

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 2 OF 2011

**The Minimum Wages and Conditions of Employment Act**  
(Laws, volume 15, Cap. 276)**The Minimum Wages and Conditions of Employment**  
(General) Order, 2011

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 (General) Order, 2010. Title
2. (1) This Order shall apply to employees as specified in the Schedule but shall not apply to employees Application
- (a) of the Government of the Republic of Zambia;
- (b) of a local authority;
- (c) engaged in domestic service;
- (d) in any occupation where wages and conditions of employment are regulated through the process of collective bargaining conducted under the Industrial and Labour Relations Cap. 269
- Act, or where employee-employer relationships are governed by specific employment contracts attested by a proper officer, and such conditions shall not be less favourable than the provisions of this Order;
- (e) in management; and
- (f) in a sector for which the Minister, by statutory instrument, has prescribed the minimum wage.
- (2) For the avoidance of doubt, the provisions of this Order shall not be used as a basis for any negotiations in contracts of employment for any employees exempt under sub-paragraph (1).
- Interpretation
3. In this Order, unless the context otherwise requires— Interpretation
- “employee” means a protected worker specified in the Schedule;
- “employer” means any person or firm, cooperative or company who or which has entered into a contract of service as defined in section *three* of the Employment Act;

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- “minimum conditions of employment” means the minimum terms and conditions of employment which may be offered to an employee;
- “minimum wage” means the lowest wage which may be paid to an employee;
- Cap 272 “paid public holiday” means any day declared as a public holiday under section *two* of the Public Holidays Act and includes a public holiday declared as a paid public holiday under section *fifteen* of the Employment Act;
- Cap 272 “qualified clerk” means a person employed to perform tasks that are subject to change depending on the needs of the employer, and includes tasks such as sorting mail, filing papers, reports and other documents, operating photocopying and facsimile machines and any other office equipment, operating cash registers, taking inventory of equipment and supplies, providing information relating to the services provided by, and the functions of, the employer, processing the sale of merchandise, re-stocking office supplies, recording orders for merchandise or services and providing customer service, and whose qualification is a general certificate of education or its equivalent; and
- “watchperson” means a person employed to watch over or guard any property in, or on, a building, yard, site or any other place.

Minimum wages and conditions of employment

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

Revocation of S.I. No. 57 of 2006

5. The Minimum Wages and Conditions of Employment (General) Order, 2006, is hereby revoked.

SCHEDULE  
(Paragraph 4)

1. (1) The minimum wages, excluding any amount paid in lieu of rations, shall be as follows: Wages
- (a) category I - two thousand, one hundred and eighty-two kwacha (K2,182.00) per hour or four hundred and nineteen thousand kwacha (K419,000.00) per month, for a person engaged as—
    - (i) a general worker, not elsewhere specified;
    - (ii) a cleaner;
    - (iii) a handy person; or
    - (iv) an office orderly;
  - (b) category II - two thousand, two hundred and ninety-eight kwacha (K2,298.00) per hour or four hundred and nineteen thousand kwacha (K419,000.00) per month, for a person engaged as a watchperson or a guard;
  - (c) category III - three thousand, one hundred and twenty-five kwacha (K3,125.00) per hour or six hundred thousand kwacha (K600,000.00) per month, for a person engaged as a driver;
  - (d) category IV - three thousand, three hundred and eighty-five kwacha (K3,385.00) per hour or six hundred and fifty thousand kwacha (K650,000.00) per month, for a person engaged as -
    - (i) a typist; or
    - (ii) a receptionist or telephonist; and
  - (e) category V - four thousand, five hundred and five kwacha (K4,505.00) per hour or eight hundred and *sixty-five* thousand kwacha (K865,000.00) per month, for a person engaged as a qualified clerk.
2. (1) The wages or benefits enjoyed by an employee shall not be reduced or altered adversely as a result of the application of this Order. General provisions
- (2) Where, prior to the commencement of this Order, an employee was in receipt of a wage in excess of the minimum wage, the employer shall retain the wage and, in addition, shall increase it by fifty thousand kwacha to allow identical credit, for length of service or experience or both, which the employee earned in that employee's existing wage at the date of commencement of this Order.
- (3) An employee shall not suffer any reduction in pay upon transfer from a lower rate of pay to a higher rate of pay.
- (4) Where a contract of service is for a period of less than a complete month in respect of a watchperson or guard, the watch person or guard shall be paid a rate not less than onethirtieth of the

monthly rate of wages for each day of the contract period.

(5) An employee required to work between the hours of 19:00 hours and 06:00 hours shall be paid an hourly rate of pay in categories I and II and, in addition, the employee shall be paid an hourly rate of one hundred kwacha shift differential for each hour worked between those hours.

Hours of  
work

3. The normal weekly hours of work for an employee shall not exceed fortyeight hours.

Overtime

4. (1) An employee who works in excess of fortyeight 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 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) Subparagraph (1) does not apply to a watchperson or a guard.

Annual leave

5. (1) 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 the period of leave; and

(c) the employer may give reasonable consideration to the exigencies and interests of the business of the employer in agreeing to the dates when the leave may be taken.

(2) An employee on paid leave, the journey to whose home in Zambia necessarily involves travelling over two hundred and eighty kilometers from the employee's 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 kilometers of the distance travelled.

(3) An employer shall pay an employee who is proceeding on leave, all money due to the employee, including holiday allowances, immediately before proceeding on leave.

(4) The holiday allowances referred to in sub paragraph (3) shall be paid at one month's basic pay.

6. (1) Subject to sub-paragraph (2), an employee who is unable to execute the employee's normal duties due to illness or accident not occasioned by the employee's default shall, on production of a medical certificate from a registered medical doctor or health facility designated by the employer, be granted paid sick leave at the following rates:

Paid sick  
leave

(a) at full pay during the first three months; and

(b) thereafter, at half pay for the next three months.

(2) Notwithstanding sub-paragraph (1), if an employee does not recover from illness or accident after six months from the date of illness or accident, the employer may, on the recommendation of a registered medical doctor or health facility designated by the employer, discharge the employee and the entitlement to sick leave shall cease.

(3) A female employee shall be granted leave of absence without loss of pay to enable her nurse her sick child who is hospitalised if, due to the nature of illness, the child requires special attention: Provided that an employer may, before granting the leave, require the employee to produce a certificate from a registered medical doctor at the health facility where the child is hospitalised, recommending that the leave be granted.

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

7. (1) A female employee shall be granted one hundred and twenty calendar days paid maternity leave on production of a medical certificate to ascertain her pregnancy signed by a registered medical doctor or health facility if the employee has completed two years of continuous service from the date of first engagement or since the last maternity leave was taken.

Maternity  
leave

(2) Maternity leave shall be additional to any other leave to which an employee may be entitled.

(3) Where, by reason of illness arising out of pregnancy, a female employee becomes incapable of performing her normal duties, she shall be entitled to sick leave in accordance with paragraph 6.

(4) An employer shall not impose any other penalty or disadvantage upon an employee for reasons connected with the employee's pregnancy.

8. (1) An employee who has served with an employer for more than ten years and has attained the age of fifty-five years shall be entitled to a retirement benefit of three months' basic pay for each completed year of service.

Retirement  
benefits

(2) Where an employer has established a pension scheme approved by the Minister, the retirement benefits of the employees shall be paid in accordance with the pension scheme.

- Medical discharge** 9. An employee whose employment is terminated on medical grounds as certified by a registered medical doctor shall be entitled to a lump sum of not less than two months' basic pay for each completed year of service.
- Redundancy benefits** 10. 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 months' basic pay for each completed year of service.
- Repatriation benefits** 11. An employee, together with the family of the employee, shall be transported by the employer, to the employee's place of recruitment or be paid a repatriation allowance sufficient to cover the cost of fares for the employee, the employee's family and their personal effects 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.
- Summary dismissal** 12. (1) Where an employer dismisses an employee summarily and without due notice or payment of wages in lieu of notice, the employer shall, within five days of such dismissal, deliver to the Labour Commissioner or to a labour officer, as the case may be, in the district in which the employee was working, a written report of the circumstances leading to, and the reasons for, the dismissal and the Labour Commissioner or the labour officer, as the case may be, shall determine whether the circumstances of the case warrant the summary dismissal of the employee:
- Provided that a report delivered through the post shall be deemed to have been delivered to the Labour Commission or a labour officer within five days of the dismissal if the envelope within which it is contained bears a postmark dated not later than three days following the dismissal.
- (2) The Labour Commissioner or a labour officer, as the case may be, shall cause to be entered, in a register maintained for the purpose, details of every report delivered to the Labour Commissioner or labour officer for the purposes of sub-paragraph (1).
- (3) Where the Labour Commissioner or a labour officer, as the case may be, determines that the circumstances of the case do not warrant summary dismissal of the employee, the employee so dismissed shall be entitled to payment of severance benefits of not less than two months' basic pay of each completed year of service.

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

Funeral assistance

- (a) a standard coffin;
- (b) financial assistance towards funeral expenses of three hundred and fifty thousand kwacha;
- (c) fifty kilogrammes of mealie meal; and
- (d) transport to, and from, the local cemetery or any amount of money equivalent to hire such transport.

14. An employee whose duty station is beyond a three kilometre radius from the area of residence shall be paid a monthly allowance of one hundred and two thousand four hundred 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 one hundred and 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.

Lunch allowance

16. Where an employee spends a night away from home to attend to the business of the employer, the employer shall pay the employee a subsistence allowance of one hundred and ninety-five thousand kwacha per night to cover all expenses:

Subsistence allowance

Provided that where the employee is required to work outside the country, the employee shall be paid subsistence allowance of not less than three hundred and ninety thousand kwacha.

17. An employee who is required to provide the employee's own tools to execute the employee's work, shall be paid a tool allowance of sixty-four thousand kwacha per month.

Tool allowance

18. An employee who does any work likely to be injurious to the employee shall be provided with protective clothing.

Protective clothing

19. An employer shall, where the employer does not accommodate an employee, pay the employee a monthly housing allowance at the rate of thirty percent of the employee's basic salary.

Housing allowance

20. Where an employee is required to proceed on permanent transfer to a town where the employee is required to reside and which is not the employee's usual place of residence, the employee shall be provided with transport to the town, and in addition, shall be paid an upset allowance of one month's full salary.

Upset allowance

A. LIATO,

*Minister of Labour and  
Social Security*

LUSAKA

30th December, 2010

[DL.64/9/14]