

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 48 OF 2023

The Employment Code Act, 2019
(Act No. 3 of 2019)

**The Employment Code (Minimum Wages and Conditions
of Employment) (General) Order, 2023**

IN EXERCISE of the powers contained in section 106 of the
Employment Code Act, 2019, the following Order is made:

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| 1. (1) This Order may be cited as the Employment Code
(Minimum Wages and Conditions of Employment) (General) Order,
2023. | Title and
commencement |
| (2) This Order shall come into operation on 1st January, 2024. | |
| 2. (1) This Order shall apply to an employee. | Application |
| (2) This Order shall not apply to— | |
| (a) an employee in the civil service; | |
| (b) an employee of a local authority; | |
| (c) a domestic worker; | |
| (d) an employee in an occupation where wages and conditions
of employment are governed by any agreement between
an employer and employee providing for conditions which
are not less favourable to the employee than the minimum
conditions set out in this Order; | |
| (e) an employee in management; | |
| (f) an employee whose conditions of service are more
favourable than the applicable gross pay in this Order; | |
| (g) an employee who is unionised and whose conditions of
service are negotiated through the process of collective
bargaining in accordance with the Industrial and Labour
Relations Act; or | Cap.269 |
| (h) in a sector for which the Minister, by statutory instrument,
has prescribed the minimum wage. | |

(3) The provisions of this Order shall not be used as a basis for any negotiations in contracts of employment for an employee that is exempt under sub-paragraph (2).

Interpretation

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

“assistant sales person” means an employee engaged to attend to customers in a business but who does not completely effect a sale or register cash received;

Cap. 1

“child” has the meaning assigned to the word in the Constitution;

“dependant” means a person who is eighteen years old or below and resides in the home of an employee but does not include that employee’s child;

S.I. No. of
2023

“domestic worker” has the meaning assigned to the words in the Employment Code (Domestic Workers Minimum Wages and Conditions of Employment) Order, 2023;

“employee” means a worker specified in the Schedule or a worker equivalent to a worker specified in the Schedule;

“employer” has the meaning assigned to the words in the Act;

Act No. 11
of 2002

“motor vehicle” has the meaning assigned to the words in the Road Traffic Act, 2002;

“packer” means a person that packs and prepares goods for transportation or sale;

“pump attendant” means a person who works at a filling station or garage where fuel is served to customers and whose duties include filling customers’ vehicles with fuel to the requested level, taking cash and providing change or preparing bank fuel charge slips;

“sales person” means a person employed to—

(a) attend to customers in a business for the purpose of completely effecting a sale;

(b) display goods; or

(c) keep and control stock;

“service station attendant” means a person who works at a filling station or garage where fuel is served to customers and whose duties include checking the oil and water levels of a motor vehicle, cleaning windscreens, checking the air pressure of tyres and changing flat tyres;

“qualified clerk” means a person employed to perform tasks that are subject to change depending on the needs of the employer, and includes a person—

- (a) who sorts mail;
- (b) who files papers, reports and other documents;
- (c) who operates photocopying and facsimile machine and any other office equipment;
- (d) who operates a cash register;
- (e) who takes inventory of equipment and supplies;
- (f) who provides information relating to the services provided by, and the functions of, an employer;
- (g) who processes the sale of merchandise;
- (h) who re-stocks office supplies and records orders for merchandise or services;
- (i) who provides customer service; and
- (j) whose minimum qualification is a school certificate or its equivalent; and

“security guard” means a person employed to watch over or guard any property in, or on, a building, yard, site or any other premises.

4. The minimum wages and conditions of employment of an employee shall be as set out in the Schedule.

Minimum
wages and
conditions of
employment

5. The Minimum Wages and Conditions of Employment (General) Order, 2011, is revoked.

Revocation
of S.I. No. 2
of 2011

SCHEDULE
(Paragraphs 3 and 4)

Minimum
basic pay

1. The minimum basic pay, excluding an amount paid *in lieu* of rations, shall be as follows:

(a) category I seven Kwacha and fifteen ngwee (K7.15) per hour or one thousand, four hundred and eighty seven Kwacha (K1,487.00) per month, for a person engaged as—

- (i) a general worker, not elsewhere specified;
- (ii) a general worker in the mining, construction, manufacturing or transport sector;
- (iii) a cleaner;
- (iv) a helper;
- (v) food preparation assistant;
- (vi) garbage and recycling collector;
- (vii) a handy person;
- (viii) an office orderly; or
- (ix) service station attendant;

(b) category II seven Kwacha and fifteen ngwee (K7.15) per hour or one thousand, four hundred and eighty-seven Kwacha (K1,487.00) per month, for a person engaged as a security guard;

(c) category III eight Kwacha and sixty six ngwee (K8.66) per hour or one thousand eight hundred and one Kwacha and ninety-eight ngwee (K1,801.98) per month for a person engaged as—

- (i) an assistant sales person
- (ii) packer;
- (iii) book binder;
- (iv) printer; or
- (v) print finisher;

(d) category IV ten Kwacha and nineteen ngwee (K10.19) per hour or two thousand, one hundred and nineteen Kwacha and twenty-three ngwee (K2,119.23) per month, for—

- (i) a person engaged as a driver;
- (ii) a pump attendant; or
- (iii) a worker possessing a minimum of a craft certificate for the job that person is employed for;

(e) category V eleven Kwacha and four ngwee (K11.04) per hour or two thousand, two hundred and ninety-six Kwacha and eighty-nine ngwee (K2,296.89) per month, for a person engaged as—

- (i) a typist;
- (ii) receptionist; or
- (iii) telephonist;

(f) category VI twelve Kwacha and eighty-nine ngwee (K12.89) per hour or two thousand, six hundred and eighty Kwacha and ninety-two ngwee (K2,680.92) per month for a person engaged as a sales person; and

(g) category VII thirteen Kwacha and seventy-six ngwee (K13.76) per hour or two thousand, eight hundred and sixty-one Kwacha and thirty-six ngwee (K2,861.36) per month, for a person engaged as a qualified clerk or machine operator.

2. (1) An employee who has served with an employer on permanent terms and has attained the age of retirement shall be entitled to a retirement benefit of one month basic pay for each completed year of service.

Separation
benefits

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

(3) Where an employee who is employed on permanent terms separates with an employer before qualifying for retirement, the separation benefits shall not be less than one month basic pay for each completed year of service and any other dues.

(4) Despite sub-paragraph (3) an employee shall not be entitled to both a separation package or retirement package and gratuity.

3. An employee who resides beyond a three kilometre radius from the place of work shall be paid a monthly allowance of two hundred Kwacha (K200.00) for transport expenses, except where the employer provides transport for that employee.

Transport
allowance

4. An employee shall be entitled to a lunch allowance of one hundred and eighty Kwacha (K180.00) per month, except where the employer provides wholesome and adequate meals provided free of charge.

Lunch
allowance

5. (1) Where an employee spends a night away from home within the Republic to attend to the business of the employer, the employer shall pay the employee a subsistence allowance of not less than three hundred and ninety Kwacha (K390.00) per night to cover all expenses.

Subsistence
allowance

(2) Where an employee spends a night away from home outside the Republic to attend to the business of the employer, the employer shall pay the employee a subsistence allowance of not less than twenty five United States Dollars (\$25) per night to cover all expenses.

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| Tool allowance | 6. An employee who is required to provide the employee's own tools to execute the employee's work shall be paid a tool allowance of not less than one hundred and fifty Kwacha (K150.00) per month. |
| Personal protective equipment | 7. An employee who does any work likely to be injurious to the employee shall be provided with personal protective equipment. |
| Housing allowance | 8. An employer shall, where the employer does not accommodate an employee, pay the employee a monthly housing allowance at the rate of thirty percent of the employee's basic salary. |
| Upset allowance | 9. Where an employee is required to proceed on permanent transfer to a town where the employee is required to reside and which is not the employee's usual place of residence, the employee shall be provided with transport to the town, and in addition, shall be paid an upset allowance of one month's full salary. |
| Funeral allowance | 10. An employer shall, in the event of the death of an employee, the employee's spouse, registered child or dependant provide the following in the form of a funeral grant: <ul style="list-style-type: none"> (a) a standard coffin; and (b) cash grant of one thousand, five hundred Kwacha (K1,500.00). |
| General conditions | 11. (1) On the commencement of this Order, the wages or benefits enjoyed by an employee shall not be reduced or altered adversely as a result of the application of this Order.
(2) An employee shall not suffer a reduction in pay on transfer from a lower rate of pay to a higher rate of pay.
(3) Where a contract of employment is for a period of less than a complete month in respect of a security guard, the security guard shall be paid a rate not less than one thirtieth of the monthly rate of wages for each day of the contract period.
(4) An employee who is required to work between the hours of 18:00 hours and 06:00 hours shall be paid— <ul style="list-style-type: none"> (a) an hourly rate of pay in accordance with the employee's category; and (b) a shift differential at the rate of fifteen percent of the employee's hourly rate of pay for each hour worked between those hours. |

B. M. TAMBATAMBA,
Minister of Labour and
Social Security

LUSAKA
20th November, 2023
[MLSS.64/9/9]