come into conflict with his official duties; or

(c) has otherwise, in his private capacity, any other direct or indirect pecuniary interest in any business of the Authority;

the employee shall forthwith report the fact to the Authority and shall thereafter comply with such direction in connection therewith as the Authority may, from time to time, give him.

Prohibition and suspension

13. (1) An employee suspected of misconduct or against whom criminal proceedings have been instituted may be prohibited by the Head of Department from carrying out the duties of his post, and the prohibition shall remain in force until cancelled by the Head of

Department or otherwise under these By-Laws.

(2) Where a Head of Department prohibits an employee from carrying out the duties of his post under sub-by-law (1) the Head of Department shall immediately thereafter refer the matter to the Chief Executive of the Authority.

(3) On receipt of a matter referred to him under sub-by-law (2) the Chief Executive of the Authority may order the suspension of such employee.

(4) When the Chief Executive orders the suspension of an employee who has been prohibited from carrying out the duties of his post the prohibition by the Head of Department under sub-by-law (1) shall be deemed to be cancelled with effect from the date of the Chief Executive's order.

(5) An employee prohibited from carrying out his duties under sub-by-law (1) shall be entitled to the full amount of his salary for the period of the prohibition.

(6) Notwithstanding sub-by-laws (1), (2) and (3), the Chief Executive may on his own motion, where an employee is suspected of misconduct or against whom criminal proceedings have been instituted—

(a) prohibit that employee from carrying out the duties of his post; or

(b) order the suspension of that employee.

(7) An employee in respect of whom an order of suspension has been made under sub-by-law (3) or (6) shall be entitled to half his salary for the period of such suspension.

(8) If after an investigation relating to any alleged act of misconduct, the Chief Executive decides that no misconduct is disclosed or the matter is trivial then any prohibition or suspension made under this by-law shall be cancelled with effect from the date of the Chief Executive's decision and the employee shall, in the case of a suspension, thereupon be entitled to be paid the full amount of his salary for the period of the suspension less the amount paid to him under sub-by-law (7).

(9) If an employee against whom a prohibition or order of suspension has been made under this by-law on the ground that criminal proceedings were instituted against him and—

(a) he is acquitted of the crime; or

(b) he is not brought to trial;

the prohibition or order of suspension shall remain in force pending the conclusion of any proceedings that may have been taken against him on a charge of misconduct and if no proceedings are initiated by the Chief Executive against the employee, then the Chief Executive shall cancel the prohibition or order of suspension and in the case of a suspension, the employee shall thereupon be entitled to be paid the full amount of his salary for the period of suspension less the amount paid to him under sub-by-law (7).

(10) If an employee who is charged with misconduct is found guilty by the Chief Executive, the Chief Executive may cancel any prohibition or order of suspension in force under this by-law in relation to the employee and—

- (a) issue a written warning;
- (b) issue a final written warning;
- (c) issue a final written warning plus 5 days suspension without pay;
- (d) reprimand him and—
 - (i) transfer him to another post or grade, the salary of which is less than that received by him at the date he is found guilty of misconduct; and
 - (ii) order a reduction in any allowance to which he may be entitled;
- (e) call upon the employee to resign with effect from a specified date, failing which he shall be deemed to be dismissed as from that date; or
- (f) dismiss the employee.

(11) The Chief Executive may delegate any of his powers under this by-law to any authorised employee of the Authority.

14. (1) Subject to this by-law an additional one month's basic salary shall be payable annually to an employee and shall be included with the salary paid in December each year.

Additional
one month's
salary

(2) Subject to this by-law where an employee enters the service of the Authority during the calendar year he shall be entitled to a proportion of the additional one month's basic salary based on the number of completed calendar months' service in that calendar year.

(3) No payment or proportionate payment of the additional month's basic salary shall be paid to an employee who resigns or is dismissed from the service of the Authority during the course of a calendar year.

(4) The additional one month's basic salary shall not apply for the purpose of calculating overtime or shift allowance.

(5) For the purpose of the Central African Power Corporation Pension and Life Assurance Fund and the Zambezi River Authority Pension and Life Assurance Scheme, pension contributions shall be deducted from the additional one month's basic salary.

Salary
advances

15. (1) A salary advance may be granted to an employee at the discretion of Management.

(2) A salary advance shall be interest free and up to a maximum of one month's salary which shall be repayable over a maximum period of three months:

Provided that a salary advance shall only be granted where a previous advance has been fully repaid.

(3) Where an employee proceeds on leave and his leave period extends over one or more pay days, he may elect to receive a salary advance equivalent to his estimated net pay for the duration of the leave period.

Housing
allowance

16. Where the Authority does not provide accommodation to an employee or where an employee elects not to occupy accommodation provided by the Authority, the Authority shall pay the employee a housing allowance of an amount to be determined by the Authority.

Overtime

17. An employee referred to in Part E of the Second Schedule who works a standard 42.5 hours per week shall be entitled to claim overtime pay for hours worked in excess of the normal hours for each day calculated at the following rates:

(a) overtime worked from Monday to Saturday shall be paid at one and half times the normal rate:

Provided that the minimum amount of overtime worked shall exceed 30 minutes per each period;

(b) where an employee is required to work on a Sunday or a public holiday he shall be paid overtime at double the normal rate for the hours worked:

Provided that the monthly basic salary shall not include any allowance or the 13th cheque.

Critical area
allowance

18. The Authority shall pay a critical area allowance, as determined by the Authority, to professionally and technically qualified employees as designated by the Authority.

19. Every employee who spends at least 25 per cent of the normal working hours in a month in a designated danger zone shall be entitled to a danger allowance as determined by the Authority. Danger allowance
20. (1) An employee required to perform a job in a higher grade shall receive an acting allowance which shall be equivalent to the difference between his substantive salary and entry point of the grade he is acting in, or a minimum allowance of at least 5 per cent of the basic salary, whichever is the higher: Acting and responsibility allowance
- Provided such allowance shall only be paid for acting periods of 30 days or more but not exceeding 6 months.
- (2) Where an employee is not confirmed or does not revert to a substantive grade a responsibility allowance equal to 2 incremental notches of his substantive grade or the next higher grade, whichever the higher, shall be paid.
21. A special allowance, as determined by the Authority, shall be paid to any employee who acquires additional skills outside his normal scope of work and who utilises his skills to the benefit of the Authority. Special skill allowance
22. (1) A standby allowance of 1 per cent of the monthly basic pay shall be paid to an employee for each day he is on standby: Standby allowance
- Provided that an employee on standby who is actually called out shall, in addition to the standby allowance, be paid an overtime allowance in accordance with by-law 17.
- (2) For purposes of this by-law, a day on standby shall mean the time from the end of one shift to the beginning of the next shift on the next day, when working normally, and for 24 hours of the day on an off-day or a public holiday.
23. A location allowance, as determined by the Authority, shall be paid to employees at designated locations. Location allowance
24. An out of pocket allowance per day, as determined by the Authority shall be paid to all management representatives and other employees attending the Inter-Governmental Committee of Officials, Board or Council of Ministers, meetings. Out of pocket allowance
25. (1) The Authority shall pay a long service allowance, as determined by the Authority, to any employee listed in Part E of the Second Schedule who shall have completed at least 10 years service with the Authority. Long service allowance
- (2) When an employee retires the long service allowance paid under sub-by-law (1) shall be added to the employee's basic pay for the purpose of calculating the employee's pension.

- Tool allowance** 26. (1) An employee of the Authority who is an artisan by trade shall provide his own tools to enable him perform his duties.
- (2) The Authority shall pay to an artisan a tool allowance in accordance with the statutory provisions of a Contracting State.
- Settling-in allowance** 27. The Authority shall pay a settling-in allowance of 50 per cent of the monthly basic salary to an employee on engagement.
- Education and school uniform allowance** 28. (1) The Authority shall pay to an employee, in accordance with his grade, an education allowance as determined by the Authority.
- (2) The Authority shall pay to an employee an annual school uniform allowance as determined by the Authority.
- Disturbance allowance** 29. The Authority shall pay a disturbance allowance, as determined by the Authority, to an employee who is transferred from one station to another.
- Electricity and water allowance** 30. (1) The Authority shall pay to all employees an electricity and water allowance as determined by the Authority.
- (2) Any person who has retired from the service of the Authority and who is resident within Contracting States shall be entitled, during his life time, to refunds for electricity and water within the limits determined under sub-by-law (1).
- Transport and transport allowance** 31. (1) Subject to availability of transport, employees not eligible to personal to holder vehicles and who reside more than 2 km from the place of work shall be provided with transport to and from work provided that they assemble at designated places and at a time specified by the Authority.
- (2) Any employee not provided with transport shall be paid a transport allowance as determined by the Authority.
- Kilometre allowance** 32. When an employee is required to travel on Authority business for a distance exceeding 30 km from his normal place of work, and is permitted by the Head of Department to use his own vehicle, he shall be paid a kilometre allowance as determined by the Authority.
- Local travel** 33. (1) An employee travelling on business within the Contracting States shall be provided with full board and lodging in a guest house of the Authority or in a hotel.
- (2) The Authority shall pay an employee, in accordance with his grade, when travelling on business within the Contracting States, an out-of-pocket allowance per night, as determined by the Authority.

(3) Where an employee is not accommodated in a guest house of the Authority or in a hotel, the Authority shall pay to the employee a meal allowance and a subsistence allowance as determined by the Authority.

34. (1) An employee travelling outside the Contracting States shall be paid a business allowance to cover his expenses at rates determined by the Authority.

Foreign
travel

(2) Where an employee attends a residential training course or undertakes a fully sponsored trip outside the Contracting States he shall be paid 50 per cent of the business allowance referred to in sub-by-law (1).

35. (1) Employees shall be covered by medical schemes available in each Contracting State which costs shall be met by the Authority.

Medical
scheme

(2) Where no medical schemes are available, an employee shall be refunded, by the Authority, the cost of in-patient treatment:

Provided that claims in any one calendar year shall be limited to a maximum of one month's salary.

36. Where an employee or his registered dependant is referred for specialist treatment outside the Contracting States, the Authority may, with the approval of the Chairman of the Board, pay for the treatment and may pay such subsistence and travel allowances as may be applicable.

Specialist
treatment

37. An employee who retires from the service of the Authority, and his spouse, shall continue to receive medical aid benefits:

Medical aid
for
pensioners

Provided that such employee and his spouse continue to reside within the Contracting States.

38. If an employee dies while in service, a benefit amounting to three times the employee's annual basic salary shall be paid to the employee's dependant.

Group Life
Assurance
Scheme

39. The Authority shall operate pension schemes in the Contracting States.

Pension
scheme

PART III

LEAVE

40. (1) Subject to the other provisions of this Part, a Head of Department may grant leave, with pay, to an employee who has completed more than six months' service and subject to his being confirmed in service.

Grant or
refusal of
leave

(2) All leave is granted subject to the needs of the Authority and no employee is entitled to take leave at any particular time.

Annual leave 41. (1) Subject to this by-law and by-law 62 an employee who commenced service with the Authority after 6th January, 1989, shall be granted for each calendar year of service, annual leave with pay at the rates specified hereunder for each part as listed in the Second Schedule.

		<i>Number of working days</i>
(a) Part A	—	48
(b) Part B	—	42
(c) Part C	—	36
(d) Part D	—	30
		<i>Number of working days</i>
(e) Part E	<i>Length of service</i>	
	First 5 years service	— 18
	Second 5 years service	— 21
	Third 5 years service	— 23
	Over 15 years service	— 25

(2) If in any calendar year an employee does not complete a calendar year's service, the leave which may be granted to the employee in terms of sub-by-law (1) shall, for each calendar month of service, be for:

		<i>Number of working days</i>
Part A	—	4
Part B	—	$3\frac{1}{2}$
Part C	—	3
Part D	—	$2\frac{1}{2}$
		<i>Number of working days</i>
Part E		
	First 5 years	— $1\frac{1}{2}$
	Second 5 years	— $1\frac{3}{4}$
	Third 5 years	— $1\frac{11}{12}$
	Over 15 years	— $2\frac{1}{12}$

42. (1) Subject to this Part, no employee may be granted leave for a continuous period longer than that specified hereunder for each Part as listed in the Second Schedule:

(a) Part A	—	140 days
(b) Part B	—	120 days
(c) Part C	—	105 days
(d) Part D	—	90 days
(e) Part E All grades	—	60 days

Maximum
continuous
period of
annual leave

(2) Subject to this Part no employee may accumulate leave days in excess of the days specified hereunder for each Part as listed in the Second Schedule:

		<i>Maximum accumulation (days)</i>
(a) Part A	—	140
(b) Part B	—	120
(c) Part C	—	105
(d) Part D	—	90
(e) Part E All grades	—	60

(3) Where an employee applies for leave and his application is not approved because of the needs of the Authority, he shall be entitled to accumulate leave above the amount of days specified in sub-by-law (2) and he shall be entitled to commute for cash at the end of each leave any accumulation beyond the maximum accumulation:

Provided that any leave which has been commuted for cash shall not be converted back into leave at a later date.

(4) Where any employee has been granted only part of the total leave which he has earned, he may be granted the balance later together with any further leave which he may then have earned:

Provided that an employee does not at any one time take more than the maximum amount of leave specified in sub-by-law (1).

(5) An employee may have his leave commuted for cash at the discretion of the Authority upon proceeding on leave for at least 12 working days:

Provided that commutation shall only be allowed once in a period of 12 months.

(6) An employee who is on leave shall continue to accrue leave days as if he was at work.

(7) Where an employee has been served with notice of termination of employment, he may only proceed on leave upon written permission of the Chief Executive.

Circumstances in which sick leave may be granted

43. (1) Sick leave may be granted to an employee—

- (a) who is ill or injured, if his illness or injury is not caused by own negligence or misconduct;
- (b) who has undergone dental treatment;
- (c) who is on leave, if he is confined to his house or to hospital or some similar institution for a period of not less than fourteen days, but only for the period during which he is so confined.

(2) Subject to the provision of sub-by-laws (3) and (4) an employee may be granted sick leave with pay or sick leave with half-pay or sick leave without pay.

(3) No employee may be granted leave, during the period of two years ending on the last day of the sick leave he applies for, more than a total of 184 days paid sick leave.

(4) An employee in part E of the Second Schedule shall be entitled to sick leave of 26 working days on full pay and a further 26 working days on half pay per annum and thereafter sick leave without pay may be granted.

Grant of sick leave

44. (1) Sick leave for a period not exceeding three days may be granted to an employee by a Head of Department without the production of a medical certificate:

Provided that a sick leave application form for approval by the Head of Department shall be submitted by the employee within forty-eight hours of his return to work.

(2) Sick leave:

- (a) of more than three days and not exceeding a continuous period of ninety days; or
- (b) which, together with sick leave previously granted to an employee in the period of twelve months ending on the last day of the sick leave applied for, does not exceed a total of ninety days;

may be granted by a Head of Department to an employee on production of a certificate of a registered medical practitioner or a

registered dental surgeon or if the Head of Department or Chief Executive of the Authority so requires, of a certificate of the medical practitioner appointed by the Authority, stating that—

- (i) the employee is unfit to discharge his duties; and
- (ii) the period of leave applied for is necessary for the recovery of the employees health.

(3) Notwithstanding the provisions of sub-by-law (2) but subject to sub-by-law (3) of by-law 43 a Head of Department may grant to an employee sick leave for any period recommended by a medical practitioner appointed by the Authority which is in excess of the period specified in sub-by-law (2) where the medical practitioner certifies, in writing, that the employee is likely to be able to resume duty after such further period of sick leave.

45. Notwithstanding receipt of a written opinion by the medical practitioner appointed by the Authority under sub-by-law (2) of by-law 44 to the effect that it is probable that an employee who is already on sick leave will not be able to resume duty at the end of any period of sick leave and should be discharged on grounds of ill health the Authority may, subject to the provisions of sub-by-law (3) of by-law 43, grant a further period of sick leave pending a decision on the findings of a majority of three medical practitioners of whom two shall be nominated by the Authority and one by the employee.

Further sick leave pending decision of medical practitioners

46. An employee who has exhausted his paid sick leave entitlement under sub-by-law (3) of by-law 43 may, if he wishes, apply for and be granted such annual leave, with pay, as he may have earned in lieu of unpaid sick leave.

Grant of annual leave in lieu of sick leave

47. (1) If an employee is absent from duty because of illness or injury for a period which is likely to exceed fourteen days or for a period the exact duration of which cannot be determined he shall within fourteen days from the first day of his absence forward or cause to be forwarded to the Secretary of the Authority a duly completed certificate of absence in the form prescribed by the Authority.

Reporting of absence from duty

(2) A Head of Department shall arrange for the completion and the forwarding of the certificate referred to in sub-by-law (1) if, owing to the serious nature of the employee's illness and the absence of any member of his family, the employee has been unable to comply with the provisions of that sub-by-law.

(3) Where an employee is absent from duty for a period of three days the Head of Department shall report immediately such absence to the Secretary of the Authority.

Employee to submit to medical examination when required by the Authority

48. An employee shall submit himself for medical examination by a medical practitioner appointed by the Authority when so required by the Authority.

Leave for urgent personal reasons

49. (1) Subject to this by-law an employee who is not eligible for leave or is eligible for leave but considers that the leave due to him is insufficient, and who wishes to be absent from duty for urgent personal reasons may apply to his Head of Department for leave for urgent personal reasons giving full details of the circumstances involved.

(2) A Head of Department, with the approval of the Chief Executive—

(a) may grant paid leave for urgent personal reasons for a period not exceeding ninety days;

(b) shall, where he considers it necessary to grant further leave for urgent personal reasons which is in excess of that granted under paragraph (b), grant such further period of unpaid leave as he considers adequate for the purpose.

(3) An employee shall be granted leave for urgent personal reasons if such leave is taken in conjunction with any annual leave that may be available to him.

(4) Leave for urgent personal reasons with pay granted to an employee under this by-law shall be deducted from annual leave accumulated by that employee after his return to duty and if he retires or resigns from, or is discharged by, the Authority before accumulating a period of annual leave equivalent to a period of leave so granted the pay paid to him in respect of that period of leave for urgent personal reasons shall be a debt due by him to the Authority.

Special leave

50. (1) Special leave may be granted by a Head of Department to an employee—

(a) for the purpose of sitting an examination necessary for his advancement in the service of the Authority:

Provided that a Head of Department shall not, except at the direction of the Authority, grant special leave to an employee sitting an examination outside the Contracting States;

(b) who, in circumstances approved by the Authority on the recommendation of a medical practitioner is absent from duty because of contact with a person having an infectious disease.

(2) Special leave not exceeding ninety days in duration may be granted to a female employee who is pregnant, commencing not more than forty-five days before the expected date of her baby and such leave may be granted only once in any one period of 24 months.

(3) Special leave granted to an employee in accordance with sub-by-law (1) and (2) will be granted with pay.

51. (1) Study leave may be granted at management's discretion to employees for study purposes in accordance with the Authority's rules. Study leave

(2) Study leave shall not be granted outside the Contracting States for employees who have not completed their probation.

52. (1) In addition to the benefit stipulated in by-law 39, on the death of an employee who has served for not less than one year there shall be paid to his surviving spouse or in the absence of a surviving spouse, to his dependants, as the Authority may decide, the cash equivalent to annual leave, if any, earned by him calculated at the rate of pay received by him at the date of his death. Benefit payable on death

(2) If an employee dies before receiving an additional one month's basic salary in terms of by-law 14, the surviving spouse of that employee, or in the absence of the surviving spouse, his dependants, shall be paid a proportion of one month's basic salary based on the number of completed calendar months' service of the employee in the calendar year in which he dies.

(3) On the death of the employee, the employee's spouse or dependant or biological or legal parent of the employee or his spouse, the Authority shall provide a coffin, transport and a funeral grant as determined by the Authority.

53. (1) Subject to sub-by-law (2) an employee who has served for not less than six months and who is to be discharged on grounds of ill health may be granted, at his option, either— Benefit on discharge for ill health

(a) such leave as he may have earned; or

(b) the cash equivalent of such annual leave as he may have earned, calculated at the rate of pay received by him on his last day on duty.

(2) An employee who elects to go on leave in accordance with paragraph (a) of sub-by-law (1) but who will reach retirement age before the expiry of such annual leave shall be granted—

(a) a period of annual leave which is necessary to enable him to attain his retirement age; and

(b) the cash equivalent of the balance of any annual leave as he may have earned.

Leave
benefits on
retirement

54. Subject to by-law 42 an employee who, having completed twelve months service and having complied with any provisions applicable to him with regard to the giving of notice of retirement, retires from the service shall be granted the cash equivalent of such annual leave as may have been earned by him calculated at the rate of pay received by him on his last day of duty.

Leave
benefits on
resignation

55. Subject to by-law 42 an employee who, having completed twelve months' service and having complied with any provisions applicable to him with regard to the giving of notice on resignation, resigns from the service shall be granted the cash equivalent of such annual leave as may have been earned by him calculated at the rate of pay received by him on his last day of duty.

Leave
benefits on
termination

56. An employee who—

(a) is dismissed on grounds of misconduct;

(b) resigns or is called upon to resign in order to avoid dismissal on grounds of misconduct; or

(c) is dismissed because he fails to perform his work in an efficient and competent manner;

shall be granted annual leave or the cash equivalent of annual leave accrued on leaving the service.

Application
for leave to
be in form
prescribed

57. An application for annual leave for urgent personal matters, sick leave or special leave shall be made in the form prescribed by the Authority.

Secretary to
be advised of
the grant of
leave

58. A Head of Department shall ensure, by monthly return, that the Secretary is advised of the grant of leave to an employee.

59. A Head of Department shall report, without delay, to the Secretary, the failure by an employee to resume duty on the expiry of his leave.

Secretary to be informed of failure to resume duty after leave
Resumption of duty before expiry of leave

60. (1) An employee to whom annual leave has been granted shall not return to duty before the expiry of that leave except with the consent of his Head of Department.

(2) If any employee to whom annual leave has been granted returns to duty before the expiry of that leave in accordance with sub-law (1) he shall be credited with the balance of the annual leave days originally granted but not utilised.

PART IV

EMPLOYEES RETAINED FROM CENTRAL AFRICAN POWER CORPORATION

61. Notwithstanding the revocation of the Central African Power Corporation Conditions of Service Rules, any matter relating to the service of an employee with the Central African Power Corporation and with the Authority before 1989, shall be determined in accordance with the Central African Power Corporation Conditions of Service Rules and any other relevant rules then in force.

Former conditions of service

62. (1) Irrespective of the classification in the Second Schedule an employee of the Central African Power Corporation retained by the Authority after the 1st October, 1987, and earning leave at the rate specified in the first column, shall earn leave at the rate specified in the by-law as listed in the second column hereunder:

Conversion of leave

<i>First Column</i> <i>Previous rate with Corporation</i>	<i>Second Column</i> <i>New rate with Authority</i>
<i>(i) Part A, B, C and D Employees</i>	
40 working days per annum.....	by-law 41 (1) (a)
35 working days per annum.....	by-law 41 (1) (b)
30 working days per annum.....	by-law 41 (1) (c)
25 working days per annum.....	by-law 41 (1) (d)
<i>(ii) Part E Employees</i>	
18 working days per annum.....	by-law 41 (1) (e)
21 Working days per annum.....	by-law 41 (1) (e)
23 working days per annum.....	by-law 41 (1) (e)
25 working days per annum.....	by-law 41 (1) (e)

(2) Accrued leave carried forward at the date specified in sub-law (1) shall be converted on the following basis:

- (a) annual leave due to former Category " A " and " C " employees multiplied by five and divided by six;
- (b) vacation leave due to former Category " B " employees multiplied by five and divided by seven;
- (c) occasional leave due to former Category " B " employees at full value and converted to annual leave.

(3) There shall be no loss of accrued leave if after conversion at the rates set out in sub-by-law (2) the total exceeds the maximum stated in sub-by-law (2) of by-law 42.

(4) In the case of former Category " B " employees the maximum number of leave days stated in by-laws 54 and 55 shall be 200 working days.

Revocation
of S.I. No. 1
of 1989

63. The Zambezi River Authority Terms and Conditions of Service By-Laws, 1989 are hereby revoked.

FIRST SCHEDULE

(By-law 11)

ACTS OF MISCONDUCT

- (1) Absents himself from duty on a working day without permission or valid excuse.
- (2) Absents himself from place of work during the normal hours of work without permission or valid excuse.
- (3) Performs his work carelessly, negligently, inefficiently or incompetently.
- (4) Displays laziness in the performance of his duties.
- (5) Neglects his duties.
- (6) Is found sleeping or loafing during normal working hours.
- (7) Reports late for work without permission or valid excuse.
- (8) Leaves the place of work or stops work before the normal stopping time without permission or valid excuse.
- (9) Extends his tea or lunch break without permission or valid excuse.
- (10) Refuses to perform any work or duty lawfully assigned by an immediate superior or other senior Authority official.
- (11) Disobeys lawful instructions by an immediate superior, or other senior Authority official.
- (12) Wilfully fails, neglects or refuses to comply with any of the Authority's regulations, laid down policies or procedures, written standing instructions or rules.

- (13) Refuses, without valid reason, to give evidence during any investigation, inquiry or hearing relating to the operations of the Authority.
- (14) Engages in a fight at the place of work.
- (15) Assaults or threatens violence against any employee or person at the place of work.
- (16) Uses abusive, insulting or obscene language against any employee or person at the place of work.
- (17) Is rude, discourteous, impolite or disrespectful to any employee or person at the place of work.
- (18) Hinders or obstructs any other employee from performing his duties.
- (19) Engages in any action or fails to take any action which results in abuse of office or position.
- (20) Conducts himself or behaves in a manner which brings or is likely to bring the name of the Authority into disrepute or which will or is likely to tarnish the image of the Authority.
- (21) Wilfully fails to observe and abide by any of the terms or conditions of the contract of employment with the Authority.
- (22) Engages in any occupation or undertakes any work outside the scope of normal duties which conflicts or is likely to conflict with the interest of the Authority without the permission of the Chief Executive or the Board of Directors.
- (23) Discloses classified or confidential information relating to the affairs of the Authority to an unauthorised person.
- (24) Unlawfully gains access to classified or confidential information or unlawfully obtains information and discloses it to unauthorised persons.
- (25) Discloses personal details of, or gives the personal file of, any other employee, to an unauthorised person.
- (26) Issues, without permission or authority, press statements or information concerning the affairs of the Authority.
- (27) Wilfully or negligently causes damage to property belonging to the Authority or to property which is in the possession of the Authority.
- (28) Wilfully or negligently loses or causes the loss of property or fails to take reasonable care of property belonging to the Authority or to property which is in the possession of the Authority.
- (29) Misuses or disposes or makes unauthorised use of property belonging to the Authority or to property which is in the possession of the Authority.
- (30) Permits or causes an unauthorised person to make use of property belonging to the Authority or to property which is in the possession of the Authority.
- (31) Takes and converts or attempts to take and convert to one's private or use property or monies belonging to the Authority or property which is in the possession of the Authority.
- (32) Fails to account for property or monies belonging to the Authority or property which is in the possession of the Authority.

(33) Drinks intoxicating liquor or takes habit forming drugs other than those prescribed by a registered medical practitioner at the place of work during the normal hours of work.

(34) Is under the influence of intoxicating liquor or habit forming drugs other than those prescribed by a registered medical practitioner at the place of work during normal hours of work.

(35) Engages in habitual consumption of intoxicating liquor or habit forming drugs to such an extent as to be incapable of performing duties efficiently or properly.

(36) Makes any false claim or return.

(37) Gives false or misleading information on one's educational and professional qualifications, work experience or other personal details before, on or after appointment to a grade within the service of the Authority.

(38) Falsifies any official document or record of the authority or records or causes to be recorded therein false or misleading information.

(39) Willfully gives false or misleading information at a hearing relating to the affairs of the Authority.

(40) Is convicted of any criminal offence and is sentenced to a term of imprisonment without the option of a fine.

(41) Practices or attempts to practice nepotism or favouritism in making or recommending the appointment or promotion of any person to a grade within the Authority.

(42) Solicits, accepts or receives any bribe, commission, reward or favour, other than ordinary gifts from personal friends, in connection with the discharge of his duties, from any person with whom the employee conducts or is likely to conduct business of the Authority.

(43) Sexually harasses any employee at the place of work.

(44) Participates or incites any other employee to participate in any unlawful industrial action.

(45) Becomes bankrupt or insolvent.

(46) Fails without reasonable excuse to place his time at the disposal of the Authority after normal hours of work when so required.

(47) Conducts himself in a manner or is addicted to any habits unbecoming or inconsistent with the discharge of his official duties or likely to bring the Authority into disrepute.

(48) Except with the consent of the Authority and in accordance with such directions as may be given to him, from time to time, accepts valuable presents from persons with whom he is likely to come into contact with in the discharge of his duties.

(49) Is a person to whom by-law 12 applies, fails to carry out the obligations imposed on him by that by-law.

SECOND SCHEDULE
(By-laws 2 and 41)

Grade	Job Title		Leave Days
		PART A	
1.	Chief Executive		48
2.	Corporate Secretary		48
	Chief Accountant		
	Chief Engineer		
		PART B	
3.	Senior Engineer		42
	Accountant		
	Internal Auditor		
4.	Assistant Secretary (Administration)		42
	Assistant Secretary (Legal)		
	Resources and Water Right Engineer		
	Hydrologist		
	Computer Engineer		
	Section Civil Engineer		
	Dam Safety Monitoring Engineer		
	Section Engineer—Construction		
		PART C	
5.	Junior Engineer—Water Rights		36
	Junior Engineer—Pollution and Environment		
	Junior Engineer—Kariba		
	Assistant Accountant		
	Dam Safety Monitoring Officer		
6.	Hydro Technician		36
	Maintenance Supervisor		
	Superintendent Construction		
	Site Technician		
	Chief Draughtsperson		
	Telemetry Technician		
	Field Technician		
	Personnel Officer		
	Administrative Officer		
	Private Secretary		
		PART D	
7.	Programming Officer		30
	Draughtsperson		
	Senior Survey Assistant		
	Technical Assistant		
	Foreman Electrical		
	Foreman Mechanical		
	Supplies Officer		
	Administrative Assistant		
	Accounting Officer		
	Stores Controller		

<i>Grade</i>	<i>Job Title</i>	<i>Leave Days</i>
8.	Foreman Plumbing Motor Mechanic Foreman Dam Wall Foreman Maintenance Personal Secretary	30
9.	House Keeper Accounts Assistant Assistant Supplies Officer Accounting Data Operator Stenographer	30
10.	Accounts Clerk/Cashier Survey Assistant Registry Supervisor Stores Assistant	30
11.	Typist Registry Clerk Supplies Clerk Typist/Receptionist	30
PART E		
11.	Assistant Mechanic	18, 21, 23
10.	Junior Foreman	or 25
9.	Carpenter-STR 111 Bricklayer-STR 111 Bus Driver	As the case may be depending on length of service.
8.	Technical Attendant Survey Attendant Carpenter Painter Metal Worker Plant Operator	
7.	Senior Driver Gang-in-Charge Anti-Corrosive Painter	
6.	Driver Vehicle Maintenance Assistant Guest House Cook Stores Assistant Journeyman's Assistant	
5.	Clerk Sub-Store Clerk Vehicle Maintenance Assistant Insecticide Sprayer Drawing Office Assistant	

4. Domestic Worker
Fitter
Mixer Operator
Gang-in-Charge (junior)
Guest House Attendant
Housing Attendant
Messenger
3. Crusher Operator
Roller Operator
2. Compressor Operator
Senior General Worker
Survey Hand
1. Gauge Readers
Junior General Worker

Made by the Zambezi River Authority this 15th day of December, 1994.

Approved by the Council of Ministers this 15th day of December, 1994.

E. Z. NAWAKWI,
*Minister of Energy
and Water Development
(Zambia)*

P. TEMBO,
*Deputy Minister in the Office
of the President-NCDF
(Zambia)*

