

CHAPTER 269

THE INDUSTRIAL AND LABOUR RELATIONS ACT

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CHAPTER 269

INDUSTRIAL AND LABOUR RELATIONS

An Act to revise the law relating to the formation of trade unions and employers' representative organisations, including the formation of federations of trade unions and federations of employers organisations, recognition and collective agreements, settlement of disputes, strikes, lockouts, essential services and the Tripartite Labour Consultative Council; the Industrial Relations Court; to repeal and replace the Industrial Relations Act, 1990; and to provide for matters connected with or incidental to the foregoing.

[30th April, 1993] Act No.

27 of 1993

13 of 1994

30 of 1997

PART I

PRELIMINARY

1. This Act may be cited as the Industrial and Labour Relations (Amendment) Act, 1997, and shall be read as one with the Industrial and Labour Relations Act, in this Act referred to as the principal Act.. Short Title

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2. (1) Subject to subsection (2), this Act shall not apply to-Application and power of exemption

- (a) the Zambia Defence Force;
- (b) the Zambia Police Force;
- (c) the Zambia Prison Service;
- (d) the Zambia Security Intelligence Service; and
- (e) Judges, registrars of the court, magistrates and local court justices.

(2) The Minister may, after consultation with the Tripartite Consultative Labour Council, by statutory instrument, and subject to such conditions as he may prescribe, exempt any person or class of persons or any trade, industry or undertaking from all or any of the provisions of this Act, or any regulation or order made, or any direction given, in pursuance of this Act.

(3) The Companies Act, the Societies Act and the Co-operatives Societies Act shall not apply to any trade union or association. Cap. 388
Cap. 119
Cap. 397

(4) Any organisation which is intended to carry out activities of a trade union or an employers' association shall be registered only under this Act and any registration under the Companies Act, the Societies Act and the Co-operative Societies Act shall be void.
Cap. 388
Cap. 119
Cap. 397

3. (1) In this Act, unless the context otherwise requires-
"bargaining unit" means-

- (a) the management of the undertaking and the trade union representing employees in such undertaking where collective bargaining is at the level of an undertaking, other than an industry; and
 - (b) the negotiating team representing the employers' organisation and the negotiating team representing the trade union in the industry concerned where collective bargaining is at level of an industry;
- "Chairman" means the person appointed Chairman of the Court under section eighty-six;

"collective agreement" means an agreement negotiated by an appropriate bargaining unit in which the terms and conditions affecting the employment and remuneration of employees are laid down;

"collective bargaining" means the carrying on of negotiations by an appropriate bargaining unit for the purpose of concluding a collective agreement;

"collective dispute" shall be construed in accordance with section seventy-five;

"Commissioner" means the Labour Commissioner;

"Congress" means the Zambia Congress of Trade Unions continued under section twenty-eight;

"Court" means the Industrial Relations Court established under section eighty-four;

"deadlock" means a situation arising out of a collective dispute where the parties to the dispute have exhausted the procedure, whether formal or otherwise, mutually agreed to by the parties for the settlement of the dispute, where conciliation in terms of section seventy-eight has proved unsuccessful, and where either or both parties are of the opinion that further negotiations are unlikely to lead to the settlement of the dispute;

"Deputy Chairman" means the person appointed Deputy Chairman of the Court under section eighty-six;

"eligible employee" means a unionisable employee other than a member of the management of an undertaking;

"employee" means any person who has entered into, or works under, a contract of employment with an employer whether such contract is express or implied, oral or written, or serving a probationary period of employment, a casual employee, an employee specifically engaged on a temporary basis for work of an intermittent or seasonal nature;

"employer" means any person who, or body of persons, firm, company, corporation or public authority which, has entered into a contract to employ any person and includes any agent, representative or manager of such person, body of persons, firm, corporation, company or public authority who is placed in authority over the persons employed;

"employers' organisations"-

(a) means any group of employers registered under this Act whose principal objectives are the representation and promotion of employers' interest and the regulation of relations between employers and employees or between employers and trade unions; and

(b) includes a federation of employers organisation;

"essential service" shall be construed in accordance with section one hundred and seven;

"executive board" means the duly elected executive committee of a representative body;

"executive officer" means a person elected or appointed by a representative body to be responsible for the day to day administration, management and organisation of that representative body;

"Federation" means the Zambia Federation of Employers continued under section fifty-five;

"federations of employers' organisations" means any organisation whose membership consists wholly mainly of-

(a) registered employers organisations which are affiliated to the organisation; or

(b) individual employers who are not members of any employers' organisation and whose principal objectives include the regulation of relations between employers affiliated to the federation of employers' organisations and trade unions and federations of trade unions;

"federation of trade unions" means an organisation whose membership consists of registered trade unions affiliated to such federation and whose principal objectives are the promotion

and regulation of relations between the trade unions affiliated to the federation or between employees, their trade unions, employers and employers' organisations;

"lock-out" means the closing down of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, as a result of a dispute, and done with a view of compelling those persons, or to aid another employer in compelling those persons or to aid him, to accept terms or conditions of employment or terms of conditions affecting employment;

"member" means a member of the union;

"officer of a trade union" means a duly elected or appointed office holder of a trade union including a trustee, but does not include its employees;

"officer of an employers' organisation" means a duly elected or appointed office holder of an employers' organisation, who shall not be an employee of that organisation;

"proper officer" means a labour officer as defined in section three of the Employment Act;

"recognition agreement" means an agreement described in Part VII;

"Registrar" means the person appointed Registrar of the Court under section eighty-seven;

"representative body" means a trade union, a federation of trade unions, an employers' organisation and a federation of employers organisations or any other representative body registered under this Act; and

"strike" means the cessation of work or withdrawal of labour contrary to the terms and conditions of a contract by a body of persons employed in any undertaking acting in combination; or a concerted refusal or a refusal under a common understanding of any number of persons who are so employed to continue to work or provide their labour;

"trade union"

(a) means any group or organisation of employees registered as a trade union under this Act whose principal objectives are the representation and promotion of interests of the employees and regulation of relations between employees and employers; and

(b) includes a federation of trade unions;

"trustee" in relation to a representative body means a person elected or appointed to the post of trustee;

"undertaking" means any company, firm, trade, business, industry or any other kind of enterprise, any statutory board or corporation or any local or public authority or any branch or autonomous division thereof.

(As amended by Act No. 30 of 1997) Interpretation

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PART II TRADE UNIONS

4. An employee shall cease to be an eligible employee and become a member of management if the employee-

- (a) is empowered to make management decisions;
- (b) is entrusted with personnel management and industrial relations functions; or
- (c) reports directly to the Chief executive:

Provided that where there is a disagreement on the point when an eligible employee becomes a member of management, the matter shall be referred to the Minister for resolution, subject to appeal to the Court. Definition of management

5. Notwithstanding anything to the contrary contained in any other written law and subject only to the provisions of Constitution and this Act every employee shall have the following rights:

- (a) the right to take part in the formation of a trade union;
- (b) the right to be a member of a trade union of that employee's choice;
- (c) the right, at any appropriate time, to take part in the activities of a trade union including any activities as, or with a view to becoming, an officer of the trade union, seeking election or accepting appointment, and if so elected or appointed, to hold office as such officer subject only to the constitution of the trade union concerned;
- (d) the right to obtain leave of absence from work in the exercise of the rights provided for in paragraph (c) and the leave applied for shall not be unreasonably withheld by the employer;
- (e) the right not to be prevented, dismissed, penalised, victimised or discriminated against or deterred from exercising the rights conferred on the employee under this Act;
- (f) the right of any employee not to be a member of a trade union or to be required to relinquish membership;
- (g) the right not to be dismissed, victimised or prejudiced for exercising or for the anticipated exercise of any right recognised by this Act or any other law relating to employment; or for participating in any proceedings relating thereto;
- (h) the right not to do work normally done by an employee who is lawfully on strike or who is locked out, unless such work constitutes an essential service, or if on request the employee voluntarily waives the right specified under this Act;
- (l) the right not to be dismissed, penalised or disciplined on the grounds that the employee-
 - (i) has been or is a complainant or witness or has given evidence in any proceedings, whether instituted against the employer before the Court or any other court; or
 - (ii) is entitled to a reward, benefit or compensation against any employers, organisation or class of employers to which the employer of that employee belongs or against any other person, in consequence of a decision made by a court in favour of that employee or in favour of a trade union or class of employees to which the employee belongs.

(2) Any employee who has reasonable cause to believe that the employee's services have, or employment has, been terminated or that the employee has suffered any penalty, disadvantage or victimisation for exercising or in connection with the exercise of any rights specified under this section may-

- (a) within thirty days after exhausting administrative channels available to that employee in the employing undertaking; or

(b) where administrative channels are not available, within thirty days of that termination of services or employment, or of knowing that the employee has suffered any penalty, disadvantage or victimisation;

may lay a complaint before the Court.

(3) The Court shall, if it finds in favour of the complainant-

(a) grant to the complainant damages or compensation for loss of employment;

(b) make an order for re-employment or re-instatement; or

(c) make such other order as it may consider appropriate in the circumstances.

(4) No employer or employer's organisation or any person acting on behalf of the employer or employers' organisation shall render financial or other assistance in any form to any trade union or any officer or member thereof with the subject of exercising any control over, or influence in, the activities of such trade union.

(5) Any person or employer or employers' organisation who, or which, contravenes the provisions of subsection (4) shall be guilty of an offence, and shall be liable upon conviction, to a fine not exceeding two thousand seven hundred and seventy-eight penalty units and may be prohibited from holding office in an employer's organisation for such period as the Court may determine.

Rights of employees in respect of trade union membership and its activities

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(As amended by Act No. 13 of 1994 and as repealed and replaced by Act No. 30 of 1997))

6. Every employee shall promote, maintain and co-operate with the management of the undertaking in which the employee is employed in the interest of industrial peace, greater efficiency and productivity. Obligations of employees in respect of trade union and its activities

7. (1) Every trade union shall within six months from the date of formation, and subject to section nine, apply to the Commissioner for registration under this Act; and.

. Registration and consequences of non-registration

(2) If the Commissioner refuses to register a trade union, the Commissioner shall notify the trade union of such refusal and the trade union shall be dissolved within six months from the date of the notification.

(3) Every trade union which is not registered or dissolved, as the case may be, within the period prescribed in subsection (1) or (2), and every officer of such trade union, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four penalty units for every day that it remains unregistered or undissolved, as the case may be, after the expiration of such period, and every such officer may in addition be prohibited from holding office in any other trade union for such period as may be determined by the Court.
(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

8. (1) No trade union or officer shall perform any act in furtherance of the objects for which it has been formed unless such trade union is registered under this Act. Acts of unregistered trade unions and their officers

(2) Any trade union which, or officer who, contravenes subsection (1) shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred penalty units, and every such officer may in addition be prohibited from holding office in any other trade union for a period determined by the Court.
(As amended by Act No. 13 of 1994)

9. (1) An application to register a group of employees as a trade union shall be submitted to the Commissioner in such form as may be prescribed by the Minister.

(2) An application to register a group of employees as a trade union shall be signed by not less than fifty supporters or such lesser number as may be prescribed by the Minister and shall be accompanied by-

(a) two duly certified copies of the constitution of the proposed trade union;

(b) such other information or document as may be required by the Commissioner by notice in writing addressed and delivered to the executive officer of the trade union within such period as may be determined by the Commissioner and specified in such notice.

(3) On being satisfied that an application for registration as a trade union has complied with the conditions of registration prescribed under this Act and that the constitution of the proposed trade union provides for matters set out in the Schedule to this Act, the Commissioner shall register the group of employees as trade union and issue the trade union with certificate of registration in the prescribed form, upon payment of the prescribed fee.

(4) A certificate of registration issued under subsection (3) unless proved to have been withdrawn or cancelled, shall be prima facie evidence that provisions of this Act relating to registration have been complied with.

(5) A group of employees shall not be registered as trade union under this section-

(a) under a name identical to, or by which, any other trade union has been registered or so nearly resembles such name as to be likely to deceive its own members or members of the public; or

(b) if it does not comply with the conditions of registration prescribed, in consultation with the Tripartite Consultative Labour Council, under this Act. Application for registration of trade union

(As repealed and replaced by Act No. 30 of 1997)

10. Every trade union established by, and registered in accordance with, section six of the Industrial Relations Act, 1990, is hereby continued as if established and registered under this Act. Continuation of trade unions Act No. 36 of 1990

11. (1) The Constitution of a trade union in force immediately before the commencement of this Act shall continue in force in so far as it is not written law or until it is amended or replaced under this Act. Constitution of trade unions
Cap. 1

(2) The Constitution of every trade union registered under this Act and every amended thereof shall be registered with the Commissioner and shall be accompanied by a duly certified copy of the resolution adopting the constitution or amendment thereof signed by the executive board.

(3) The Constitution of every trade union registered under this Act-
(a) shall not be amended to the extent that the amendment becomes inconsistent with the freedom of association enshrined in Constitution or with any other written law; and
(b) shall include provisions set out in the Schedule to this Act.

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(As repealed and replaced by Act No. 30 of 1997)

12. (1) The Commissioner shall, after obtaining the approval of the Minister, cancel the certificate of registration of a trade union- Cancellation of certificate of registration of trade union

(a) at the request of the trade union which has resolved to be dissolved and an application has been made in the prescribed form;

(b) if the certificate of registration has been obtained by fraud or mistake;

(c) if the trade union has wilfully violated any of the provisions of this Act; or

(d) if the trade union is dormant.

(2) Where the Commissioner intends to cancel the certificate of registration under paragraph (b) or (c) of subsection (1), he shall, at least three months before cancelling the certificate, give notice in writing to the union and the union may make representations to the Commissioner within that period of notice.

(3) The Commissioner may, after receipt from the trade union of representations, if any, and after the expiration of the three months notice, cancel the certificate of registration and shall notify the trade union accordingly.

(4) A trade union whose registration is cancelled shall have a right of appeal to the Court in accordance with the provisions of section thirteen.

(5) A trade union whose certificate of registration has been cancelled under this section shall, from the time of such cancellation, cease to operate as a trade union and shall be dissolved unless an appeal against such cancellation is preferred under section thirteen to the Court:

Provided that in the case of any cancellation, other than cancellation made under paragraph (a) of subsection (1), in respect of which no appeal is preferred to the court, the cancellation shall not have effect until the Court confirms the cancellation.

13. (1) Any person aggrieved by any refusal of the Commissioner to register a trade union, or by any decision to register an organisation as a trade union, or by the cancellation of a certificate of registration, may appeal, to the Court not later than thirty days after the notification of such refusal, decision or cancellation, as the case may be. Appeal from decisions Commissioner

(2) The Commissioner shall have the right to be heard on any appeal preferred under subsection (1).

(3) The Chairman may make rules governing such appeals, providing for the method of tendering evidence, prescribing the procedure to be followed, the fees to be paid, and notices to be given to the Commissioner.

(4) The Court, in an appeal referred to in subsection (1), may-

(a) set aside the decision of the Commissioner refusing the registration of a trade union or cancelling a certificate of registration, if it is satisfied that grounds exist which qualify or entitle such trade union to be registered, or if it is satisfied that the cancellation of the certificate of registration should not have been made; and order the Commissioner to register the trade union or order the Commissioner to restore the certificate of registration subject to such conditions, if any, as the Court may specify;

(b) dismiss the appeal; or

(c) make such other as it considers appropriate in the circumstances.

(As amended by Act No. 30 of 1997)

14. (1) Subject to subsection (5) of section nine, a trade union may, in accordance with the provisions of its constitution, change its name. Change of name or address of trade union

(2) Notice in writing of every change of name, signed by seven members, and countersigned by the executive officer of the executive committee of a trade union, shall be sent to the Commissioner within thirty days of the change, and the Commissioner shall register the change of name if he is satisfied that the change complies with subsection (1).

(3) No change of name shall affect any right or obligation of a trade union or of any member, and legal proceedings in respect of such right or obligation may be commenced or, if pending, continued by, or against, the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union, notwithstanding its new name.

(4) Notice in writing of every change in the address of the registered office of a trade union shall be sent to the Commissioner within thirty days of the change, and the Commissioner shall register the change of address.

(5) Failure to send a notice as required by subsection (2) or (4), as the case may be, shall render the executive officer of a trade union liable, upon conviction, to a fine not exceeding twenty penalty units for every day during which the failure continues.

(As amended by Act No. 13 of 1994 and Act No. 30 1997)

15. (1) Two or more trade unions may, in accordance with the provisions of their respective constitutions, amalgamate as one trade union and the new trade union so formed shall be

registered in accordance with the provisions of this Act. Amalgamation of trade unions

(2) Any legal proceedings in respect of any rights or obligations of a trade union which has amalgamated with another trade union may be commenced, be continued, if pending, by, or against, the trade union formed as a result of the amalgamation.

16. (1) When it is intended to dissolve a trade union voluntarily, notice of such intention, signed by the members of the executive committee of the trade union and a copy of the resolution to dissolve the trade union, shall be sent to the Commissioner with a copy to a federation of trade unions, if the trade union is affiliated to it, and the Congress may comment on the intended dissolution within fourteen days of the receipt of the notice.

Voluntary dissolution of trade union

(2) If the Commissioner is satisfied that the intended dissolution of a trade union is in accordance with its constitution, the Commissioner shall approve the dissolution of such trade union.

(3) The Commissioner shall notify his approval to the trade union, a federation of trade unions, if the trade union is affiliated to it.

(4) The dissolution shall become effective from the date the Commissioner approves such dissolution.

(5) Where a trade union is dissolved under subsection (2) or dissolved under subsection (5) of section twelve-

(a) the property of the trade union shall vest in the liquidator appointed by the Commissioner who shall have all the powers to recover, realise and sell such property as a trustee in bankruptcy has in relation to bankrupt's property under the Bankruptcy Act and Part V of the Bankruptcy Act relating to remuneration and costs shall, with the necessary modifications, apply to such liquidator; Cap. 82
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(b) the liquidator shall proceed to wind up the affairs of the trade union and, after satisfying and providing for all the debts or other liabilities of the trade union, prepare a scheme for the application of its remaining assets or property for purposes likely to benefit

the former members of the dissolved trade union; or distribute the assets or property or the proceeds among its former members, as the Commissioner may determine.

(6) No action or other proceedings shall lie or be instituted against the liquidator in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

(As amended by Act No. 30 of 1997)

17. (1) From the commencement of this Act- Existing trade unions and Congress

(a) a trade union with a valid certificate of registration issued before the commencement of this Act and which was affiliated to the Congress before the commencement of this Act, shall, subject to paragraph (b) continue to be affiliated to it; Act No. 36 of 1990

(b) a trade union affiliated to the Congress before the commencement of this Act may, in accordance with the provisions of its constitution, cease to be affiliated to the Congress;

(c) a trade union registered under this Act may, in accordance with its constitution, be affiliated to a federation of trade unions of its choice;

(d) two or more registered trade unions which have ceased, in accordance with their constitutions, to be affiliated to the congress, or which were not affiliated to the Congress or a federation of trade unions may, in accordance with their constitutions, establish or form a federation of trade unions of their choice and shall register the federation under this Act; and
(e) a registered trade union affiliated to a federation of trade unions shall have rights and privileges specified in the constitution of that federation of trade unions.

(2) Every registered trade union shall, upon request, supply a copy of its current constitution to every person who becomes a member of that trade union.

(3) Any person who, with intent to mislead or defraud-

(a) gives to any member of a registered trade union or to any person intending or applying to become a member of such trade union, a copy of a constitution or any amendment to it other than the current version purporting that it is the current constitution of such trade union or current amendment to it, as the case may be; or

(b) gives to any person a copy of any constitution purporting it to be a constitution of a registered trade union when it is not registered;

shall be guilty of an offence and shall be liable, upon conviction-

(i) for misleading, to a fine not exceeding four hundred penalty units; or

(ii) to a fine not exceeding eight hundred penalty units where there was an intention to defraud; and

in addition, may be prohibited from holding office in a trade union for such period as the Court may determine.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

18. (1) No person shall be qualified for election or appointment as an officer of a trade union if he-

Disqualifica-tion from election or appointment as officer of trade union

(a) has not been engaged or employed for a period of twelve months or more in the trade, occupation or industry with which the trade union is directly concerned:

Provided that the trade union may, if satisfied as to the suitability of a particular candidate, allow him to stand for such election, or be appointed, notwithstanding that he has been so engaged or employed for a period of less than twelve months;

(b) having been an officer (or a member of the executive) of a trade union whose certificate of registration has been cancelled under section eleven, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to such cancellation;

(c) has been convicted of an offence involving dishonesty within a period of five years preceding the election or appointment;

(d) is an undischarged bankrupt;

(e) is of unsound mind; or

(f) has been suspended, under its constitution, from holding office in the trade union and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of a trade union shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full-time officer of a trade union shall be a full-time officer of any other trade union or of a federation of trade unions unless he resigns from his first office.

(4) The Commissioner may call for such documentation and information, as he may think necessary, from the executive committee or any officer of a trade union in order to ensure that the provisions of this section are being complied with.

(5) Any person who acts or purports to act as an officer of a trade union after being disqualified under this section to hold office in a trade union shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four hundred penalty units and in addition may be prohibited from holding office in any trade union for a period determined by the Court.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

19. (1) Where a trade union holds an election to fill any office, the trade union shall, within thirty days of the election or appointment, notify, in writing, the Commissioner, and a federation of trade unions, if the trade union is affiliated to it, of the result of the election or appointment, as the case may be. Information about elections of trade union, etc

(2) Failure to comply with subsection (1) shall render the executive officer of the trade union guilty of an offence and liable, upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of the trade union shall be exhibited in a prominent place at the registered office, and at every branch office, of the trade union.

(As amended by Act No. 13 of 1994 and Act No. of 1997)

20. (1) Any member or officer of a trade union or any officer of a federation of trade unions, if the trade union is affiliated to it, who has reasonable grounds to believe that a person who is disqualified from holding office has been elected or appointed as an officer of trade union or that there is a reasonable case against such person from the fraudulent misuse of trade union funds, may, not later than thirty days from the date of election or appointment to the office or

becoming aware of the fraudulent misuse of trade union funds, apply to the Court and the Court may grant such relief or remedy as it may consider just in the circumstances.

Court process against officer of trade union

(As amended by Act No. 30 of 1997)

21. (1) As soon as practicable, but not later than twelve months after the expiry of each financial year of the trade union, the executive officer of every trade union shall submit to the Commissioner a report concerning the financial affairs of the trade union during that financial year. Annual report of accounts of trade union

(2) The report referred to in subsection (1) shall include information on the financial affairs of the trade union and there shall be appended to it-

- (a) an audited balance sheet;
- (b) an audited statement of revenue and expenditure; and
- (c) such other information as the Commissioner may require.

(3) An executive officer of a trade union who, without good cause, fails to comply with this section shall be guilty of an offence and liable, upon conviction, to a fine not exceeding two hundred penalty units and may be prohibited from holding office in any trade union for a period not exceeding five years.

(As amended by Act No. 13 of 1994)

22. (1) An employer may, by agreement with an eligible employee, deduct the amount of subscription prescribed by the constitution of the trade union from the wages of such eligible employee if the employee is a member of such trade union. Deduction of subscription by agreement

(2) An eligible employee may, at any time, withdraw the agreement referred to in subsection (1), by giving three months notice, in writing, to the trade union concerned.

(As amended by Act No. 30 of 1997)

23. An employer shall, not later than fourteen days after the end of each month, remit the subscription in the manner prescribed in the agreement. Remittance of subscription

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

24. A trade union may purchase or take on lease in the name of the trustee of the trade union any land and sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant shall inquire whether the trustee has authority for the sale, exchange, mortgage or letting, and the receipt of the trustees shall be a valid discharge for the moneys arising therefrom. Acquisition of land by trade unions

25. All real and personal property belonging to any trade union shall vest in trustees of the trade union, for the use and benefit of the trade union and the members. Property of trade union to vest in trustees

26. The trustees of a trade union, or any other officer of the trade union, who may be authorised so to do by the constitution shall have power to bring or defend or cause to be brought or defended, any action, suit or proceedings, whether civil or criminal, as the case may be, in any court of law, concerning the property, or any right or claim to property of the trade union and shall have power in all cases concerning the real or personal property of the trade union, to sue and be sued in court, in their proper names, without other description than the title of their office. Actions by or against trustees of trade unions

27. A trustee of a trade union shall not be liable to make good any deficiency occurring in the funds of the trade union unless such deficiency occurred due to neglect or wilful default on the part of the trustee. Limitation of liability of trustees of trade unions

PART III FEDERATION OF TRADE UNIONS

28. The Congress formed and registered before the commencement of this Act, shall continue to exist as a body corporate and shall be deemed to be registered as a federation of trade unions under this Act.

(As repealed and replaced by Act No. 30 of 1997) Continuation of Congress as federation of trade unions

29. The provisions of section eleven shall, with necessary modification apply, to a federation of trade unions registered under this Act.

(As repealed and replaced by Act No. 30 of 1997) Constitution of federation of trade unions

30. (1) No person shall be qualified for election or appointment as an officer of a federation of trade unions if- Qualification and disqualification from election or appointment as officer of a federation of trade unions

(a) he has been an officer, or a member of the executive, of a trade union the certificate of registration of which has been cancelled under section twelve and he fails to satisfy the Commissioner that he did not contribute to the circumstances leading to such cancellation or dissolution;

(b) he has been convicted of an offence involving dishonesty within five years preceding the election or appointment;

(c) he is an undischarged bankrupt;

(d) he is of unsound mind;

(e) he has been suspended, under the Constitution of a federation of trade unions, from holding office in a federation of trade unions and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of a federation of trade unions shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full time officer of a federation of trade unions shall be a full time officer of any trade union.

(4) The Commissioner may call for such documentation and information, as he may think necessary, from the executive committee or any officer of a federation of trade unions to ensure that the provisions of this section are complied with.

(5) Any person disqualified under this section to hold office in a federation of trade unions who acts or purports to act as an officer of a federation of trade unions, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for a period determined by the Court.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

31. (1) Where a federation of trade unions holds an election to fill any office in a federation of trade unions or makes an appointment to any office, the executive officer of a federation of trade unions shall, within thirty days of such election or appointment, notify the Commissioner, in writing, of such appointment or of the result of such election, as the case may be. Information about elections of a federation of trade unions, etc

(2) Failure to comply with subsection (1) shall render the executive officer of a federation of trade unions guilty of an offence and liable upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of a federation of trade unions shall be exhibited in a prominent place, where possible, at the registered office, and at every registered office of the affiliates of a federation of trade unions.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

32. Any member or officer of a trade union affiliated to a federation of trade unions may apply to the Court for an injunction prohibiting an officer of a federation of trade unions from holding office or dealing with the funds of a federation of trade unions, and the Court may, if it is satisfied that such officer of a federation of trade unions is disqualified under section thirty from holding office in a federation of trade unions or that there is a pending case against such officer for the fraudulent misuse of the funds of a federation of trade unions, grant such application and make the necessary order.

(As amended by Act No. 30 of 1997) Injunction against officer or a federation of trade unions

33. Section twenty-one shall apply, with the necessary modifications, to a federation of trade unions and its executive officer.

(As amended by Act No. 30 of 1997) Annual report of accounts of a federation of trade unions

34. (1) Notwithstanding the other provisions of this Act relating to the affiliation of trade unions to a federation of trade unions, each trade union shall maintain its separate status and shall have the right to organise itself as it considers fit in accordance with its constitution.

Relations between a federation of trade unions

(2) A federation of trade unions shall have no jurisdiction over any trade union affiliated to it in any domestic management or domestic matter unless such matter has been referred to the Congress by the trade union.

(3) A trade union or a federation of trade unions may affiliate to a trade union or organisation outside Zambia by a simple majority decision of the members present and voting at a general conference of the trade union or a federation of trade unions and shall inform the Commissioner within twenty-one days of such affiliation.

(4) A trade union or a federation of trade unions may receive outside material, technical or financial assistance and shall inform the Minister of such assistance within thirty days of such receipt.

(5) Subject to the other provisions of this Act, a federation of trade unions shall have general jurisdiction over trade unions affiliated to it, on-

(a) any issue requiring adoption of a common policy position affecting the affiliated trade unions;

(b) the provision of professional and technical advisers to trade unions involved in negotiations with employers associations or litigation; and

(c) the submission of such information, data, documentation, annual reports and financial statements as a federation of trade unions may stipulate from time to time.
(As amended by Act No. 30 of 1997)

35. (1) Where a dispute arises between two or more trade unions affiliated to the same federation of trade unions, the parties to that dispute shall refer the dispute to the federation of trade unions for resolution by reconciliation. Dispute between trade unions

(2) If a federation of trade unions fails to resolve the dispute, such dispute shall be referred to it under subsection (1), the dispute shall be referred to the Commissioner for arbitration, subject to appeal to the Court.

(3) Where the dispute involves trade unions not affiliated to any federation of trade unions, or any party to that dispute is not affiliated to any federation of trade unions, either party to the dispute may refer the dispute to the Commissioner for arbitration, subject to appeal to the Court..

(As repealed and replaced by Act No. 30 of 1997)

PART IV EMPLOYERS' ORGANISATIONS

36. (1) Every employers' organisation shall, subject to section forty, apply to the Commissioner for registration under this Act within six months from the date of its formation. Registration and consequences of non-registration of employers' associations

(2) If the Commissioner refuses to register an association, the association shall be dissolved within six months from the date of the notification of the refusal to register-

(3) Every officer of an employers' organisation which is not registered or dissolved, as the case may be, within the period prescribed in subsection (1) or (2), shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding one hundred and eleven penalty units for every day that the employers' organisation remains unregistered or undissolved, as the case may be, after the expiration of such period, and in addition, every such officer may be prohibited from holding office in any employers' organisation for such period as may be determined by the Court.

(As amended by Act No. 30 of 1997)

37. (1) Subject to this Act- Rights of employers

(a) employers shall have the right to participate in the formation of, and to join, an association and to participate in the lawful activities of such employers' organisation;

(b) nothing contained in any law shall prohibit any employer from being or becoming a member of any employers' organisation lawfully in being or subject the employer to any penalty by reason of the employers' membership of any such employers' organisation;

(c) no person shall impede, interfere with, or coerce, an employer in the exercise of his rights under this Act;

(d) no person shall subject an employer to any form of discrimination on the ground that the employer is or is not a member of any employers' organisation;

(e) no person shall subject another person to any form of discrimination on the ground that the person holds office in an association; and

(f) no person shall impede or interfere with the lawful establishment administration or functioning of an employers' organisation

(2) No employee shall cease or suspend doing work for his employer on the ground that the employer-

(a) is or is not a member or holds or does not hold office, in an employers' organisation;

(b) participates in the lawful activities of an employers' organisation;

(c) has appeared as a complainant or as a witness or has given evidence in any proceedings before the Court or any other court; or

(d) is or has become entitled to any advantage, award, benefit or compensation in consequence of a decision made by the Court or any other court in favour of the employer, or in favour of an employers' organisation or class or category of employers to which such employer belongs, either against such employee or against the trade union or class or category of employees to which such employee belongs or against any other person.

(3) Any person who contravenes any provisions of this section shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for such period as the Court may determine.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

38. (As amended by Act No. 13 of 1994 and repealed by Act No 30 of 1997)

39. (1) No employers' organisation or any of its officers shall perform any act in furtherance of the objects for which it has been formed unless such employers' organisation is registered under this Act.

(2) Where an employers' organisation, or any of its officers, contravene subsection (1), every officer of the employers organisation shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two hundred penalty units, and every officer may, in addition, be prohibited from holding office in any other employers organisation for such period as may be determined by the Court. Acts or unregistered employers' organisation and its officers

(As repealed and replaced by Act No. 30 of 1997)

40. (1) An application for registration as an employers' organisation shall be submitted to the Commissioner in such form as may be prescribed by the Minister.

(2) Every application to register as an employers' organisation shall be submitted under subsection (1) by not less than five members of the proposed employers' organisation or such a lesser number as Commissioner may accept to form an employers' organisation and shall be accompanied by-

(a) two duly certified copies of the constitution; and

(b) such other information or documents as may be required by the commissioner by notice in writing addressed and delivered to the prospective officers of the proposed employers' organisation within such period as may be determined by the Commissioner and specified in such notice.

(3) On being satisfied that the organisation applying for registration as an employers' organisation has complied with the provisions of registration under this Act and that its constitution provides for matters set out in the Schedule to this Act, the Commissioner shall register the organisation as an employers' organisation and issue the employers' organisation with a certificate of registration in prescribed form upon payment of the prescribed fee.

(4) A certificate of registration issued under subsection (3) unless provided to have been withdrawn or cancelled, shall be prima facie evidence that the provisions of this Act relating to registration of employers' organisations have been complied with.

(5) No organisation shall be registered as an employers' organisation-

(a) under a name identical to, or by which, any other employers' organisation has been registered or so nearly resembles such name as to be likely to deceive its own members or members of the public; or

(b) if it does not comply with the conditions of registration prescribed, in consultation with the Tripartite Consultative Labour Council, under this Act.

(As amended by Act No. 30 of 1997) Application for registration of association

41. Every employers' organisation established by, and registered in accordance with, section thirty-nine of the Industrial Relations Act, 1990, is hereby continued as if established and registered under this Act.

(As amended by Act No. 30 of 1997) Continuation of employers' organisation Act No. 36 of 1990

42. (1) The constitution or every employers' organisation in force immediately before the commencement of this Act shall continue in force so far as it is not inconsistent with this Act, the Constitution or any other written law or until it is replaced or amended under this Act..

Constitution of employers' organisation

Cap. 1

(2) The constitution of every employers' organisation and every amendment thereof shall be registered with the Commissioner and shall be accompanied by a copy of the resolution adopting the constitution or amendment thereof signed by the executive board.

(3) The constitution of every employer's organisation-

(a) shall not be amended to the extent that the amendment shall be inconsistent with the freedom of association enshrined in the Constitution, or with any other written law; and
(b) shall include provisions on the matters set out in the Schedule to this Act.

(As amended by Act No. 30 of 1997)

43. (1) No person shall be qualified for election as an officer of an employers' organisation if- Disqualifica-tion from election or appointment as officer of employers' organisation

(a) he, or a member of the executive, of an employers' organisation the certificate of registration of which has been cancelled under this Act, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to the cancellation;

(b) he has been convicted of an offence involving dishonesty within a period of five years preceding such election;

(c) he is of unsound mind;

(d) he is an undischarged bankrupt; or

(e) he has been suspended, under this Act or the constitution of the employers' organisation, from holding office in the association and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of an employers' organisation shall cease to hold office if circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full-time officer of an association shall be a full-time officer of any other employers' organisation or Federation unless he resigns from his first office.

(4) The Commissioner may call for such documentation and information which he considers necessary from the executive committee or any officer of an employers' organisation to ensure that the provisions of this section are being complied with.

(5) Any person who being disqualified under this section to hold office in any employers' organisation, acts or purports to act as an officer of that employers' organisation shall be guilty of an offence and liable upon conviction, to a fine not exceeding four hundred penalty

units and may be prohibited from holding office in any association for such period as the court may determine.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

44. (1) Where an employers' organisation holds an election to fill any office in the employers' organisation or makes an appointment to any office, the executive officer of the employers' organisation shall, within thirty days of the election or appointment, notify the Commissioner and the Federation if the employers' organisation is affiliated to it in writing, of the result of the election, or of the appointment, as the case may be. Information about elections of employers' organisation, etc

(2) An executive officer who fails to comply with subsection (1) shall be guilty of an offence and liable, upon conviction to a fine not exceeding ten penalty units for every day during which the failure continues.

(3) The name and office of every office holder and trustee of the association shall be exhibited in a prominent place at the registered office, and at every branch of the employers' organisation.

(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)

45. Any member or officer of an employers' organisation or any officer of a federation of employers' organisations, if the employers' organisation is affiliated to it, who has reasonable grounds to believe that a person who is disqualified from holding office has been elected or appointed as an officer of an employers' organisation or that there is a reasonable case against such person for the fraudulent misuse of employers' organisation funds, may, not later than thirty days from the date of election or appointment to such an office or of becoming aware of the fraudulent misuse of funds, apply to the Court and the Court may grant such relief or remedy as it may consider just in the circumstances.

(As repealed and replaced by Act No. 30 of 1997) Court process against officer of employers' organisation

46. (1) The Commissioner may, with the approval of the Minister, cancel the certificate of registration of an employers' organisation - Cancellation of certificate of registration

(a) at the request of the employers' organisation which has resolved to be dissolved and the application has been made in the prescribed form;

(b) if the certificate of registration has been obtained by fraud or mistake; or

(c) if the employers' organisation has wilfully violated any of the provisions of this Act.

(2) Where the Commissioner intends to cancel the certificate of registration of an employers' organisation under paragraphs (b) or (c) of subsection (1), he shall at least three months before cancelling the certificate, give notice to the employers' organisation concerned, specifying the grounds upon which he intends to rely for the intended cancellation.

(3) The employers' organisation referred to in subsection (2) may make representations to the Commissioner in opposition to the grounds contained in the notice.

(4) The Commissioner may, after the receipt from the employers' organisation of representations, if any, and after the expiration of the three months notice, cancel the certificate of registration and shall notify the employers' organisation accordingly.

(5) An employers' organisation whose certificate of registration is cancelled may appeal to the Court.

(6) An employers' organisation whose certificate of registration is cancelled shall from the time of the cancellation cease to operate as an association and shall be dissolved unless an appeal against the cancellation is preferred:

Provided that in the case of any cancellation other than a cancellation made under paragraphs (a) and (c) of subsection (1), in respect of which no appeal is preferred to the Court, the cancellation shall not have effect until it is referred to the Court for confirmation.

(As amended by Act No. 30 of 1997)

47. (1) Any person aggrieved by a refusal of the Commissioner to register an employers' organisation, or by the cancellation of a certificate of registration, may appeal to the Court within thirty days of the notification of refusal, decision or cancellation, as the case may be. Appeal from decisions of Commissioner

(2) The Commissioner shall be entitled to appear and to be heard on any appeal made under subsection (1).

(3) The Chairman may make rules governing appeals, provide for the method of tendering evidence, prescribe the procedure to be followed, the fees to be paid, and notices to be given to the Commissioner.

(4) The Court may in an appeal referred to in subsection (1)-

(a) set aside the decision of the Commissioner refusing the registration of an employers' organisation or cancelling a certificate of registration if it is satisfied that grounds exist which qualify or entitle such employers' organisation to be registered, or it is satisfied that the cancelling or the certificate of registration should not have been made; and order the Commissioner to register the employers' organisation or order the Commissioner to restore the certificate of registration, subject to such conditions, if any, as the Court may specify;

(b) dismiss the appeal; or

(c) make such other order as it may consider appropriate in the circumstances.

(As amended by Act No. 1997)

48. (1) Subject to subsection (5) of section forty an employers' organisation may, in accordance with the provisions of its constitution, change its name. Change of name or address of employers' organisation

(2) Notice in writing of every change of name, signed by all the members of the executive committee of an employers' organisation shall be submitted to the Commissioner within thirty days of the change and the Commissioner shall register the change of name if he is satisfied that the change complies with subsection (1).

(3) No change of name shall affect any right or obligation of an employers' organisation or of any member of the employers' organisation, and any legal proceedings in respect of the right or obligation of the employers' organisation may be commenced or continued, if pending, by or against the trustees of the employers' organisation or any other officer who may sue or be sued on behalf of the employers' organisation, notwithstanding its new name.

(4) Notice in writing of every change in the address of the registered office of an employers' organisation shall be sent by its executive officer to the Commissioner for registration within thirty days of the change of address.

(5) Failure to send a notice as required by subsection (2) or (4), shall render the association and its executive officer liable, upon conviction, to a fine not exceeding twenty penalty units each for every day during which the failure continues.

(As amended by Act No. 13 of 1994 and Act no. 30 of 1997)

49. (1) Two or more employers' organisations may amalgamate as one employers' organisation and the new employers' organisation shall be registered in accordance with this Act. Amalgamation of employers' organisations

(2) Any legal proceedings in respect of any rights or obligations of an employers' organisation which has amalgamated with another employers' organisation may be commenced or be continued, if pending, by or against the employers' organisation formed as a result of the amalgamation.

(As amended by Act No. 30 of 1997)

50. (1) Where an employers' organisation is to be dissolved voluntarily, a notice of the intention to dissolve the employers' organisation signed by all the members of the executive of the employers' organisation and an authenticated copy of the minutes and resolution passed making the decision shall be submitted to the Commissioner with a copy to the Federation of employers' organisation, if the employers' organisation is affiliated to it, which may comment on the intended dissolution within fourteen days of receipt of the notice.

Voluntary dissolution of employers' organisation

(2) If the Commissioner is satisfied that the intended dissolution of an employers' organisation is in accordance with its constitution he may approve the dissolution of the employers' organisation and the dissolution shall be effective from the date the Commissioner accords his approval.

(3) The Commissioner shall notify his approval to the employers' organisation and the Federation of employers' organisation, if the employers' organisation is affiliated to it.

(4) Where an employers' organisation is dissolved under subsection (2) or dissolved under section forty-six-

(a) the property of the employers' organisation shall vest in the liquidator appointed by the Commissioner who shall have all the powers to recover, realise and dispose of the property as a trustee in bankruptcy has in relation to a bankrupt's property under the Bankruptcy Act and Part V of the Bankruptcy Act relating to remuneration and costs with the necessary modifications, shall apply to such liquidator; Cap. 82

(b) the liquidator shall wind up the affairs of the employers' organisation and, after satisfying and providing for all the debts or other liabilities, prepare a scheme for the application of its remaining assets or property for purposes likely to benefit the former members of the dissolved employers' organisation, or distribute the assets or property or the proceeds among such of its former members as the Commissioner may determine.

(5) No suit or proceeding shall be instituted against the liquidator appointed by the Commissioner for or in respect of anything done or omitted to be done by him in the performance of his functions under this Act.

(As amended by Act No. 30 of 1997)

51. (1) From the commencement of this Act- Affiliation of employers' organisation before commencement of Act

(a) an employers' organisation with a valid certificate of registration issued before the commencement of this Act which was affiliated to the Federation before the commencement of this Act shall be subject to paragraph (b), continue to be affiliated to it.

(b) and employers' organisation affiliated to the Federation before the commencement of this Act or affiliated to a federation of employers' organisation after commencement of this Act, may, in accordance with the provisions of its constitution, cease to be affiliated to the Federation or a federation of employers' organisation, as the case may be;

(c) an employers' organisation registered under this Act may, in accordance with its constitution, be affiliated to a federation of employers' organisations of its choice;

(d) two or more registered employers' organisation which have ceased to be affiliated to the Federation before the commencement of this Act, or which are not affiliated to any federation of employers' organisation may, in accordance with their constitution establish a

federation of employers' organisations of their choice and shall register the federation under this Act; and

(e) a registered employers' organisation affiliated to a federation of employers' organisation shall have the rights and privileges specified in the constitution of that Federation of employers' organisations.

(2) Every registered employers' organisation shall, upon request, supply a copy of its constitution and every amendment thereof to every member of that employers' organisations.

(As repealed and replaced by Act No. 30 of 1997)

52. Section twenty-one shall apply, with the necessary modifications, to an employers' organisation or executive officer as it applies to a trade union and its executive officer.

Annual report of accounts of employers' organisation

(As amended by Act No. 30 of 1997)

53. Section twenty-five shall apply, with the necessary modifications, to an employers' organisation and its trustees as it applies to a trade union and its trustees. Acquisition of land by employers' organisation and vesting of property

(As amended by Act No. 30 of 1997)

54. Sections twenty-six and twenty-seven shall apply, with the necessary modifications, to an employers' organisation and its trustees as they apply to a trade union and its trustees.

Actions by or against trustees of employers' organisation and limitation of their liability

(As amended by Act No.30 of 1997)

PART V

FEDERATIONS OF EMPLOYERS ORGANISATION

55. The Zambia Federation of Employers formed and registered before the commencement of this Act shall continue to exist as body corporate and shall be deemed to be registered as a federation employers' organisation under this Act. Continuation of Federation

(As repealed by Act No. 30 of 1997)

56. The provisions of section thirty-three shall with necessary modification apply to a federation of employers' organisations registered under this Act.

(As repealed and replaced by Act No. 30 of 1997) Continuation of Federation of employers' organisation

57. Section thirty-four shall apply to the relationship between the Federation of employers' organisation and employers' organisation, with the necessary modifications, as it applies to a federation of trade unions.

(As amended by Act No. 30 of 1997) Relations between Federation of employers' organisation and employers' associations

58. (1) No person shall be qualified for election as an officer of the Federation of employers' organisation if- Disqualifica-tion from election or appointment as officer of Federation of employers' organisation

(a) he has not, for three years or more, been an officer of an employers' organisation or engaged in a managerial capacity or in the field of personnel management or industrial relations:

Provided that the Federation of employers' organisation may, if it is satisfied as to the suitability of a particular candidate, allow him to stand for such election, notwithstanding that he does not qualify under this paragraph;

(b) he, having been an officer or a member of the executive of any employers' organisation, the registration of which has been cancelled under the provisions of this Act, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to the cancellation;

(c) he has been convicted of an offence involving dishonesty within a period of five years preceding the election or appointment;

(d) he is an undischarged bankrupt;

(e) he is of unsound mind; or

(f) he has been suspended, under the Constitution of the Federation of employers' organisation, from holding office in the Federation of employers' organisation and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of the Federation of employers' organisation shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) The Commissioner shall, for the purpose of satisfying himself that the provisions of this section are being complied with, request for such documentation or information, as he may think necessary, from the executive officer of the Federation of employers' organisation.

(4) Any person who, being disqualified under this section from holding office in the Federation of employers' organisation, acts or purports to act as an officer of the Federation of employers' organisation shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in the Federation of employers' organisation for a period determined by the Court.

(As amended by Act No. 13 of 1994 and by Act No.30 of 1997)

59. (1) Where the Federation of employers' organisation holds an election to fill any office in the Federation of employers' organisation or makes appointment to any office, the executive officer of the Federation of employers' organisation shall, within thirty days of the election or appointment, notify the Commissioner and a federation of trade unions, in writing, of the appointment or of the result of the election, as the case may be.

Notification of results of election of Federation of employers' organisation

(2) Any executive officer who fails to comply with subsection (1) shall be guilty of an offence and liable upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of Federation of employers' organisation shall be exhibited in a prominent place at the registered office, where possible, and at every registered office of the affiliates of Federation of employers' organisation.

(As amended by Act No. 13 of 1994 and Act No.30 of 1997)

60. Section twenty-one shall apply, with the necessary modifications, to a Federation of employers' organisation and its executive officer as it applies to a trade union and its executive officer. Annual report or accounts of a Federation of employers' organisation

(As amended by Act No. 30 of 1997)

PART VI

FUNDS OF REPRESENTATIVE BODIES

61. (1) Notwithstanding anything contained in the constitution of a representative body, the funds of the representative body, shall be expended for the lawful objects authorised under its constitution. Objectives for which funds shall not be expended

(2) Any member of, a representative body may apply to the Court for an order to stop such a representative body from applying its funds to objects which have not been authorised by its constitution.

(3) A representative body shall, in accordance with generally accepted accounting principles and procedures-

(a) keep books and records account of its income, expenditure, assets and liabilities;

(b) prepare annual financial statements consisting of income and expenditure and a balance sheet showing its assets, liabilities and financial position at the end of each financial year; and

(c) have its books and records of account and financial statements audited annually by a qualified auditor appointed by the representative body, which audited report shall be submitted to the Commissioner.

(4) The books and records of account of representative body shall be open to inspection by any member of that body.

(As repealed and replaced by Act No. 30 of 1997)

62. (1) Every treasurer, former treasurer or other officer of a representative body shall, at such times as the officer is required by the constitution of such representative body or upon being requested to do so, submit to the trustees or members of that representative body a true account of-

(a) all monies received and disbursed by the officer; and

(b) the balance of monies in hand.

(2) The trustees or members of a representative body shall, on receipt of the account be submitted under subsection (1), cause the account to be audited.

(3) Notwithstanding subsection (1), or the constitution of a representative body may appoint an accountant

(4) The accountant appointed under subsection (3) shall-

(a) have access to all books of account, records, returns, reports and other documents relating to the transactions of the representative body;

(b) debit the accounts of the representative body with the professional fees and expenses reasonably incurred by the accountant in the performance of duties under this section.

Control of funds

(As amended by Act No. 13 of 1994 and repealed and replaced by Act No. 30 of 1997)

PART VII RECOGNITION AGREEMENTS

63. (1) Every employer employing twenty-five or more eligible employees, or such lesser number as may be prescribed by the Minister, shall register himself with the Commissioner within a period not exceeding three months from the date of coming into operation of this

section or, from the date upon which this section becomes applicable to the employer, as the case may be. Registration of employers

(2) The registration shall be in the manner and in the form as may be prescribed:

Provided that an employer registered under the Industrial Relations Act, 1990, shall be deemed to be registered under this Act. Act No. 36 of 1990

(3) An employer to whom this section applies and who fails without reasonable cause or excuse, (the onus of proof shall lie on the employer), to register in accordance with this section shall be guilty of an offence and liable, upon conviction, to a fine not exceeding two hundred penalty units

(As amended by Act No. 13 of 1994)

64. (1) Not later than three months from the date of registration under section sixty-three a registered employer and a trade union, if any, to which the employees belong, shall enter into a recognition agreement. Duty to enter into recognition agreement

(2) Not later than three months from the date of issue of a certificate of registration, an employers' organisation and trade union to which the employees belong, shall enter into a recognition agreement.

(3) The Minister may, for good cause, extend the period laid down in subsection (1) and (2).

(4) A recognition agreement registered under the Industrial Relations Act, 1990, shall be deemed to be registered under this Act. Act No. 36 of 1990

(5) Where the parties referred to in subsection (1) or (2), fail to conclude a recognition agreement under this Part, the failure shall be deemed to be a collective dispute and Part IX shall apply, with the necessary modifications.

(As amended by Act No. 30 of 1997)

65. (1) Every recognition agreement shall be in writing, signed by the representatives of the parties to it and shall provide-Essentials of recognition agreement

(a) that the employer or employers' organisation, as the case may be, has recognised the trade union as representative of, and bargaining agent for, the eligible employees represented by the

trade union so recognised for the purpose of regulating relations between the employer or employers' organisation and the trade union;

(b) for the rules relating to grievances and bargaining procedures;

(c) for the methods, procedures and rules under which the agreement may be reviewed, amended, replaced or terminated.

(2) Three copies of a recognition agreement and of any alterations to the agreement shall be delivered to the Commissioner by the parties to the agreement.

(3) The Commissioner may, if satisfied that all the conditions of the recognition agreement have been met, register the agreement and shall return a copy each to the parties concerned. (As amended by Act No.30 of 1997)

PART VIII COLLECTIVE AGREEMENTS

66. (1) Within three months from the date registration of the recognition agreement under subsection (3) of section sixty-five, the employer or employers' organisation, as the case may be, and the trade union, shall enter into collective bargaining for the purpose of concluding and signing a collective agreement.

(2) Collective bargaining may be undertaken-

(a) at the level of an undertaking, through negotiations between the management of the undertaking and the trade union representing the eligible employees; or

(b) at the level of an industry, through negotiations between the employers' organisation and the trade union representing the eligible employees.

(3) Every valid collective agreement in force prior to the commencement of this Act shall continue in force until its expiry or replacement under this Act.

(As repealed and replaced by Act No.30 of 1997)

67. Repealed by Act No. 30 of 1997

68. Every collective agreement shall contain clauses, in this part referred to as statutory clauses, stipulating-

(a) the date on which the agreement is to come into effect and the period for which it is to remain in force; and

(b) the methods, procedures and rules for reviewing, amending, replacing or terminating the collective agreement. Collective agreements

69. (1) The bargaining unit shall- Obligations of bargaining unit

(a) commence negotiations for the purpose of concluding a new collective agreement at least three months before the date of expiry of the current collective agreement;

(b) notify the Commissioner in writing, within fifteen days after the commencement of the negotiations, of the date on which the negotiations were commenced; and

(c) conclude and sign the collective agreement within three months after the commencement of the negotiations.

(2) If the bargaining unit fails, or neglects without reasonable cause or excuse (the onus of proof shall lie on the bargaining unit) to commence negotiations or conclude the collective agreement in the manner and within the period specified in paragraphs (a) and (c) of subsection (1), or to notify the Commissioner in the manner and within the period specified in paragraph (b) of subsection (1), every member of the bargaining unit shall be liable, upon conviction, to a fine not exceeding forty penalty units and may be prohibited from holding a position in the bargaining unit for a period not exceeding three months.

(As amended by Act No. 13 of 1994)

70. (1) The parties to a collective agreement shall, within fourteen days of signing, lodge five signed copies of the collective agreement with the Commissioner. Lodging of collective agreements

(2) The Commissioner shall, within fourteen days of receipt of the copies referred to in subsection (1), submit such copies, together with his comment to the Minister.

71. (1) The Minister may, after considering a collective agreement lodged in accordance with section seventy together with the comments of the Commissioner received under subsection (2)-Approval of collective agreement

(a) direct that a copy of the collective agreement be returned to the parties together with his reasons for not directing the registration and give instructions to re-submit the collective agreement to the Commissioner; or

(b) direct the Commissioner to register the collective agreement.

(2) The Minister shall not direct the registration of a collective agreement unless he is satisfied that-

(a) the agreement contains the statutory clauses referred to in section sixty-eight; and

(b) the clauses in the agreement do not contain anything which is contrary to any written law.

(3) Every collective agreement which has been approved by the Minister shall-

(a) come into force on the date on which it is approved or on a later date specified in the collective agreement;

(b) remain in force for such period as shall be specified in the agreement;

(c) be binding on the parties to it.

(As amended by Act No.30 of 1997)

72. The parties to a collective agreement may by agreement vary the provisions of a collective agreement and the procedure set out in section seventy shall apply, with the necessary modifications, to the variation. Variation of collective agreement

73. (1) Where a bargaining unit is unable to conclude a new collective agreement before the expiration of the existing collective agreement, or where for any other reason the bargaining unit desires to extend the period during which the existing collective agreement is to remain in force, it may apply to the Minister in that behalf. Extension of collective agreement in force

(2) An application under subsection (1) shall be made not less than thirty and not more than sixty days before the expiration of the existing collective agreement:

Provided that the Minister may, consider an application made at any time before the expiration of the existing collective agreement.

(As amended by Act No. 30 of 1997)

74. As repealed by Act No. 30 of 1997

PART IX SETTLEMENT OF COLLECTIVE DISPUTES

75. A collective dispute shall exist when there is a dispute between an employer or an organisation representing employers on the one hand and the employees or an organisation representing the employees on the other hand, relating to terms and conditions of, or affecting the employment of, the employees and one party to the dispute has presented in writing to the other party all its claims and demands and-

- (a) the other party has, within fourteen days from the date of receipt of the claims or demands, failed to answer the claims or demands; or
- (b) the other party has formally rejected the claims or demands and has made no counter offer; or
- (c) both the parties to the dispute have held at least one meeting with a view to negotiating a settlement of the dispute, but have failed to reach settlement on all or some of the matters in issue between them. Collective disputes

76. (1) Where a collective dispute arises and neither of either party to the dispute is engaged in an essential service, the parties to the dispute shall refer the dispute to- Dispute to be referred to conciliator, board of conciliation

- (a) a conciliator appointed by the parties to the dispute; or
- (b) a board of conciliation composed of-
 - (i) a conciliator appointed by the employer or an organisation representing employers;
 - (ii) a conciliator appointed by the employees or an organisation representing the employees; and
 - (iii) a conciliator appointed by the employer or the organisation representing the employers and employees or the organisation representing employees, who shall be the Chairman.

(2) Where the parties to a collective dispute not engaged in an essential service fail to agree within a period of seven days from the date when the collective dispute arose on the

appointment of a conciliator or of the Chairman, they shall inform the Commissioner accordingly.

(3) The Commissioner on receipt of the information under subsection (2) shall request the Minister to appoint, within a period of seven days from the date of the request, a conciliator or Chairman of the board of conciliation from a list of names submitted and agreed upon by the representatives of employees and the representatives of employers.

(4) The conciliator or the board of conciliation appointed under subsection (1) or subsection (3) shall, within seven days of his or its appointment, summon the parties to the collective dispute to a meeting and proceed to conciliate in the dispute.

(5) Any party to a collective dispute or any agent or representative who refuses or neglects without reasonable cause or excuse (the onus of proof shall lie on such party) to attend a meeting summoned by the conciliator or board of conciliation shall be guilty of an offence.

(6) Where a collective dispute arises and any of the parties to it are engaged in an essential service, the parties to the dispute shall refer the dispute to the Court.

(7) Any person who commits an offence under subsection (5) shall, upon conviction, be liable-

(a) in the case of a body corporate, to a fine not exceeding one thousand penalty units;

(b) in any other case to a fine not exceeding four hundred penalty units.

(As amended by Act No. 13 of 1994 and by Act No. 30 of 1997)

77. (1) As soon as a collective dispute is settled by means of conciliation, the conciliator or the Chairman of the Board of conciliation shall cause a memorandum of the terms of the settlement to be prepared which shall be signed by the parties to it and shall be witnessed by the conciliator or the Chairman and each member of the board of conciliation, as the case may be. Approval of settlement by conciliation

(2) The conciliator or the Chairman of the board of conciliation, shall, within seven days of the settlement of a dispute by conciliation, submit authenticated copies of the memorandum referred to in subsection (1) to the Registrar.

(3) The Registrar shall, as soon as possible after receipt of a copy of the memorandum refer it to the Court which shall, subject to the settlement embodied in the memorandum, if not contrary to any written law, approve the settlement.

(4) If the Court decides that the settlement as a whole or any term of the settlement embodied in the memorandum is contrary to any written law, the Registrar shall communicate the decision of the Court to the parties to the dispute accordingly.

78. (1) Where a conciliator or board of conciliation fails to settle a collective dispute the parties to the collective dispute may- Failure to reach settlement by conciliation

(a) refer it to the Court; or

(b) conduct a ballot to settle the dispute by a strike or lockout.

(2) Where a collective dispute is referred to the Court under subsection (1) or under subsection (6) of section seventy-six the decision of the Court shall, subject to section ninety-seven be binding upon the parties to the dispute for such period as the Court may specify in the Order.

(3) Where the parties, decide to proceed on strike or lockout, the parties shall not proceed on strike or lockout unless a simple majority decision of the employees present and voting is made by employees in favour of the strike or lockout.

(4) The strike or lockout may, subject to section seventy-five, commence ten days following the decision to do so and may continue for an indefinite period during which the dispute remains unresolved.

(5) The Minister may intervene before the commencement of the strike or lockout under subsection (4) to try and settle the dispute.

(6) The Minister may, after consultation with the Tripartite Consultative Labour Council apply to the Court for a declaration that the continuance of the strike or lockout is not in the public interest.

(7) The Court shall make a decision within seven days of the application for a declaration that the strike or lockout is not in the public interest.

(8) Where the Court issues a declaration in favour of the application, the strike or lockout shall cease and the dispute shall be deemed to have been referred to the Court under paragraph (a) of subsection (1).

(10) The Court shall have power to decide whether the workers on a legal strike should be eligible for payment of wages during the period of the strike.

(11) Where action in pursuance of a strike or a lock-out takes place in accordance with the provisions of this Act-

(a) the provisions of the recognition and collective agreements, if any, between the parties shall not be deemed to have been breached by reason only of such action; or

(b) the contract of employment with respect to each employee involved in the strike or lock-out shall not be deemed to have been breached by reason only of such action.

(As amended by Act No. 30 of 1997)

PART X

TRIPARTITE CONSULTATIVE LABOUR COUNCIL

79. (1) There is hereby constituted the Tripartite Consultative Labour Council, in this part referred to as the Council which shall consist of the Minister and such equal number of members representing the trade unions, the employers and the Government, as the Minister may determine but the members shall not be less than twenty-one. Consultative Labour Council

(2) The members representing-

(a) the trade unions shall be nominated by trade unions registered under this Act;

(b) the employers shall be nominated by employers' organisation registered under this Act; and

(c) the Government shall be nominated by the Minister.

(3) The Commissioner shall act as the secretary to the Council and any committee which may be formed by the Council.

(As amended by Act No. 30 of 1997)

80. (1) The Council shall be chaired by the Minister, or in his absence, the Deputy Minister responsible for labour. Chairman and Vice-Chairman of Council

(2) There shall be two Vice-Chairmen of the council of which one shall be nominated by trade unions and the other nominated by the employers' organisation.
(As amended by Act No. 30 of 1997)

81. (1) Subject to the other provisions of this Part, the Council may regulate its own procedure. Proceedings of Consultative Council

(2) For the transaction of its business, the Council shall meet at least twice annually at such places and at such times, as the Chairman, in consultation with the trade unions and the associations, may determine.

(3) A meeting of the Council may be called by giving notice of not less than fourteen days:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving shorter notice.

(4) At any meeting of the Council, one-half of the members shall form a quorum.

(5) Decisions of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(6) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(7) The validity of any proceedings, act or decision of the Council or any committee of the Council shall not be affected by any vacancy in the membership of the Council or committee of the Council, as the case may be, or by any defect in the appointment of any member or member of such committee or by reason that any person not entitled to do so took part in the proceedings.

(8) The Government, trade unions and the employers' organisation shall be responsible for paying allowances for the attendance of meetings of the Council, to their respective representatives.

(As amended by Act No. 30 of 1997)

82. (1) The council may establish any number of standing or adhoc committees to assist the Council in the performance of its functions. Committees of Council

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council, a committee established under this section may regulate its own procedure.

83. The functions of the Council shall be to advise the Government on all issues relating to labour matters, manpower development and utilisation and any other matter referred to the Council by the Government. Functions of Council

PART XI INDUSTRIAL RELATIONS COURT

84. The Industrial Relations Court established by section sixty-four of the Industrial Relations Act, 1990, is hereby continued as if established under this Act. Continuation of Court Act No. 36 of 1990

85. (1) The Court shall have original and exclusive jurisdiction to hear and determine any industrial relation matters and any proceedings under this Act.

(2) The Court shall have jurisdiction to commit and punish for contempt any person who disobeys or unlawfully refuses to carry out or to be bound by, an order made against that person by the Court under this Act.

(3) The Court shall not consider a complaint or application unless it is presented to it within thirty days of the occurrence of the event which gave rise to complaint or application: Provided that, upon application by the complainant or applicant, the Court may extend the thirty day period for three months after the date on which the complainant or applicant has exhausted the administrative channels available to that person. Jurisdiction of Court

(4) The Court shall have the jurisdiction to hear and determine any dispute between any employer and an employee notwithstanding that such dispute is not connected with a collective agreement or other trade union matter.

(5) The Court shall not be bound by the rules of evidence in civil or criminal proceedings, but the main object of the Court shall be to do substantial justice between the parties before it.

(6) An award, declaration, decision or judgement of the Court on any matter referred to it for its decision or on any matter falling within its exclusive jurisdiction shall, subject to section ninety-seven, be binding on the parties to the matter and on any parties affected.

(7) It shall be within the exclusive jurisdiction of the Court to resolve any ambiguity in any collective or recognition agreement brought to its notice by any of the parties concerned.

(8) No person shall take part in a lockout or a strike against or in defiance of any award, declaration, decision or judgement of the Court and any person who contravenes this subsection shall be liable, upon conviction, to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(9) For the purpose of this section "industrial relations matters" shall include issues relating to-

(a) inquiries, award and decisions in collective disputes;

(b) interpretation of the terms of awards, collective agreements and recognition agreements;

(c) general inquiries into, and adjudication on, any matter affecting the rights, obligations and privileges of employees, employers and their representative bodies.

85A. Where the Court finds that the complaint or application presented to it is justified and reasonable, the Court shall grant such remedy as it considers just and equitable and may-

(a) award the complainant or applicant damages or compensation for loss of employment;

(b) make an order for reinstatement, re-employment or re-engagement;

(c) deem the complainant or applicant as retired, retrenched or redundant; or

(d) make any other order or award as the court may consider fit in the circumstances of the case.

(As amended by Act No. 13 of 1994 and Act No.30 of 1997))

Remedies by Court

86. (1) The Court shall consist of the following members: Composition of Court

- (a) a Chairman;
- (b) Deputy Chairmen; and
- (c) not more than ten members as the Minister may appoint.

(2) A person shall not be qualified for appointment as Chairman or Deputy Chairman, unless he qualifies to be appointed as High Court Judge.

(3) The Chairman and Deputy Chairmen shall be appointed by the President on the recommendation of the Judicial Service Commission.

(4) The members, other than the Chairman and Deputy Chairman, shall hold office for a period of three years but shall be eligible for re-appointment.

(5) The Chairman and Deputy Chairmen shall have the same tenure and security of office as a judge of the High Court prescribed in the Constitution in the Article relating to tenure of office of judges of the Supreme and High Court and shall be subject to removal from office for inability to perform the functions of his office under that Article.

(As amended by Act No.30 of 1997) Cap. 1

87. (1) There shall be a Registrar and such Deputy Registrars and such Assistant Registrars, as may be necessary, who shall be public officers and who shall be appointed by the Judicial Service Commission. Registrar and other officers of Court

(2) The Judicial Service Commission may appoint such other officers of the Court, as may be necessary.

88. Repealed by Act No. 30 of 1997

89. (1) The Chairman or a Deputy Chairman shall preside over the Court. Proceedings of Court

(2) The court, when hearing any matter, shall be duly constituted if it consists of three members or such uneven number as the Chairman may direct:

Provided that the Chairman or a Deputy Chairman may deal with interlocutory matters and deliver a ruling or make any order in chambers and may deliver any ruling or judgement made by the Court duly constituted.

(3) Subject to subsection (2), the determination of any matter before the Court shall be according to the opinion of the majority of the members of the Court considering or hearing the matter:

Provided that on a point of law the decision of the Chairman or the Deputy Chairman shall prevail.

(4) A person shall not sit or act as a member of the Court, if he has any interest direct or indirect, personal or pecuniary, in any matter before the Court.

(5) The sittings of the Court shall be held in such places as the Chairman may direct.

(As amended by Act No.30 of 1997)

90. (1) The court may, on application, declare who is or should be the holder of any office in a representative body. Declaration by Court

(2) The Chairman may make rules providing for the procedure to be followed on an application for a declaration under this section and prescribing any fees which shall be payable on any application.

(3) Without prejudice to the power of the Court to punish for contempt of court, where it has been declared under subsection (1) that any person is or should be the holder of an office, any other person who acts or purports to act as the holder of the office contrary to the terms of the declaration, shall be liable upon conviction, to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

(As amended by Act No. 13 of 1994 and Act No.30 of 1997)

91. (1) At any hearing before the Court, any party may appear in person or be represented-
Representation of parties

(a) by an officer of a representative body; or

(b) by a legal practitioner.

(As amended by Act No.30 of 1997)

92. (1) The court may summon witnesses, call for the production and inspection of, books, documents, records and other things, and to examine witnesses. Powers to summon witnesses

(2) A summons for the attendance of a witness or for the production of books, documents, records or other things shall be signed by the Registrar or Deputy Registrar and served in the same manner as if it were a subpoena for the attendance of a witness at a civil trial in the High Court.

(3) Any person giving evidence or summoned to give evidence or to produce any book, document, record or other thing before the Court, shall be entitled to the same privileges and immunities as if he were summoned to attend or were giving evidence in civil proceedings before the High Court.

(4) A person summoned under this section, other than a public officer or a person having an interest in the proceedings for which he is summoned, may on the order of the Court be paid from moneys appropriated by Parliament such allowances as may be prescribed by the Chairman.

93. (1) If any person who has been summoned under section ninety-two having reasonable notice of the time and place at which he is required to attend, fails to attend, or fails to remain in attendance until duly excused by the Court from further attendance, the Chairman or Deputy Chairman may, upon being satisfied by the return of the person charged with the service of the summons, that the summons was duly served upon such person, issue a warrant signed by him for the apprehension of the person. Power to obtain evidence

(2) A person against whom a warrant has been issued under subsection (1), shall be apprehended by any police officer to whom the warrant is delivered and shall be brought before the Court to give evidence or to produce a book, document, record or other thing.

(3) If any person who has been summoned under section ninety-two-

(a) refuses to be sworn or affirmed as a witness;

(b) having been sworn or affirmed refuses to answer fully and satisfactorily any question he is lawfully required to answer; or

(c) refuses or fails to produce any book, document, record or other thing and does not excuse his refusal or failure to the satisfaction of the Court;
the Chairman or Deputy Chairman may order that person to be detained in custody, as if he were a prisoner awaiting trial, for any period not exceeding eight days unless he sooner consents to do what is required of him.

(4) Where the person referred to in subsection (3), upon being brought before the Court at an adjourned hearing, further refuses or fails to do what is required of him, the Chairman or Deputy Chairman may, if he sees it fit, adjourn the proceedings and order that person to be detained for a like period until the person consents to do what is required of him.

94. (1) The Court shall deliver judgment within sixty days after the hearing of the case.
Judgment of Court

(2) Failure to deliver judgment, within the period stipulated in subsection (1) shall amount to inability by the Chairman or Deputy Chairman to perform the functions of his office and the provisions of the Constitution in dealing with the inability by a judge to perform his functions under the Constitution shall apply. Cap. 1

95. (1) The Registrar or Deputy Registrar shall cause every award, decision or judgment of the Court to be communicated to the parties concerned and to the Commissioner.
Publication of judgments of Court

(2) The Chairman may cause to be published in the Gazette any award, decision or judgment of the Court which, in his opinion, is of general interest.

96. The Chairman shall, by statutory instrument, make rules regulating the procedure of the Court. Rules of Court

97. Any person aggrieved by any award, declaration, decision or judgment of the Court may appeal to the Supreme Court on any point of law or any point of mixed law and fact.
Appeals to Supreme Court

PART XII GENERAL

98. An act done by a person in contemplation or furtherance of a collective dispute shall not be actionable on the ground that it induces some other person to break a contract of employment, or that it interferes, with the trade, business or employment of some other person, or with the right of that other person to dispose of his capital or labour as he wishes.
Immunity of officials of trade unions, congress, associations and Federation

99. (1) An agreement by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a collective dispute shall not be punishable as a conspiracy if such act when committed by one person would not be punishable as a crime.
Conspiracy in collective disputes

(2) An act done in pursuance of an agreement by two or more persons shall not, if done in contemplation or furtherance of a collective dispute, be actionable unless the act, if done without any such agreement would be actionable.

(3) Nothing in this section shall-

(a) affect the law relating to conspiracy for which punishment is prescribed by any law in force in the Republic; or

(b) affect the law relating to riot, unlawful assembly, breach of the peace, or sedition.

100. (1) Where any person or in combination with others wilfully break a contract of service or of hire, knowing or having reasonable cause to believe that the probable consequence of their so doing will endanger human life or cause serious bodily injury or expose any property, whether real or personal, to destruction or serious injury, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months, or to both. Breach of contract involving injury to persons or property

(2) No prosecution under this section shall be brought except by, or with the written consent of, the Director of Public Prosecutions.

(As amended by Act No. 13 of 1994)

101. (1) No employer or other person shall take part in a lockout which is not in contemplation or furtherance of a collective dispute to which the employer or that person is a party. Prohibition from participation in lockouts or strikes

(2) No employee, trade union or other person shall take part in a strike which-

(a) has not been authorised by a strike ballot taken in the manner provided by the constitution of a trade union under this Act; or

(b) is not in contemplation or furtherance of a collective dispute to which the employee or trade union is a party.

(3) Any employer or other person who does any act in contravention of subsection (1), shall be liable, upon conviction-

(a) in the case of a body corporate, to a fine not exceeding one thousand penalty units

(b) in any other case to a fine not exceeding four hundred penalty units.

(4) Any employee, trade union or other person who does any act or incites any person to do any act in contravention of subsection (2), shall be guilty of an offence and shall be liable upon conviction-

(a) in the case of the trade union, to a fine not exceeding one thousand penalty units; or

(b) in the case of an employee or other person, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for such period as the Court may determine.

(As amended by Act No. 13 of 1994)

102. (1) Any person acting on behalf of a trade union or a federation of trade unions in contemplation or furtherance of the settlement of a collective dispute may attend at or near a place not being a dwelling house, where a person works or carries on business, for the purpose of peacefully persuading an employee or an employer involved in the collective dispute to take part in a lawful demonstration: Attendance at or near place of residence, business or employment for certain purposes

Provided that no person shall intimidate that other person or any other person in that place or obstruct the approach thereto or egress therefrom.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.
(As amended by Act No.30 of 1997)

103. (1) Any person acting in contemplation or furtherance of the settlement of a collective dispute may attend, at or near a dwelling house or place where another person resides or happens to be, for the purpose of peacefully obtaining or communicating information or of persuading or inducing the other person to take part in a strike or a demonstration:
Attendance at or near place of residence

Provided that no person shall intimidate that other person in that place.

(2) Any person who contravenes subsection (1) shall be charged with the offence of watching and besetting such house or place wrongfully and without legal authority within the meaning of subsection (1) of section one hundred and seventy-three of the Penal Code, and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months or to both.
(As amended by Act No. 13 of 1994 Cap. 87)

104. Any person who wilfully obstructs or hinders the Commissioner, or any other person, in the exercise of any of his powers under this Act shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union or employers' organisation for such period as the Court may determine.
(As amended by Act No.30 of 1997) Obstructing Commissioner, etc

105. All offences under this Act may be prosecuted before a subordinate court of the first or second class. Prosecution of offences

106. Any person who does any act prohibited by this Act or who omits to do any act which he is required to do under this Act shall be charged with an offence and, where no specific penalty is provided by this Act in respect of such act or omission, he shall be liable, upon conviction, to a fine not exceeding one thousand penalty units and, in the case of an

individual, he may also be barred from holding office of a trade union or employers' organisation for such period as the Court may determine.

(As amended by Act No. 13 of 1994 and Act No.30 of 1997) General penalty

107. (1) Every employee engaged or employed in an essential service shall be issued by his employer with an essential service certificate in such form and in such manner as may be prescribed and such certificate shall be prima facie evidence for the purpose of any inquiry or proceedings under this section that the person to whom such certificate has been issued is engaged or employed in an essential service and that the attention of such employee has been drawn to the provisions of this section. Essential service certificates

(2) Any person engaged or employed in an essential service who, without just cause or excuse (the onus of proof shall lie on him), does any act, or omits to do any act, the doing or the omission of which is likely to hinder or interfere with the carrying on of an essential service, shall be guilty of an offence.

(3) No employer or other person shall take part in a lockout and no employee, trade union or other person shall take part in a strike which is likely to hinder or interfere with the carrying on of any essential service.

(4) No person engaged in an essential service shall be eligible for payment of his salary if such person goes on strike or go-slow.

(5) Any person who incites or encourages a person engaged or employed in an essential service to do any act, or omit to do any act, the doing or the omission of which is likely to hinder or interfere with the carrying on of an essential service, shall be guilty of an offence.

(6) A police officer may arrest without warrant any person whom he has reasonable grounds to believe is acting in contravention of this section, and any person who obstructs a police officer in the execution of his duties under this subsection shall be guilty of an offence.

(7) Any person who contravenes subsection (2), (4) or (5) shall be liable, upon conviction, to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months and may be prohibited from holding office in a trade union for such period as the Court may determine.

(8) Any employer or other person who contravenes subsection (3) shall be guilty of an offence and shall be liable, upon conviction-

(a) in the case of a body corporate, to a fine not exceeding one thousand penalty units; or

(b) in any other case, to a fine not exceeding four hundred penalty units.

(9) Any employee, trade union or other person who contravenes subsection (3) shall be guilty of an offence and shall be liable, upon conviction-

(a) in the case of the trade union, to a fine not exceeding one thousand penalty units; or

(b) in the case of the employee or other person, to a fine not exceeding two hundred penalty units.

(10) For the purpose of this section, "essential service" means-

(a) any service relating to the generation, supply or distribution of electricity;

(b) any hospital or medical service;

(c) any service relating to the supply and distribution of water;

(d) any sewerage service;

(e) any fire brigade; or

(f) any service for the maintenance of safe and sound conditions in a mine of-

(i) underground working and drainage;

(ii) shafts and shaft installations; or

(iii) machinery and plant;

(g) such other service which the Minister may, in consultation with the Tripartite Consultative Labour Council, prescribe by statutory instrument as an essential service.

(As amended by Act No. 13 of 1994 and Act No.30 of 1997)

108. (1) No employer shall terminate the services of an employee or impose any other penalty or disadvantage on any employee, on grounds of race, sex, marital status, religion, political opinion or affiliation, tribal extraction or status of the employee. Restriction on discrimination in employment

(2) Any employee who has reasonable cause to believe that the employees' services have been terminated or that the employee has suffered any other penalty or disadvantage, or any prospective employee who has reasonable cause to believe that the employee has been discriminated against, on any of the grounds set out in subsection (1) may, within thirty days of the occurrence which gives rise to such belief, lay a complaint before the Court:

Provided that the Court may extend the thirty-day period for a further three months after the date on which the complainant has exhausted the administrative channels available to him.

(3) The Court shall, if it finds in favour of the complainant-

(a) grant to the complainant damages or compensation for loss of employment;

(b) make an order for re-employment or reinstatement in accordance with the gravity of the circumstances of each case.

(As amended by Act No.30 of 1997)

109. (1) The Minister may, by statutory instrument, make regulations governing the conduct of ballots for any representative body, and such regulations may include provisions relating to the giving of notices to any person qualified to vote in such ballots. Conduct of ballots

(2) Where a secret ballot is to be held in more than one place in connection with any matter, it shall be held in all such places on the same day or days and between the same hours.

110. (1) Any interested person who has reasonable grounds to believe that the election of any person to any office in a representative body has been conducted in an irregular manner, that person may, not later than twenty-one days after the holding of such election, lay a complaint before the Court. Complaints against irregularities in elections

(2) The Court may, if it is satisfied that an irregularity has occurred in the conduct of any election, declare the election null and void and order fresh elections to be conducted under the supervision of such person, and on such conditions, as the Court may determine.

111. The Minister shall each year lay before the National Assembly a report on the working of this Act. Report to National Assembly

112. The Minister may, by statutory instrument-

(a) make regulations for the purpose of giving effect to the provisions of this Act; and

(b) make regulations prescribing all matters which by this Act are required or permitted to be prescribed.

(As repealed by Act No. 30 of 1997) Regulations by Minister

113. (1) The Industrial Relations Act, 1990, is hereby repealed. Repeal and savings Act No. 36 of 1990

(2) Notwithstanding the repeal of the Industrial Relations Act, 1990, any statutory instrument or directive issued or made under that Act shall remain in force, so far as it is not inconsistent with this Act until revoked or cancelled under this Act.

SCHEDULE

(Sections 11, 29, 42, 56)

The Constitution of every representative body shall include-

- (a) the name of the representative body and the address of its registered office in Zambia;
- (b) the principal objects for which the representative body is established and the class or classes of employees or employers which the representative body shall represent:

Provided that-

- (i) a representative body may include in its constitution objects other than principal objects and, subject to the other provisions of this Act, any such representative body shall have power to apply its funds for any lawful objects authorised under its constitution;
- (ii) no objects of any representative body shall not, by reason that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust;
- (c) the purposes to which the funds of the representative body may be applied;
- (d) the organisational structure of the representative body, the mode of appointment and removal of the officers responsible for the administration of the representative body and the powers and duties of such officers;
- (e) the payment of subscriptions and fees by the members and the method of collection and the grounds for disqualifying a member from voting on any matter concerning the representative body;
- (f) the vesting and safe custody of the funds and property of the trade representative body, the banking and investment of its funds, and the maintenance, inspection and periodic auditing of its accounts and all other financial records;
- (g) provision for disqualification from election or appointment to any office in the representative body of any office holder who has misappropriated the funds of the representative body;
- (h) the election of the officers within six months after registration of a representative body and thereafter, at regular intervals of not more than four years;
- (i) the election of not less than two and not more than four trustees of the representative body;
- (j) the election by secret ballot supervised by a proper officer for a strike;
- (k) the procedure for amending the constitution of the representative body; and
- (l) a provision to ensure that all classes of members of a representative body are adequately and effectively represented on all organs of a representative body.

SUBSIDIARY LEGISLATION

CHAPTER 269

THE INDUSTRIAL RELATIONS ACT CAP. 269

SECTION 109-THE CONDUCT OF BALLOT REGULATIONS

Regulations by the Minister Statutory Instrument

1. These Regulations may be cited as the Conduct of Ballot Regulations, and shall apply to every ballot conducted by a trade union, the Congress, association, the Federation or any other body of members thereof. Title and application

2. Where a trade union, the Congress, association or the Federation is required to conduct a ballot it shall-

(a) not less than seventy-two hours before the ballot is held, notify the proper officer in writing specifying the matter to be determined and the day and the time when balloting shall take place;

(b) not less than twenty-four hours before the ballot is held, furnish to the proper officer a list of the persons who are eligible to vote in the ballot together with such other particulars concerning such persons as the proper officer may require;

(c) on the request of the proper officer, furnish him with such evidence, by affidavit or otherwise, as he may require as to the eligibility to vote of all or any of the persons referred to in paragraph (b);

(d) before the ballot is conducted, give adequate notice of such intention to its members:
Notification of ballot

Provided that in the case of a strike ballot or lockout ballot not less than forty-eight hours notice shall be given to the members before such ballot is conducted.

3. The proper officer in consultation with a trade union, the Congress, association or the Federation, as the case may be, shall appoint a place or places at which the voting point shall be established. Establishment of voting points

4. Every voting point shall throughout the period of voting be supervised by a proper officer who shall keep order thereat, and shall regulate the number of voters to be admitted to such point at any one time. Supervision of voting points

5. If the proper officer so directs, the trade union, Congress, association or Federation shall not less than one hour before the voting is held, provide, to the satisfaction of the proper officer, enclosed voting booths, chairs and tables in such number as may be necessary.

Equipment at voting points

6. For the purpose of enabling voters to cast their votes for or against the proposal to be determined by the ballot, the proper officer shall-

(a) determine the number of ballot boxes to be put in voting booth;

- (b) ensure that each ballot box is clearly distinguished from the other, by colour or by a mark affixed to it;
- (c) affix notice at the entrance to each voting booth stating the proposal to be determined by the booth;
- (d) take such steps as may seem to him necessary to explain to voters the purpose and method of voting. Distinguishing ballot boxes, etc.

7. Each ballot box shall be constructed in such a manner that the balloting tokens can be freely introduced therein but cannot be withdrawn therefrom without the box being unlocked, cut or broken open. Structure of ballot boxes

8. (1) Immediately before a ballot is held, the presiding officer shall show each ballot box empty to Condition of ballot boxes

(a) any representative of a trade union, the Congress, association or the Federation who may be present and who has previously made his presence known to the proper officer;

(b) such other persons as may be present.

(2) The proper officer shall ensure that the ballot box is sealed in a manner that it cannot be opened without breaking the seal.

9. Every ballot shall be conducted in accordance with the following provisions, that is to say-

(a) every voter taking part in a ballot shall present himself to the proper officer at a voting point during the hours laid down for the taking of the ballot and shall before recording his vote, identify himself by the production of his membership card or otherwise, as the proper officer may direct;

(b) the proper officer shall mark off the name or number of each voter on the list provided under paragraph (b) of regulation 2;

(c) the proper officer shall then deliver to the voter a token marked with an official mark in such form as the proper officer may direct and any token not so marked shall be void and shall not be counted;

(d) the voter shall then- Conduct of ballot

(i) enter the balloting booth alone;

(ii) record his vote by placing the token in the ballot box or boxes as the case may be, provided therein; and

(iii) leave the balloting booth without delay.

10. As soon as practicable after the close of each day of voting, the proper officer shall at each voting point seal each ballot box, and all the ballot boxes together shall be locked by him in such place as he may provide for the purpose. Sealing of ballot boxes after voting

11. Any person otherwise eligible to vote at any voting point who, at the time of voting, finds himself at another voting point may cast his vote at that point: Voting at other voting points

Provided that-

(a) he can satisfactorily identify himself to the proper officer at the voting point where he wishes to cast his vote, and

(b) he is in possession of a letter from a responsible official of the trade union, Congress association or Federation as the case may be, stating that he is eligible to vote in the ballot; or

(c) any proper officer at the voting point where such person wishes to cast his vote has been advised by telegram or otherwise in terms similar to those specified under paragraph (b).

12. The trade union, Congress, association or Federation may appoint no more than three representatives to attend at the counting of votes after the ballot has been closed.

Representative at counting of votes

13. (1) Except in the case of a ballot conducted at more than one voting point, the proper officer at each voting point shall, as soon as practicable after the close of voting, count the votes and record the result of the ballot in the presence of representatives referred to under regulation 12 and the result so recorded shall be published in such a manner as the proper officer may direct. Counting of votes

(2) Where a ballot is conducted at more than one voting point the ballot figures for all voting points shall be added together so as to record the total results of the ballot and the result shall be published in such manner as the Labour Commissioner may direct.

SECTION 112-THE REPRESENTATIVE BODY (REGISTRATION AND PRESCRIBED FORMS) REGULATIONS

Regulations by the Minister Statutory Instrument

73 of 1994

1. These Regulations may be cited as the Representative Body (Registration and Prescribed Forms) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"representative body" means any representative body under the Industrial and Labour Relations Act, 1993, and includes a trade union, the Congress, an association and the Federation. Cap. 269

3. An application for registration as a representative body, shall be in Form 1 set out in the Schedule. Registration as representative

4. An employee engaged or employed in an essential service as provided for under section one hundred and seven of the Industrial and Labour Relations Act, shall be issued with an essential service certificate by his employer in Form 7 set out in the Schedule. Essential service certificate

5. The forms set out in the Schedule to these Regulations are hereby prescribed for the purpose mentioned in each form.

Prescribed forms

SCHEDULE

Form 1

PRESCRIBED FORMS

(Regulation 3)

THE INDUSTRIAL AND LABOUR RELATIONS ACT

Cap. 269

The Representative Body (Registration and Prescribed Forms) Regulations.

APPLICATION FOR REGISTRATION OF REPRESENTATIVE BODY

- 1. This application is made by-
 - (a) not less that one hundred trade union members; or
 - (b) not less than five association members or such lesser number as the Commissioner may accept.
- 2. The representative body shall be registered in the name of

as set out in rule No. of the constitution of the representative body.

3. To the best of our belief, there is no other existing representative body registered in the name identical to or so nearly resembles the names of this representative body, so as to cause confusion to its members and the public at large.

4. The representative body was established on the day of in the year.....,by a resolution of the general meeting of the said representative body and an authenticated copy of such a resolution is hereby attached to this application.

5. The registered office of the representative body to which all communications and notices may be addressed is at

as set out in rule No. of the constitution of the representative body.

6. The objects for which the representative body is established, and the class or classes or category or categories of employees or employers as the case may be which the representative body shall represent is set out in rule No. of the constitution of the representative body.

7. The provision for the organisational structure of the representative body, the mode of appointment and removal of officers responsible for the administration of the representative body and the powers and duties of such officers are set out in rule No. of the constitution of the representative body.

8. The purpose to which the funds of the representative body may be applied are set out in rule No. of the constitution of the representative body.

9. The provision for the payment of subscriptions and fees by the members and the methods of collection thereof are set out in rule No. of the constitution of the representative body.

10. The provision for the vesting and safe custody of the funds and property of the representative body, and the banking and investment of the funds, maintenance, inspection and periodical auditing of its accounts and other financial records are set out in rule No. of the constitution of the representative body.

11. The provisions for disqualification of a member from voting on any matter concerning the representative body or from election or appointment to any office in the representative body of an office holder who has the function of dealing with the funds or to any office in the representative body or its organs are set out in rule No. of the constitution of the representative body.

12. The provision for election of officers within six months after registration of the representative body, and thereafter at regular intervals of not more than four years are set out in rule No. of the constitution of the representative body.

13. The provision for ensuring that all categories of members of the representative body are adequately and effectively represented on all the organs of the representative body are provided for in rule No. of the constitution of the representative body.

14. The provision for the manner of dissolving the representative body are set out in rule No.....of the constitution of the representative body.

15. The provision for ensuring the secrecy of any ballot regarding the taking of decisions-

- (a) for the election of delegates, trustees or other officers;
- (b) affiliation or disaffiliation to national or international organisations;
- (c) on any proposal to dissolve the representative body or to reconstitute it so as to split it into two or more representative bodies;
- (d) on any proposal to amalgamate it with one or more representative bodies, are set out in rule No.....of the constitution of the representative body.

16. The procedure for amending or altering the constitution of the representative body is provided for in rule No. of the constitution of the representative body.

17. The provision for safe-guarding the rights of individual members to a reasonable opportunity to vote in all matters concerning the representative body or to stand for any position in the representative body are set out in rule No. of the constitution of the representative body.

18. Accompanying this application are two copies of the constitution authenticated by duly authorised officers of the representative body.

19. The names and titles of officers of the representative body (including trustees) are as follows-

Name	Address	Designation
(a)		
(b)		
(c)		
(d)		
(e)		
(f)		
(g)		
(h)		
(i)		

(j)
(k)

20. We, the undersigned, have been duly authorised by the representative body to make this application on its behalf. (The number required to make this application should be as indicated in paragraph 1).

	Name Employer	Address	Signature
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

Form 2

THE INDUSTRIAL AND LABOUR RELATIONS ACT
(Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations

(Regulation 5)

CERTIFICATE OF REGISTRATION

No.

IT IS HEREBY CERTIFIED that the

whose registered office is situated at
has been duly registered under the Industrial and Labour Relations Act, 1993, as a
representative body for

this day of, the year

Signed:
Name:
Commissioner

Form 3

THE INDUSTRIAL AND LABOUR RELATIONS ACT
(Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations

(Regulation 5)

APPLICATION FOR REGISTRATION OF ALTERATION OR ADDITION TO THE
REPRESENTATIVE BODY'S CONSTITUTION

Name of Representative Body
Certificate of Registration No.
Registration office situated at

1. This application for the registration or alteration or addition to the constitution of the above named representative body is made by-

- (a) seven members in case of trade union; or
- (b) four members in case of employer's association, whose names are subscribed at the foot hereof including the executive officers.

2. The applicants have been duly authorised to make this application on behalf of the said representative body, such authority consisting of a resolution passed at a general meeting held on the day of in the year

3. With this application are sent-

- (a) a copy of the resolution or other authority authorising the alteration or addition to the constitution and signed by each of the applicants with their name and designation against each signature;
- (b) two copies of the previous registered constitution amended or underlined in red showing where and in what manner alterations or addition have been made.

4. We, the persons whose names, signatures and designations are subscribed at the foot hereof, have made this application on behalf of the said representative body satisfied that the rules of the constitution were duly complied with.

Name Signature Designation

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Form 4

THE INDUSTRIAL AND LABOUR RELATIONS ACT
(Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations, 1994

(Regulation 5)

REQUEST TO CANCEL CERTIFICATE OF REGISTRATION

Name of the Registration Body

Certificate of Registration No.

To: THE COMMISSIONER

1. The above-named representative body desires that its certificate of registration under the Industrial and Labour Relations Act, 1993 may be cancelled on the following grounds:

(State reasons
for desiring
cancellation
of the
certificate
of registration)

2. (1) The request is duly made following a general meeting on day
of 19..... during which it was resolved as follows:

"that the trustees be authorised to request the commissioner to cancel the certificate of registration of this representative body"

(2) If not at the general meeting, state in what manner the request has been determined:

3. This request is made on behalf of the representative body accordingly.

Name Designation Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Note: Seven officers are required in case of trade unions whilst four officers are required for employers' associations.

Registered Office

Name and address to which communications are to be sent

Form 5

THE INDUSTRIAL AND LABOUR RELATIONS ACT

The Representative Body (Registration and Prescribed Forms) Regulations

(Regulation 5)

To: The Commissioner P.O. Box 32186 Lusaka

I/We (name and address of employer)

carrying on the business of

at

and employing eligible employees, do hereby apply for registration as an employer under section sixty-three of the Act.

Dated the day of

..... 19.....

Signature

Designation:

Form 6

THE INDUSTRIAL AND LABOUR RELATIONS ACT
(Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations

(Regulation 5)

CERTIFICATE OF REGISTRATION

IT IS HEREBY CERTIFIED that (name and address of employer)

carrying on the business of
is registered as an employer under section sixty-three of the Act.

Dated the day of 19.....

Signature:

Name:

Commissioner

Form 7

THE INDUSTRIAL AND LABOUR RELATIONS ACT
(Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations

(Regulation 5)

ESSENTIAL SERVICE CERTIFICATE

Name and address of employer

10. Service of notice of complaint
11. Respondent's answer
12. Disposal of complaint

PART IV APPEALS TO THE COURT

13. Application of Part IV
14. Institution of appeal
15. Time for appealing
16. Service of notice of appeal
17. Respondents to appeals
18. Respondent's answer
19. Disposal of appeal

PART V REFERENCE OF A COLLECTIVE DISPUTE TO THE COURT

Rule

20. Application of Part V
21. Reference of a collective dispute to the Court
22. Registration of reference
23. Date and place for giving directions
24. Statement of claim and answer
25. Further and better particulars
26. Witnesses and hearing
27. Award

PART VI REFERENCE UNDER SECTION 28 (4) OF A DISPUTE BETWEEN TRADE UNIONS

28. Reference under section 28 (4)
29. Cognizance of a dispute

PART VII GENERAL PROVISIONS APPLYING TO ALL PROCEEDINGS

30. Application of Part VII
31. Time and place of proceedings
32. Joinder of parties
33. Interlocutory applications
34. Powers of a single Judge
35. Appeal from interlocutory orders
36. Directions
37. Court's power to give direction
38. Interim orders
39. Notice to admit documents and facts
40. Discovery of documents
41. Interrogatories
42. Default by parties
43. Drawing up and enforcement of orders
44. Costs
45. Service of documents
46. Conciliation
47. Extension or abridgment of time
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49. Place and time of hearing

PART VIII MISCELLANEOUS

50. Committal for contempt of Court
51. Warrant to apprehend
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53. Forms
54. Power to enter premises
55. Power of the Court not limited by these Rules
56. Interpreter
57. Representation of parties
58. Forms of writ, etc.
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PART IX EVIDENCE AND PROCEDURE IN THE COURT

61. Calling upon a party
62. Admission of evidence
63. Evidence on oath

64. Oral evidence and affidavit
65. Form of affidavit
66. Statistical statements
67. Party to supply list of books, etc.

PART X

FILING OF APPLICATIONS, APPEALS, COMPLAINTS, REFERENCES, STATEMENTS OF CLAIM, ANSWERS AND OTHER DOCUMENTS

68. Filing of documents
69. Copies
70. Registrar to scrutinise before filing
71. Return of documents

PART XI

VACANCY, SITTINGS, VACATION AND SEAL

Rule

72. Chairman may fill vacancy occurring during hearing
73. Sittings of the Court
74. Working days and office hours
75. Seal of the Court

PART XII

REGISTRAR OF THE COURT

76. Custody of records
77. Applications to the Registrar

PART XIII

WITNESSES' AND ASSESSORS' ALLOWANCES

78. Person entitled
79. Allowances
80. Travelling expenses

PART XIV

COURT FEES

81. Fees
82. Fees payable by cash, cheques, etc.
83. Document to be stamped
84. Cancellation of stamps
85. No receipt to be issued
86. Duty of the Registrar
87. Refund of value in certain cases

SCHEDULE-Prescribed forms and fees

SECTIONS 10, 37, 99, 101 AND 108-INDUSTRIAL RELATIONS COURT RULES

Rules by the Chairman Statutory Instrument

206 of 1974

157 of 1995

34 of 1996

PART I PRELIMINARY

1. These Rules may be cited as the Industrial Relations Court Rules.*

* These Rules made under the repealed Act are continued in operation by section 15 of the Interpretation and General Provisions Act (Cap. 2). Title

2. In these Rules, unless the context otherwise requires- Interpretation

"Act" means the Industrial Relations Act;

"Registrar" means the Registrar of the Court and includes any officer of the Court authorised by the Chairman to perform the functions of the Registrar;

"Court" means the Industrial Relations Court established under section ninety-six;

"Judge" means the Chairman or the Deputy Chairman;

"Part" means a Part of these Rules;

"seal" means any device capable of making an imprint, whether embossed or otherwise, on paper.

PART II APPLICATIONS TO THE COURT

3. This Part applies to applications to the Court under-
section 17 (injunction against an officer of a trade union);
section 44 (injunction against an officer of an association);
section 74 (3) (determination of alleged contravention of written
laws or infringement of collective agreements, works agreements or works rules);
section 88 (interpretation of any clause in a collective agreement);
section 99 (1) (declaration by the Court); and
section 102 (Court to resolve ambiguities in collective agreements, its awards and
decisions). Application of Part II

4. An application to which this Part applies shall be made by serving on the Court notice in writing in, or substantially in accordance with, the appropriate form in Part A of the Schedule.

*These Rules made under the repealed Act are continued in operation by section 15 of the Interpretation and General Provisions Act (Cap. 2). Institution of proceedings

5. On receipt of a notice under rule 4, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal, and shall return a sealed copy of the notice to the applicant and serve a sealed copy thereof on any other person considered by the Court to be a proper party to the proceedings, and every such person shall be a respondent to the application. Serving of notice of applications

6. (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which an answer to the application must be delivered.
 Respondent's answer

(2) A respondent who desires to oppose the application shall, within the time appointed under sub-rule (1), deliver to the Court an answer in, or substantially in accordance with, Form IRC 7 contained in Part A of the Schedule, setting out his answer and the Registrar shall serve a copy of such answer on every party to the proceedings.

7. (1) If all parties to the proceedings have concurred in, or consented to, the application, or if no answer is delivered under rule 6 (2), the Court may, if it thinks fit, deal with the application without a hearing. Disposal of application

(2) Except where the Court deals with the application under sub-rule (1), the Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing the application and shall notify every party of the date appointed by the Court by which any interlocutory application may be made.

(3) The Court may, if it thinks fit, deal with an application to which this Part relates without an oral hearing notwithstanding that the application is opposed, but the Court shall not do so unless-

(a) all parties to the proceedings consent; or

(b) any party desiring an oral hearing has been given an opportunity of applying to the Court for such hearing and the Court is satisfied that no injustice can be caused if the application is dealt with without an oral hearing.

PART III COMPLAINTS TO THE COURT

8. This Part applies to complaints presented to the Court under-
section 114 (2) (complaint of discrimination in employment);
section 120 (1) (complaint in respect of irregularities in election). Application of Part III

9. A complaint to which this Part applies shall be presented by serving on the Court notice in writing in, or substantially in accordance with, the appropriate form in Part B of the Schedule. Institution of proceedings

10. On receipt of a notice under rule 9, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal,

and shall return a sealed copy of the notice to the complainant and serve a sealed copy thereof on any person from whom any relief is claimed (and on any other person considered by the Court to be a proper party to the proceedings), and every such person shall be a respondent to the complaint. Service of notice of complaint

11. (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which an answer to the complaint must be delivered.

Respondent's answer

(2) A respondent who desires to answer a complaint shall, within the time appointed under sub-rule (1), deliver to the Court an answer in, or substantially in accordance with, Form IRC 10 contained in Part B of the Schedule, setting out his answer to the complaint, and the Registrar shall serve a copy of such answer on every other party to the proceedings.

12. The Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing the complaint, and shall notify every such party of the date appointed by the Court by which any interlocutory application may be made. Disposal of complaint

PART IV APPEALS TO THE COURT

13. This Part applies to appeals under-
section 10 (1) (appeal from the decision of the Commissioner);
section 28 (3) (appeal from decision on disputes between trade unions);
section 37 (1) (appeal from the decision of the Commissioner);
section 59 (4) (appeal from the decision of a trade union);
section 73 (4) (appeal from decision of the Board of Review). Application of Part IV

14. An appeal to which this Part applies shall be instituted by serving on the Court, within the time allowed under rule 15, notice in writing in, or substantially in accordance with, the appropriate form in Part C of the Schedule, together with a copy of the refusal, decision or cancellation, as the case may be, against which the appeal is lodged. Institution of appeal

15. A notice under rule 14 shall be served within thirty days of the date of the notification to the appellant of the refusal, decision or cancellation, as the case may be, against which the appeal is lodged. Time for appealing

16. On receipt of a notice under rule 14, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal, and shall return a sealed copy of the notice to the appellant and serve a sealed copy thereof on every person who, in accordance with rule 17, is a respondent to the appeal. Service of notice of appeal

17. The respondents to an appeal shall be-

- (a) in the case of an appeal under section 10 (1) or 37 (1), the Commissioner;
- (b) in the case of an appeal under section 28 (3), the Congress;
- (c) in the case of an appeal under section 59 (4), the trade union in question; and
- (d) in the case of an appeal under section 73 (4), parties to the proceedings before the Board of Review, other than the appellant. Respondents to appeals

18. (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which any answer under sub-rule (2) shall be delivered.

Respondent's answer

(2) Subject to sub-rule (3), a respondent who wishes to resist an appeal shall within the time appointed under sub-rule (1) deliver to the Court an answer in, or substantially in accordance with, Form IRC 16 contained in Part C of the Schedule, setting out the grounds on which he relies, and the Registrar shall serve a copy of such answer on every other party to the proceedings.

(3) A respondent who wishes to cross-appeal may do so by including in an answer delivered under sub-rule (2) a statement of the grounds of his cross-appeal.

19. The Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing an appeal, and shall notify every such party of the date appointed by the Court within which any interlocutory application may be made. Disposal of appeal

PART V

REFERENCE OF A COLLECTIVE DISPUTE TO THE COURT

20. This Part applies to a reference of a collective dispute made to the Court by the Minister. Application of Part V

21. (1) A reference of a collective dispute made to the Court by the Minister under the provisions of section 93 (3) shall be made in writing in, or substantially in accordance with, Form IRC 17 contained in Part D of the Schedule. Reference of a collective dispute to the Court

(2) A reference of a collective dispute made to the Court by the Minister under the provisions of section 95 (1) shall be made in writing in, or substantially in accordance with, Form IRC 18 contained in Part D of the Schedule.

(3) A reference of a collective dispute shall be accompanied by a notification in writing in, or substantially in accordance with, Form IRC 19 contained in Part D of the Schedule, stating the details of the issues in the collective dispute.

22. When a reference of a collective dispute is made to the Court by the Minister, the Court shall take cognizance of the dispute and register the dispute in the Court register.

Registration of reference

23. The Court shall notify the parties to a collective dispute referred to the Court of the registration number of such dispute and shall fix the date and place for giving directions as to the further conduct of the dispute. Date and place for giving directions

24. Each party to a collective dispute referred to the Court shall, within such period as the Court may direct, being not less than seven days after the date of such direction, present to the Court-

(a) in the case of the claimant, a statement of claim in writing in, or substantially in accordance with, Form IRC 20 contained in Part D of the Schedule, setting out- Statement of claim and answer

(i) the nature and full particulars of each item of the claim or demand involved in the dispute and as stated in the terms of reference to the Court;

(ii) the class or classes of workers to whom the dispute relates; and

(iii) such submissions as the claimant party may wish to make in support of its claim;

(b) in the case of the respondent, an answer in, or substantially in accordance with, Form IRC 21 contained in Part D of the Schedule, setting out-

- (i) such answer as it may wish to give to the items of the claim of demand raised in the statement of claim;
- (ii) an admission of such submissions set out in the statement of claim as the respondent admits, and a denial of such submissions as the respondent does not admit; and
- (iii) any submissions which the respondent may wish to make in support of its answer; and shall at the same time supply to the other party a copy of such answer.

25. Where the Court considers that either the statement of claim or the answer does not set out adequately the particulars required by the Court or for any other reason the Court requires clarification or amplification of any submission by a party, the Court may require the party to provide such further details as it may consider necessary within such period as it may determine, and the party so required shall provide to the Court and the other party to the dispute such clarification and amplification as is required. Further and better particulars

26. (1) Each party shall notify the Court when submitting the statement of claim or answer, as the case may be, of any witnesses he proposes to call and shall at the same time notify the other party to the dispute, but a party may call further witnesses with the leave of the Court.

Witnesses and hearing

(2) The Court shall notify the parties of the date and place of the hearing of the dispute.

27. An award shall be communicated to the parties to a dispute in such manner as the Court may deem fit. Award

PART VI

REFERENCE UNDER SECTION 28 (4) OF A DISPUTE BETWEEN TRADE UNIONS

28. A reference to the Court under section 28 (4) of the Act of a dispute between trade unions shall be made in writing in, or substantially in accordance with, Form IRC 22 contained in Part D of the Schedule. Reference under section 28 (4)

29. When a reference of a dispute is made to the Court under rule 28, the Court shall take cognizance of the dispute and register the dispute in the Court register, and the provisions of rule 23 shall apply mutatis mutandis to such reference. Cognizance of a dispute

PART VII GENERAL PROVISIONS APPLYING TO ALL PROCEEDINGS

30. This Part applies to all proceedings before the Court. Application of Part VII

31. Any proceedings before the Court may be dealt with at such time and place as the Court may from time to time direct. Time and place of proceedings

32. The Court may, on the application of any person or of its own motion, direct that any person not already a party to proceedings be added as a party, or that any party to proceedings shall cease to be a party, and in either case may give such consequential directions as it considers necessary. Joinder of parties

33. (1) Without prejudice to rule 36, an interlocutory application may be made by giving notice in writing to the Court, specifying the directions or order sought. Interlocutory applications

(2) On receipt of a notice under sub-rule (1), the Registrar shall serve a copy thereof on every other party to the proceedings who appears to him to be concerned in the matter to which the notice relates and shall notify the applicant and every such other party of the arrangements made by the Court for dealing with the application.

34. A single Judge of the Court may exercise any powers vested in the Court not involving the final determination of a dispute or other matter, hereafter referred to as an interlocutory matter. Powers of a single Judge

35. (1) Where an interlocutory order is made by a Judge in pursuance of rule 34, any party aggrieved by the order may appeal to the Court. Appeal from interlocutory orders

(2) Notice of appeal under sub-rule (1) may be given to the Registrar, either orally or in writing, within three days of the order appealed from and the Registrar shall notify every other party who appears to him to be concerned in the appeal and shall inform every such

party and the appellant of the arrangements made by the Court for dealing with the appeal.

36. (1) Where it appears to the Court that the future conduct of any proceedings would thereby be facilitated, the Court may (either of its own motion or on application) at any stage of the proceedings appoint a date for the giving of directions as to their future conduct and thereupon the following provisions of this rule shall apply. Directions

(2) The Registrar shall give to every party to the proceedings notice of the date appointed under sub-rule (1) and any party applying for directions shall, if practicable, before that date give to the Court particulars of any directions applied for.

(3) The Registrar shall take such steps as may be practicable to inform every party of any directions applied for by any other party.

(4) On the date appointed under sub-rule (1), the Court shall consider any application for directions made by any party and any written representation relating thereto and shall give such directions as it thinks fit for the purpose of securing the just, expeditious and economical disposal of the proceedings, including, where appropriate, directions in pursuance of rule 46 for the purpose of ensuring that the parties are enabled to avail themselves of opportunities for conciliation.

(5) Without prejudice to the generality of sub-rule (4), the Court may give such directions as it thinks fit as to-

- (a) the amendment of any notice, statement of claim, answer or other document;
- (b) the giving of further and better particulars;
- (c) the delivery of interrogatories;
- (d) the admission of any facts or documents;
- (e) the discovery or further discovery of any documents;

- (f) the mode in which evidence is to be given at the hearing;
- (g) the consolidation of the proceedings with any other proceedings pending before the Court; and
- (h) the place and date of the hearing.

(6) An application for further directions, or for a variation of any directions already given, may be made in accordance with rule 33.

37. Without prejudice to rule 36, the Court may, at any stage of the proceedings, of its own motion give any party to the proceedings directions as to any steps to be taken by him in relation thereto. Court's power to give direction

38. The Court may, on the application of any party, make, as an interim order, any order which under the Act it could make as a final order in the proceedings. Interim orders

39. (1) Any party may, not less than fourteen days before the date fixed for the hearing, serve notice on any other party requiring him to admit (saving all just exceptions) the authenticity of any documents specified in the notice, and unless that other party, within seven days of service of the notice upon him, gives notice to the first party requiring the document to be proved at the hearing, he shall be deemed, unless the Court otherwise directs, to have admitted its authenticity. Notice to admit documents and facts

(2) Any party may, not less than fourteen days before the date fixed for the hearing, give to any other party notice to admit, for the purpose of the proceedings, any facts specified in the notice, and the Court shall, in exercising its discretion as to making an order for costs or expenses under rule 44, take into consideration any unreasonable failure to admit, or delay in admitting, such facts.

40. A party to any proceedings may apply to the Court for an order directing any other party to make discovery or further discovery, either on oath or otherwise, of the documents relating to the proceedings which are or have been in his possession or power, and on the hearing of the application the Court may make such order, either generally or limited to certain classes of documents or to particular documents, as it thinks fit, including an order for the production or inspection of any documents. Discovery of documents

41. (1) A party to any proceedings may apply to the Court for an order requiring any other party to answer interrogatories (or, as may be appropriate, a statement of facts), and the Court may give such directions as it thinks fit for the submission to the Court and service on any other party of the interrogatories or statement before the hearing of the application.

Interrogatories

(2) A body corporate or an unincorporated association shall answer any interrogatories or statement of facts by its director, manager, secretary or other officer.

42. If a respondent to any proceedings fails to deliver an answer within the time appointed under these Rules, or if any party to proceedings fails to comply with an order or direction of the Court, the Court may order that he be debarred from taking any further part in those proceedings (except for the purpose of being heard on any application for discovery or recovery of documents, or the answering of interrogatories or a statement of facts, or the payment of costs or expenses by him), or may make such other order as the court thinks just.

Default by parties

43. Every order of the Court shall be drawn up by the Registrar and a copy, sealed with the seal of the Court, shall be served by the Registrar on every party to the proceedings to which it relates. Drawing up and enforcement of orders

44. (1) Where it appears to the Court that any person has been guilty of unreasonable delay, or of taking improper, vexatious or unnecessary steps in any proceedings, or of other unreasonable conduct, the Court may make an order for costs or expenses against him.

Costs

(2) Where an order is made under sub-rule (1), the Court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs or expenses, or such proportion of the costs or expenses as may be just, and in the last mentioned case may itself assess the sum to be paid, or may direct that it be assessed by the Registrar, from whose decision an appeal shall lie to the Court.

45. (1) Any notice or other document required or authorised by these Rules to be served on, or delivered to, any person may be sent to him by post to his address for service or, where no address for service has been given, to his registered office, principal place of business or last known address, and any notice or other document required or authorised to be served on, or delivered to, the Court may be sent by post or delivered to the Registrar. Service of documents

(2) A document served by post shall be assumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The Court may inform itself in such manner as it thinks fit of the posting of any document by an officer of the Court.

(4) Any notice or other document required or authorised to be served on, or delivered to, an unincorporated body may be sent to its secretary, manager or other similar officer.

(5) The Court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

46. In exercising its powers under these Rules, the Court may, whether by adjourning any proceedings or otherwise, use its best endeavours to ensure that, in any case in which it appears to the Court that there is a reasonable prospect of agreement being reached between the parties, they are enabled to avail themselves of the services of conciliation officers or of other opportunities for conciliation. Conciliation

47. The time prescribed by these Rules or by order of the Court for doing any act may be extended (whether it has already expired or not) or abridged, and the date appointed for any purpose may be altered, by order of the Court. Extension or abridgment of time

48. (1) Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the Court otherwise directs. Non-compliance with, and waiver of, rules

(2) The Court may, if it considers that to do so would lead to the more expeditious or economical disposal of any proceedings, or would otherwise be desirable in the interests of justice, dispense with the taking of any step required or authorised by these Rules, or may direct that any such step be taken in some manner other than that prescribed by these Rules.

49. (1) A hearing by the Court shall take place at such time and place as the presiding Judge may determine. Place and time of hearing

(2) The Court shall have the power to adjourn any proceedings from time to time and from place to place.

PART VIII MISCELLANEOUS

50. Where a person has been committed to prison for contempt of Court, a warrant in Form IRC 23 contained in Part E of the Schedule shall be issued by a Judge of the Court and shall be full authority to the officer in charge of a prison and to all other persons for carrying into effect the order of committal described in such warrant. Committal for contempt of Court

51. A warrant to apprehend a person under subsection (1) of section one hundred and five of the Act shall be in Form IRC 24 contained in Part E of the Schedule. Warrant to apprehend

52. A warrant to detain a witness in custody under subsection (2) of section one hundred and five of the Act shall be in Form IRC 25 contained in Part E of the Schedule. Warrant of detention

53. The Forms set out in Part F of the Schedule or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used for all matters to which they may be applicable. Forms

54. The Court or any other person authorised in writing in that behalf may at any time prior to the final determination of a matter before the Court enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work or machinery or interrogate any person therein in respect of anything situated therein or any question relating to the matter. Power to enter premises

55. Nothing in these Rules shall be deemed to limit or otherwise affect the power of the Court to make such order as may be necessary for the ends of justice or to prevent the abuse of the process of the Court. Power of the Court not limited by these Rules

56. If in any matter a party, witness or other person is unable to speak or understand the English language, the Court may direct a fit and proper person to attend and interpret the proceedings. Before so interpreting the Court may ask such person to swear an oath in the following terms: Interpreter

"I swear that I will well and truly interpret and explanation make of all such matters and things as shall be required of me to the best of my skill and understanding. So help me God."

57. When a party is represented by a person other than a legal practitioner, he shall file an authority to represent the party in, or substantially in accordance with, Form IRC 27 contained in Part F of the Schedule. Representation of parties

58. All writs and mandatory process to be used, issued or awarded by the Court shall run and be in the name of the President, and shall be sealed with the seal of the Court. Forms of writ, etc.

59. The process of the Court shall run throughout Zambia and an order of the Court shall be executed and enforced in like manner as if it were a judgment of the High Court. Orders to be enforced as a decree

60. (1) All proceedings, agreements or other documents filed in the Court shall save in the circumstances referred to in sub-rule (2) be on metric foolscap paper of good quality and shall be typewritten, mimeographed or printed in double spacing and shall be clear and easily legible. Only one side of the paper shall be used and a margin of not less than 4 cm shall be left on the left-hand side of each sheet. Form of proceedings

(2) Where the nature of the document so requires, it may be reproduced by a photographic method.

(3) Any proceedings before the Court shall be paged consecutively and shall contain the following documents in the order in which they are hereinafter set out:

(a) a complete index of all documents in the case showing the pages at which they appear;

(b) all documents in the nature of pleadings in chronological order;

(c) copies of all affidavits and exhibits to be relied on by the parties;

(d) where the proceeding is an appeal from the decision of the Commissioner, a trade union or the Board of Review, a copy of the evidence and any other material placed before the Commissioner, the trade union or the Board of Review, as the case may be;

(e) such other documents, if any, as may be necessary for the proper determination of the proceedings.

PART IX EVIDENCE AND PROCEDURE IN THE COURT

61. The Court may call upon the parties in such order as it may think fit to state their case.
Calling upon a party

62. The Court may accept, admit or call for any evidence at any stage of the proceedings and in any manner it thinks fit. Admission of evidence

63. Unless the Court otherwise directs, a witness shall give his evidence on oath or solemn affirmation administered in accordance with the provisions of section thirty-six of the High Court Act. Evidence on oath
Cap. 27

64. A witness at any proceedings shall be examined viva voce but the Court may at any time order that any particular fact may be proved by affidavit. Oral evidence and affidavit

65. An affidavit filed in the Court shall be in, or substantially in accordance with, Form IRC 26 contained in Part F of the Schedule. Form of affidavit

66. Where statistical statements are to be filed as exhibits, on each statement shall be mentioned the following particulars:

- (a) the source from which the figures have been compiled; and
- (b) the name of the party submitting the exhibit. Statistical statements

67. In every matter fixed for hearing, if a party intends to rely on a book, publication, law report, etc., it shall file with the Registrar and serve on all other parties not less than four

days before the date of hearing a list of such books, publications, law reports, etc. Party to supply list of books, etc.

PART X

FILING OF APPLICATIONS, APPEALS, COMPLAINTS, REFERENCES, STATEMENTS OF CLAIM, ANSWERS AND OTHER DOCUMENTS

68. Every application, appeal, complaint, reference, statement of claim, answer or other document shall be filed in the office of the Registrar. Filing of documents

69. Wherever under these Rules, any application, appeal, complaint, reference, statement of claim, answer or other document is required to be filed with the Court, there shall also be filed eight copies of such document, but the Registrar may in any case order that a greater or lesser number of copies shall be filed. Copies

70. Every application, appeal, complaint, reference, statement of claim, answer or other document to be filed with the Court shall be scrutinised by the Registrar and if it is in order shall be admitted to the file, entered in the register and given the case number. Every such document shall be sealed by the Registrar and shall thereupon be deemed to be issued.
Registrar to scrutinise before filing

71. If a document is not in order by reason of any formal defect, it shall be returned by the Registrar for rectification of the defect. Return of documents

PART XI

VACANCY, SITTINGS, VACATION AND SEAL

72. If at any time between the commencement of the hearing of any matter and its final determination any member of the Court hearing such matter dies or is unable through serious illness to continue to sit as a member of the Court, the Chairman may, if he is of the opinion that a new hearing would result in unwarranted delay or expense or would for any reason prejudice the parties or any of them, appoint another member of the Court to fill the vacancy.
Chairman may fill vacancy occurring during hearing

73. The sittings of the Court shall be two in every year, the first sitting commencing on the 22nd day of January and terminating on the 31st day of May and the second sitting

commencing on the 24th day of July and terminating on the 30th day of November:
Sittings of the Court

Provided that the chairman may by statutory order alter the date of commencement or termination of a sitting of the Court.

74. (1) The offices of the Court shall be open on every day of the year except on Saturdays, Sundays, public holidays and such other days as the Chairman may direct. Working days and office hours

(2) Subject to any order of the Chairman, the offices of the Court shall be open to the public on working days-

(a) during a sitting, from 0900 hours to 1200 hours and from 1400 hours to 1600 hours;
and

(b) during vacation, from 0900 hours to 1200 hours.

75. (1) There shall be used in the Court such seal as the Chairman may direct. Seal of the Court

(2) The seal of the Court shall be impressed upon every document required by the Act or the rules made thereunder or any other written law to be so sealed.

(3) The seal of the Court shall be kept in the custody of the Registrar.

PART XII REGISTRAR OF THE COURT

76. The Registrar shall have the custody of the records of the Court and shall exercise such functions as are assigned to him under these Rules or as may be assigned to him by the Chairman or the Deputy Chairman. Custody of records

77. Application in the following matters shall be made to the Registrar in writing in, or substantially in accordance with, the Form IRC 28 contained in Part F of the Schedule or a letter addressed to him-

- (a) for certified copies of documents;
- (b) for issue of summonses to witnesses in any matter filed in or referred to the Court;
- (c) for inspection of documents filed in the Court;
- (d) for withdrawal of matters filed in the Court before these are placed for hearing; and
- (e) for return of exhibits. Applications to the Registrar

**PART XIII
WITNESSES' AND ASSESSORS' ALLOWANCES**

78. A witness or an assessor, other than a public officer or a person having an interest in the proceedings for which he is summoned, who has duly attended at or for the proceedings at the instance of a party or the Court, shall be entitled to allowances, unless the Court or the Registrar shall for sufficient reason disallow the allowances of any such witness or assessor.

Person entitled

79. (1) The allowances of witnesses and assessors shall be as follows: Allowances

	Minimum sum payable per day	Maximum sum payable per day			
Class of person					
Professional persons, owners directors or managers of business and expert witness or assessors	6.00	16.00
Clerks and artisans and persons of similar status	1.00	6.00
Peasant labourers and persons of similar status	0.30	1.50

(2) The above-mentioned allowances will be paid during the time for which a witness or assessor is necessarily detained and for the time reasonably occupied in travelling.

(3) No additional allowance will be paid merely because the witness or assessor attends in respect of more than one case on the same day.

(4) If in the opinion of the Registrar to whom a claim for allowance shall be submitted-

(a) a strict adherence to the scales mentioned in sub-rule (1) would result in hardship, he may in his discretion increase the amounts payable; or

(b) a reduction in any of the allowances provided for by this rule is justified in any particular case, he may in his discretion reduce or disallow the amounts payable.

80. (1) In addition to any sum to which a witness or assessor may be entitled under the last preceding rule, all witnesses and assessors provided for in rule 78 shall also be entitled to be reimbursed in respect of any expenses actually and reasonably incurred in travelling to and from the Court, and for necessary accommodation and subsistence. Travelling expenses

(2) If in the opinion of the Registrar to whom a claim shall be submitted for the reimbursement of expenses, the sums expended and claimed exceed what is reasonable, he may in his discretion reduce or disallow the amounts payable.

(3) If any witness or assessor travels by his own motor vehicle or motor cycle he may claim travelling expenses at the rate of seven ngwee per kilometre and three ngwee per kilometre respectively.

PART XIV COURT FEES

81. The fees specified in Part G of the Schedule shall be paid by the party at whose instance they are incurred, and may be afterwards recovered as cost of cause, if the Court so order. The Court or a Judge may, on account of the poverty of any party, or for other sufficient reasons, dispense, if it or he sees fit, with the payment of any fee. Fees

82. The Court fees or any of the fees payable under these Rules shall be paid by cash, postal order or Bank Certified Cheque.
(As amended by S.I. No. 157 of 1995) Fees payable by cash, cheques etc.

83. The document to be stamped shall be the document indicated in the third column of Part G of the Schedule. Such documents shall be stamped before presentation at the Registry and unless so stamped, such document shall not, except as aforesaid, be accepted. Document to be stamped

84. Upon receipt of any such document, the Registrar shall forthwith cancel such revenue stamps by means of impressing with indelible ink partly upon each and every such stamp and partly upon the document to which they are affixed, the stamp of the Registry with the true date of such impression and by writing his initials across or within the impression in such manner that the stamps are clearly defaced. Cancellation of stamps

85. A receipt shall be issued by the Court or any officer thereof in respect of fees paid. (As amended by S.I. No. 157 of 1995) No receipt to be issued

86. The Registrar shall ensure that each and every document requiring to be stamped hereunder is sufficiently and properly stamped before accepting the same. Duty of the Registrar

87. (1) When any document not requiring to be stamped is inadvertently stamped or when stamps to a value in excess of those specified in Part G of the Schedule are inadvertently affixed or such document is not presented to or is not accepted for filing by the Court, the document may at the instance of the party by whom it was so stamped be cancelled and substituted by one bearing the correct value of stamps. Refund of value in certain cases

(2) Refunds to the value of the stamps affixed to any document cancelled under the provisions of sub-rule (1) may be made by the Registrar to the party responsible for the stamping thereof:

Provided that-

(i) the application is made to the Registrar within thirty days of the date of cancellation of such document; and

(ii) the application is accompanied by the cancelled document which shall be attached by the Registrar to the voucher in support of the refund and shall thenceforth be the property of the Government.

SCHEDULE

PART A

REPUBLIC OF ZAMBIA
IRC 1

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 17

(Rule 4)

1. This application is made by (name and address of applicant)

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any)

3. Name, designation and address of the officer of the trade union against whom the order is sought to be made and the name and address of the trade union (name, designation and address of that person)

(name and address of the trade union)

4. The grounds on which the application is made are (here set out the facts and matters relied on in support of the application):
5. The applicant desires the Court to make the following order (here set out the other order desired):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 2

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 44

(Rule 4)

1. This application is made by (name and address of the applicant)

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any)

3. Name, designation and address of the officer of the association against whom injunction is sought and the name and address of the association (name and address of the officer)

(name and address of the association)

4. The grounds on which the application is made are (here set out the facts and matters relied on in support of the application):

5. The applicant desires the Court to make the following order (here set out the order desired):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 3

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 74 (3)

(Rule 4)

1. This application is made by (name and address of the applicant)

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any)

3. The application relates to the employee of (name(s) and address(es) of employer(s) concerned)

4. This application relates to the following contravention or infringement (here specify the alleged contravention or infringement):

5. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application):

6. The applicant seeks the following relief (here specify the relief under section 74 sought by the applicant):
Date: Signed:

REPUBLIC OF ZAMBIA
IRC 4

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 88

(Rule 4)

1. This application is made by (name and address of the applicant)

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any)

3. The applicant and

..... (name(s) and address(es) of other (party) (parties) to the collective agreement to which this application relates) are parties to (here give particulars of the collective agreement):

4. The applicant desires the Court to interpret the meaning of the following provisions in the collective agreement (here give the provisions for which interpretation is sought):

5. The applicant encloses herewith his memorandum in support of his interpretation (enclose the memorandum).

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 5

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 99 (1)

(Rule 4)

1. This application is made by (name and address of the applicant):

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any):

3. The name(s) and address(s) of (organisation(s) and (person(s)) concerned in this application are (name(s) and address(es) of proposes respondents):

4. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application):

5. The applicant desires the Court to make a declaration to the following effect (here set out the declaration applied for):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 6

INDUSTRIAL RELATIONS COURT
Application No., 19.....

NOTICE OF APPLICATION UNDER SECTION 102

(Rule 4)

1. This application is made by (name and address of the applicant)

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any):

3. The applicant and

..... (name(s) and address(es) of other party (parties) concerned in the collective agreement, Court's award or Court's decision to which the application relates) are parties to (here give particulars of the collective agreement, Court's award or decision, as the case may be):

4. The applicant desires the Court to resolve the following ambiguity (here set out in detail the alleged ambiguity specifying suggested amendment, if any, for resolving ambiguity):

5. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 7

INDUSTRIAL RELATIONS COURT
Application No., 19.....

RESPONDENT'S ANSWER

(Rule 6 (2))

}
Applicant(s)

Versus

}
Respondents(s)

May it please the Honorable Court.

The Respondent(s) above named beg(s) respectfully to submit his/their answer as under (herein set out in numbered paragraphs the Respondent's answer to the application):

Date: Signed:

PART B

REPUBLIC OF ZAMBIA
IRC 8

INDUSTRIAL RELATIONS COURT

Complaint No., 19.....

NOTICE OF COMPLAINT UNDER SECTION 114 (2)

(Rule 9)

1. This complaint is presented by (name and address of the complainant)

2. Any communication for the complaint relating to this complaint may be sent to (complainant's address for service, including telephone number, if any)

3. The name(s) and address(es) of the (employer(s)) against whom the complaint is made are (name(s) and address(es) of proposed respondent(s))

4. The grounds on which this complaint is presented are (here summarise the facts and matters relied on in support of the complaint, stating the date of alleged occurrence of the event giving rise to this complaint):

5. The complainant is seeking the following relief (here specify, in relation to each proposed respondent, the relief under section 114 (2) sought by the complainant):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 9

INDUSTRIAL RELATIONS COURT

Complaint No., 19.....

NOTICE OF COMPLAINT UNDER SECTION 120 (1)

(Rule 9)

1. This complaint is presented by (name and address of complainant)

2. Any communication for the complainant relating to this complaint may be sent to (complainant's address for service, including telephone number, if any)

3. The representative body against which this complaint is made is (name and address of the Congress, Federation, trade union or association alleged to have conducted election in irregular manner):

4. The grounds on which the complaint is presented are (here summarise the facts and matter relied on in support of the complaint stating the date of election in question):

5. The complainant is seeking the following relief (here specify the relief which is sought)

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 10

INDUSTRIAL RELATIONS COURT

Complaint No., 19.....

RESPONDENT'S ANSWER

(Rule 11 (2))

}

Complainant(s)

Versus

}
Respondents(s)

May it please the Honourable Court.

The respondent(s) above named beg(s) respectfully to submit his/their answer as follows (herein set out in numbered paragraphs the Respondent's answer to the application):

Date: Signed:

PART C

REPUBLIC OF ZAMBIA
IRC 11

INDUSTRIAL RELATIONS COURT
Appeal No., 19.....

NOTICE OF APPEAL UNDER SECTION 10 (1)

(Rule 14)

1. The appellant is (name and address of appellant)

2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any):

3. A copy of the *refusal/decision/cancellation by the Commissioner is attached hereto as Appendix A.
4. The *refusal/decision/cancellation by the Commissioner was notified to the appellant on (here state the date of notification):

5. The appellant appeals from the *refusal/decision/cancellation by the Commissioner mentioned in paragraph 3.

6. The appellant's grounds of appeal are (here state the grounds of appeal):

Date: Signed:

*Delete whichever is not applicable

REPUBLIC OF ZAMBIA
IRC 12

INDUSTRIAL RELATIONS COURT
Appeal No., 19.....

NOTICE OF APPEAL UNDER SECTION 28 (3)

(Rule 14)

1. The appellant is (name and address of appellant)

2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any):

3. A copy of the decision of the Congress is attached hereto as Appendix A.
4. The decision of the Congress was communicated to the appellant on (here state the date on which decision was communicated to the applicant):

5. The appellant appeals from the decision of the Congress mentioned in paragraph 3.

6. The appellant's ground of appeal are (here state the grounds of appeal):

7. The names and address of other trade unions in the dispute are (here state the names and addresses of the trade unions):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 13

INDUSTRIAL RELATIONS COURT
Appeal No., 19.....

NOTICE OF APPEAL UNDER SECTION 37 (1)

(Rule 14)

1. The appellant is (name and address of appellant)

2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any):

3. A copy of the *refusal/decision/cancellation by the Commissioner is attached hereto as Appendix A.
4. The appellant appeals from the *refusal/decision/cancellation by the Commissioner mentioned in paragraph 3.
5. The appellant's grounds of appeal are (here state the grounds of appeal):

6. The *refusal/decision/cancellation by the Commissioner was notified to the appellant on (here state the date of notification):

Date: Signed:

*Delete whichever is not applicable

REPUBLIC OF ZAMBIA
IRC 14

INDUSTRIAL RELATIONS COURT
Appeal No., 19.....

NOTICE OF APPEAL UNDER SECTION 59 (4)

(Rule 14)

1. The appellant is (name and address of appellant)

2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any):

3. A copy of the decision of (name of the trade union) not approving the nomination of the appellant as a candidate for (specify the election for membership of a council) and giving reasons therefor is attached hereto as Appendix A.
4. Any communication relating to this appeal may be sent to the trade union in question at (trade union's address for service, including telephone number, if any)

5. The appellant appeals from the decision of the trade union mentioned in paragraph 3.
6. The appellant's grounds of appeal are (here state the grounds of appeal):

Date: Signed:

REPUBLIC OF ZAMBIA
IRC 15

INDUSTRIAL RELATIONS COURT
Appeal No., 19.....

NOTICE OF APPEAL UNDER SECTION 73 (4)

(Rule 14)

1. The appellant is (name and address of the appellant):

2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any):

The Respondent(s) above named beg(s) respectfully to submit his/their answer as under (here set out in numbered paragraphs the Respondent's answer to the appeal)

Date: Signed:

PART D

REPUBLIC OF ZAMBIA
IRC 17

INDUSTRIAL RELATIONS COURT
Reference No., 19.....

NOTICE OF REFERENCE OF A COLLECTIVE DISPUTE UNDER SECTION 93 (3)

(Rule 21)

1. I have received notice of a collective dispute between (here state names of the parties):

2. WHEREAS the parties to the dispute are unable to reach a settlement thereof and have requested me to refer the dispute to the Court and the Commissioner has recommended to me that such request be acceded to:

NOW THEREFORE, in exercise of the powers contained in section 93 (3), I refer the said collective dispute to the Court.

3. Details of the issues in the collective dispute are as stated in Form IRC 19 attached hereto.

Date:

Minister of Labour and Social Services

REPUBLIC OF ZAMBIA
IRC 18

INDUSTRIAL RELATIONS COURT

Reference No., 19.....

NOTICE OF A REFERENCE OF A COLLECTIVE DISPUTE UNDER SECTION 95 (1)

(Rule 21)

1. I have received notice of a collective dispute between (here state the names of parties):

2. WHEREAS the parties to the dispute as well as the conciliator or the board of conciliation have failed to reach a settlement of the dispute:

NOW THEREFORE, in exercise of the powers contained in section 95 (1), I refer the said collective dispute to the Court.

3. Details of the issues in the collective disputes are as stated in Form IRC 19 attached hereto.

Date:

Minister of Labour and Social Services

REPUBLIC OF ZAMBIA

IRC 19

INDUSTRIAL RELATIONS COURT

Reference No., 19.....

NOTIFICATION OF ISSUES IN A COLLECTIVE DISPUTE UNDER SECTION 93 OR 95

(Rule 21)

1. The parties to the collective dispute are (here state the names of the parties):

2. The issues in dispute between the parties are (here state in detail each claim or demand):

Date:

Minister of Labour and Social Services

REPUBLIC OF ZAMBIA
IRC 20

INDUSTRIAL RELATIONS COURT
Reference No., 19.....

STATEMENT OF CLAIM

(Rule 24)

}
Claimant(s)

Versus

}
Respondents(s)

May it please the Honourable Court.

The abovenamed
beg(s) respectfully to submit the statement of claim as follows (herein set out in numbered
paragraphs the claims made and the grounds therefore):

Date: Signature:

REPUBLIC OF ZAMBIA
IRC 21

INDUSTRIAL RELATIONS COURT
Reference No., 19.....

ANSWER

(Rule 24)

}
Claimant(s)

Versus

}
Respondents(s)

May it please the Honourable Court.

The Respondent(s) abovenamed beg(s) to submit his/their answer as follows (herein set out in numbered paragraphs the Respondent(s) answer to the statement of claim):

Date: Signature:

REPUBLIC OF ZAMBIA
IRC 22

INDUSTRIAL RELATIONS COURT

NOTICE OF A REFERENCE OF A DISPUTE UNDER SECTION 28 (4)

(Rule 28)

1. A dispute has arisen between us as to which of us shall have the exclusive right to represent (specify the class of employees)
 2. The dispute was referred to the Congress for its decision thereon but the Congress has failed to communicate its decision within thirty days after the dispute was referred to it.
 3. NOW THEREFORE, in accordance with the provisions of section 28 (4) of the Industrial Relations Act, 1971, we hereby refer the dispute to the Court and request the Court to take cognizance thereof.
 4. The addresses for service on us are as follows:
 5. Details of the issues of the dispute are as stated in Appendix A attached hereto.
- Date Signed (for Trade Union)
- Date Signed (for Trade Union)

PART E

REPUBLIC OF ZAMBIA
IRC 23

INDUSTRIAL RELATIONS COURT

WARRANT OF COMMITTAL

(Rule 50)

To each and all Police Officers of Zambia, Officers of this Court and the Superintendent/Officer in Charge of the Government Prison at

WHEREAS of
was on the day of, 19....., held to be in
contempt of this Court and committed to prison for a period of

NOW THEREFORE You are commanded in the President's name to lodge the said
..... in the prison of
..... together with this warrant, in which prison the aforesaid order shall be
carried into execution according to law and for this the present warrant shall be a sufficient
authority to all whom it may concern.

Date at the day of, 19.....
Signature

Chairman/Deputy Chairman,
Industrial Relations Court

REPUBLIC OF ZAMBIA
IRC 24

INDUSTRIAL RELATIONS COURT

WARRANT TO APPREHEND DEFAULTING WITNESS

(Rule 51)

(*)Application/Appeal/Complaint/Reference No. of 19.....

..... }

Versus

..... }

WHEREAS

was commanded to attend in person before this Court at
on day of, 19, and subsequent days, to
testify or to produce a book, document, record or other thing in the above cause; he has failed
to attend or has failed to remain in attendance until duly excused by this Court and no
sufficient reason for such failure seems to exist.

NOW THEREFORE You are hereby commanded in the name of the President to
apprehend and to bring and have the said
before this Court at on the day of,
19.....

Issued at the day of, 19.....

(Signature)
Chairman,
Industrial Relations Court

*Delete whichever is not applicable

REPUBLIC OF ZAMBIA
IRC 25

INDUSTRIAL RELATIONS COURT

WARRANT TO DETAIN IN CUSTODY

(Rule 52)

(*)Application/Appeal/Complaint/Reference No.of 19.....

..... }

Versus

..... }

To each and all Police Officers in Zambia, the Officers of this Court, the Superintendent/Officer in Charge of the Government Prison at

WHEREAS of
had been summoned under section one hundred and four of the Industrial Relations Act, 1971, and-

- (a) has refused to be sworn or affirmed as a witness; or
- (b) having been sworn or affirmed, has refused to answer fully and satisfactorily the question he was lawfully required to answer; or
- (c) has refused or failed to produce a book, document, record or other thing; and has not excused such refusal or failure to the satisfaction of this Court.

NOW THEREFORE YOU, the said Police Officers and the Officers of Court, are hereby commanded to convey the said to the said prison and there deliver the said.....to the Superintendent/Officer in Charge thereof together with this warrant; and you, the Superintendent/Officer in Charge of the said prison are hereby commanded to receive the said into your custody and unless he/she sooner consents to do what is required of him/her until the day of

....., 19...., and on that day to convey him/her at hours before this Court to be further dealt with according to law, unless you, the said Superintendent/Officer in Charge, shall be otherwise ordered in the meantime.

Date at the day of, 19.....

(Signature)
Chairman,
Industrial Relations Court

*Delete whichever is not applicable

REPUBLIC OF ZAMBIA
IRC 26

INDUSTRIAL RELATIONS COURT

AFFIDAVIT (GENERAL FORM)

(Rule 65)

(*Application/Appeal/Complaint/Reference No. of 19.....

..... }

Versus

..... }

I,, make oath and say as follows (herein set out, in numbered paragraphs, the facts deposed to):

Sworn by the said

on the day of
 ,19.....
Before me: }

Commissioner for Oaths

*Delete whichever is not applicable

PART F

REPUBLIC OF ZAMBIA
IRC 27

INDUSTRIAL RELATIONS COURT

AUTHORITY TO REPRESENT

(Rule 57)

*Application/Appeal/Complaint or Reference No. of 19.....

I/We

have appointed Mr. to appear for me/us in
the above matter. The address of the appointee Mr. is

Dated at this day of, 19.....

Signed

*Delete whichever is not applicable

REPUBLIC OF ZAMBIA
IRC 28

INDUSTRIAL RELATIONS COURT

APPLICATION TO THE REGISTRAR (GENERAL FORM)

(Rule 77)
(Address)

To:
THE REGISTRAR
INDUSTRIAL RELATIONS COURT
P.O. BOX 4009
LUSAKA
Dear Sir,

Application
Subject-Appeal No. of 19.....
Complaint
Reference

Be pleased to supply the undersigned with a certified copy of in
the above matter.

Dated this day of
....., 19.....

Yours faithfully,
Signature

(This form may be adopted with suitable alterations in making application under rule 77)

REPUBLIC OF ZAMBIA
IRC 29

INDUSTRIAL RELATIONS COURT

NOTICE (GENERAL FORM)

(Rule 53)
Reference No., 19.....

}
Claimant(s)

Versus

}
Respondents(s)

PLEASE TAKE NOTICE that you are hereby required to file
..... in the above matter on or before the
..... day of, 19.....

By order of the Chairman.

Registrar,
Industrial Relations Court

REPUBLIC OF ZAMBIA
IRC 30

INDUSTRIAL RELATIONS COURT

SUMMONS TO A WITNESS

(Subpoena ad Testificandum)

(Rule 53)
*Application/Appeal/Complaint/Reference No., 19.....

(General Title)

To:

You are commanded in the President's name to attend before the Industrial Relations Court at on the day of, 19....., at hours and so from day to day until the above cause is tried, to give evidence on behalf of

WITNESS The Honourable

Chairman of Industrial Relations Court

Dated the day of in the year of Our Lord One Thousand Nine Hundred and

*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA
IRC 31

INDUSTRIAL RELATIONS COURT

SUBPOENA DUCES TECUM

(Rule 53)

*Application/Appeal/Complaint/Reference No. of 19.....

To:

You are commanded in the President's name to attend before the Industrial Relations Court at on the day of, 19....., at hours and so from day to day until the above cause is tried, to give evidence on behalf of and to produce at the time and place aforesaid

WITNESS the Honourable

Chairman of the Industrial Relations Court

Dated the day of in the year of Our Lord One Thousand Nine Hundred and

*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA
IRC 32

INDUSTRIAL RELATIONS COURT

NOTICE OF HEARING

(Rule 53)

*Application/Appeal/Complaint/Reference No., 19.....
BETWEEN

..... }

and

..... }

TAKE NOTICE that the above cause will be heard and determined by the Industrial Relations Court at on the day of, 19....., at hours.

Dated the day of, 19.....
Any interlocutory application in the above cause may be made on or before the
..... day of, 19.....

Registrar

*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA
IRC 33

INDUSTRIAL RELATIONS COURT

ORDER OF COSTS

(Rule 53)

*Application/Appeal/Complaint/Reference No. of 19.....

..... }

versus

..... }

The Court doth hereby order that the abovenamed shall pay to the abovenamed the sum of K..... in respect of the costs in the above matter.

Dated this day of, 19.....

Registrar
Industrial Relations Court

*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA
IRC 34

INDUSTRIAL RELATIONS COURT

ORDER (GENERAL FORM)

(Rule 53)

*Application/Appeal/Complaint/Reference No. of 19.....

..... }

versus

..... }

UPON HEARING and

UPON READING the affidavit(s) of

IT IS HEREBY ORDERED BY THE COURT THAT

Dated this day of

....., 19.....

Registrar
Industrial Relations Court

*Delete whichever is inapplicable

PART G

FEES

(Rule 81)

Fee Units

- On sealing any order of the Court 20
- On filing an application to set aside a writ of *fifa* 100
- On filing an application for amendment 100
- On filing an application to set aside an order of the Court 100
- On filing an application for amendment of a notice of complaint or Application 100
- On filing an application to amend an Answer 100
- On filing grounds of appeal 25
- On filing an application for amendment of a document not specifically provided 25
- On filing an appeal from an order of the Registrar 50
- On application for taxing by the Registrar 50
- On an application for copies of the notes of a Judge for use by the Supreme Court per page or part thereof 10
- On an application for copies of the notes of a Judge for use by

the Court per page or part thereof 10
On an application for copies of the notes of the Registrar for
use by a Judge per page or part thereof 10
On sealing a summons to each witness 20
On filing an affidavit 20
On filing a certificate of service 20
On every search 25
On filing of a notice of intention to produce 20
On filing of bundles of exhibits 20
On certifying record of proceedings 50
On filing a notice of motion for committal 100
On filing any document not specifically provided for 20
Administering oath or affirmation 50
(As amended by S.I. No. 34 of 1996)