

## GOVERNMENT OF ZAMBIA

## STATUTORY INSTRUMENT No. 3 OF 2002

**The Minimum Wages and Conditions of Employment Act**  
(Laws, Volume 15, Cap. 276)**The Minimum Wages and Conditions of Employment**  
(Shop Workers) Order, 2002

IN EXERCISE of the powers contained in section *three* of the Minimum Wages and Conditions of Employment Act, the following Order is hereby made:

1. This Order may be cited as the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2002. 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—
    - (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 food stuffs;
    - (iv) the printing of newspapers;

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(v) the delivery of ice to hospitals and nursing institutions during the day or at night; or

(vi) the sale before midnight of any programmes, catalogues, or refreshments in theatre, concert hall or other places of amusement during any performance.

## Interpretation

3. In this Order, unless the context otherwise requires—

“assistant bicycle assembler” means an employee who—

(i) assembles perambulators, go-carts, scooters, express wagons, cans or any wheeled vehicle 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 components 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 dispatch clerk” means an employee who, under the supervision of, and subject to checking by, a dispatch clerk makes up, packs or dispatches goods received or held in stock for dispatch or who checks or weighs packages and who may in addition mark to 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 bookkeeper 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;

- “dispatch clerk” means an employee who receives goods into or from a store warehouse or from a department for dispatch and makes consignment notes and does filing of dispatch documents;
- “employee” means a person employed in a shop or in connection with the business of a shop and who has entered into or 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 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 renovations to, or undertakes maintenance work on, buildings owned or occupied by his employer;
- “ledger clerk” 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;
- “parker” means an employee who breaks down bulk packages, re-parks 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 tabulation machine;
- “sales assistant” means an employee engaged in attending to customers in 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, 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 on 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.

Minimum wages and conditions of employment

4. With effect from the date of publication of this Order, the Minimum Wages and Conditions of Employment for shop workers shall be as prescribed in the Schedule to this Order.

Revocation of statutory instrument No. 120 of 1997

5. The Minimum Wages and Conditions of Employment (Shop Workers) Order, 1997 is hereby revoked.



SCHEDULE  
(Paragraph 4)

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

- Grade I* [K95,000]  
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* [K100,000]  
Employees engaged in any of the following occupations—
- (a) operating a mechanically operated passenger or goods lift;
  - (b) driver of motor cycle, motor scooter or motorised three wheeled vehicle;
  - (c) sales assistant;
  - (d) packer; or
  - (e) watchman.
- Grade III* [K150,000]  
Employees engaged in any of the following occupations—
- (a) assistant bicycle assembler;
  - (b) assistant dispatch 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* [K165,000]  
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* [K195,000]  
 Employees engaged in any of the following occupations—  
 (a) dispatch clerk;  
 (b) ledger clerk;  
 (c) orderman;  
 (d) sales person;  
 (e) tailor, or  
 (f) upholsterer.

*Grade VI* [K185,000]  
 Employees engaged in any of the following occupations—  
 (a) audio visual equipment repairer;  
 (b) costing clerk;  
 (c) machine operator;  
 (d) typist; or  
 (e) window dresser.

*Grade VII* [K225,000]  
 Employees engaged in any of the following occupations—  
 (a) cashier;  
 (b) credit controller;  
 (c) shorthand typist;  
 (d) supervisor; or  
 (e) window dresser.

*Grade VIII* [K235,000]  
 Employees engaged as qualified book-keepers.

General  
 Provisions

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 per cent 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) An employee shall not 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 proportion that the hours worked by the employee per month bears to one hundred and ninety-five hours.

3. (1) A person shall not employ an employee, other than a manager— Hours of Work

- (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 compete within ten and one-half hours of commencement of such employees' 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 years 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-staff 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 sub-paragraph (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.

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. Overtime

(2) An employee shall be paid for work done on Sunday 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.

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— Paid leave

- (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 their places 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 thousand kwacha per day up to a maximum of thirty days.

Sick 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 their 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 further ninety days on half pay; and
- (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 hospitalised, where that child due to the nature of the illness requires special attention, and such leave shall not be deducted from female employee's accrued leave.

Maternity leave

7 (1) A female employee shall be entitled to ninety days maternity leave on production of 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 sub-paragraph (1) 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) An employer shall not 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.

Funeral benefits

8 (1) Where an employee dies whilst in employment, an employer shall provide—

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

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9. An 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.

Retirement age

(2) An employee 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).

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 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 the business of the employer, they shall be paid an allowance of fifty 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;

Machine allowance

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

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

Transport allowance

Lunch  
allowance

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

Repatriation

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.

LUSAKA

14 January, 2002

[DL. 64/9/14]

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