

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 2 OF 2002

The Minimum Wages and Conditions of Employment Act
(Laws, Volume 15, Cap. 276)

The Minimum Wages and Conditions of Employment
(General) 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 (General) Order, 2002.

2. This Order shall apply to all employees except employees—

Application

- (a) of the Government of the Republic of Zambia;
- (b) engaged in domestic service;
- (c) of district councils; and
- (d) in occupations where wages and conditions of employment are regulated through the process of collective bargaining under the Industrial and Labour Relations Act.

Cap. 269

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

Interpretation

“district council” means a district council established under the Local Government Act;

Cap. 281

“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,

Cap.268 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; and

“ watchman ” 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 employment shall be as prescribed in the Schedule to this Order.

Revocation of Statutory Instrument No. 119 of 1997

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

SCHEDULE (Paragraph 4)

Wages

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

Category I – K400 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 or guard.

Category II – K98,000 per month for an employee engaged as a driver.

Category III – K135,000 per month for an employee engaged as—

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

Category IV – K200,000 per month for an employee engaged as a typist.

(2) The monthly rate wages (irrespective of the number 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.

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 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 wages shall be increased by twenty thousand kwacha 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 commencement of this Order.

(3) An employee shall not suffer any reduction in pay upon transfer from lower rate of pay to a higher one.

(4) Where a contract of service is for a period of less than a complete month, the 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 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 twelve kwacha and fifty ngwee shift differential for each hour worked between those hours.

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.

Over time

(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 hour.

(4) The provision 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—

Annual
leave

(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.

paid sick
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 a 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.

(2) Notwithstanding subparagraph (1), 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.

(3) A female employee shall be granted leave of absence without loss of pay to enable her nurse her sick child who has been hospitalized if due to the nature of the illness the child requires special attention, provided that an employer may, before granting such leave, require the employee to produce a certificate from a medical institution 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.

Maternity
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 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 employee may be entitled.

(3) Where, by reason or 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) 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.

Retirement
benefits

8. (1) 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.

(2) 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 sub-paragraph (1) shall not apply.

9. An employee who retires in agreement with the employer before attaining the age of fifty-five 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 direct route to the employee's place of recruitment if the employee—

Repatriation
benefits

- (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.

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:

Funeral
assistance

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

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

15. An employee shall be entitled to 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.

Lunch
allowance

LUSAKA

14th January, 2002

[DL.64/9/14]

W. K. M. NALUMANGO,
*Minister of Labour
and Social Security*