

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 1983

Date of Assent: 8th April, 1983

An Act to amend the Industrial Relations Act

[15th April, 1983

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Industrial Relations (Amendment) Act, 1983, and shall be read as one with the Industrial Relations Act, hereinafter referred to as the principal Act.

Short title
Cap. 517

2. Section *three* of the principal Act is amended in subsection (1) by the insertion in the appropriate places of the following definitions:

Amendment
of section 3

“Commission” means the Prices and Incomes Commission established by section *four* of the Prices and Incomes Commission Act, 1981;

Act No. 9
of 1981

“Secretary” means the person appointed secretary to the Commission under section *thirteen* of the Prices and Incomes Commission Act, 1981.

Act No. 9
of 1981

3. Section *eighty* of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following subsection:

Amendment
of section 80

(2) Every joint council shall, within fifteen days of its establishment, deliver three copies of its constitution to the Commissioner who shall, within fifteen days of receiving such copies, lodge one such copy with the Registrar and the Secretary.

4. Section *eighty-two* of the principal Act is amended—

Amendment
of section 82

(a) in paragraph (b) of subsection (1) by the insertion immediately after “notify the Commissioner” of “and the Secretary”; and

(b) in subsection (2) by the insertion immediately after “notify the Commissioner” of “and the Secretary”.

Repeal and
replacement
of sections
83 to 87

5. The principal Act is amended by the repeal of sections *eighty-three, eighty-four, eighty-five, eighty-six* and *eighty-seven* and the substitution therefor of the following sections:

Lodging of
collective
agreements

83. (1) The parties to a collective agreement shall, within fourteen days of signing thereof, deliver one signed copy of such collective agreement to the Secretary and two signed copies thereof to the Commissioner.

(2) The Commissioner shall, within fourteen days of the receipt of the copies referred to in subsection (1), lodge one such copy, together with his comments thereon, with the Secretary.

Approval
of collective
agreements

84. (1) If the Commission is of the opinion that it would be in the public interest to do so, it may, before considering any collective agreement, cause it to be published in the *Gazette* and invite any person affected by it to lodge with the Secretary within a specified period any objection or comment.

(2) The Commission shall consider every collective agreement lodged in accordance with section *eighty-three*, together with the comments thereon of the Commissioner and objections or comments, if any, received under subsection (1).

(3) If the Commission is satisfied that a collective agreement—

(a) contains the statutory clauses referred to in section *eighty-one*; and

(b) does not contain anything which is—

(i) contrary to any written law or to Government's declared policy on prices and incomes; or

(ii) prejudicial to public interest;

it may approve such collective agreement.

(4) Every collective agreement which has been approved by the Commission shall—

(a) come into force on such date as the Commission shall approve;

(b) remain in force for such period as the Commission shall approve;

(c) be binding on the parties to it; and

(d) be notified in the *Gazette* if it is a collective agreement negotiated and concluded by a joint council.

(5) No collective agreement concluded after the 30th April, 1983, shall come into force until it has been approved by the Commission.

85. (1) Where the Commission is of the opinion that a collective agreement under consideration should not be approved in the form in which it is lodged, the Commission may, before approving it, make such amendments or variations thereto as the Commission thinks fit for the purpose of removing any defect therefrom or bringing it into conformity with the provisions of subsection (3) of section *eighty-four* or with the provisions of any other written law.

Powers of
Commission

(2) Before exercising its powers under subsection (1), the Commission may require the parties to the collective agreement, or their representatives, to appear before it at a specified time and show cause why the collective agreement should not be amended.

(3) Any person who, without reasonable cause, fails to comply with any requirement made under subsection (2) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred kwacha.

86. If the parties to a collective agreement desire any amendment thereto, or any variation of the terms of such collective agreement, to take effect during the period when such collective agreement is in force, then the procedures set out in section *eighty-three* shall be followed, and the provisions of sections *eighty-four* and *eighty-five* shall apply, *mutatis mutandis*, to such amendment or variation.

Amendment
of collective
agreement
in force

87. (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 Commission in that behalf.

Extension
of collective
agreement
in force

(2) An application under subsection (1)—

(a) shall be made not less than thirty days, nor more than sixty days, before the expiration of the existing collective agreement:

Provided that the Commission may, in its discretion, consider an application made at any time before the expiration of the existing collective agreement; and

(b) shall clearly set out all relevant matters in its support, and be lodged, in duplicate, with the Secretary.

(3) Upon considering an application made under this section, the Commission may, as it thinks fit, extend the

period during which the existing collective agreement is to remain in force:

Provided that any extension of an existing collective agreement which was negotiated and concluded by a joint council shall be notified in the *Gazette*.

Amendment
of section 98

6. (1) Section *ninety-eight* of the principal Act is amended by the repeal of paragraph (a).

(2) Notwithstanding the provisions of subsection (1), the Industrial Relations Court shall continue to have the same powers, authority and jurisdiction to examine and approve collective agreements concluded before the 1st May, 1983, as it had prior to the commencement of this Act.

Amendment
of section
101

7. Section *one hundred and one* of the principal Act is amended—

(a) by the deletion in subsection (4) of “to be published as a *Gazette* notice” and the substitution therefor of “the Secretary”; and

(b) by the insertion immediately after subsection (4) of the following new subsection:

(5) The Chairman may cause to be published as a *Gazette* notice any award or decision of the Court which, in his opinion, is of general interest.

Amendment
of section
112

8. Section *one hundred and twelve* of the principal Act is amended—

(a) by the re-numbering of subsection (4) as subsection (5); and

(b) by the insertion, immediately after subsection (3), of the following new subsection:

(4) As soon as practicable, the Registrar shall deliver to the Secretary a copy of each recognition agreement, alteration or variation approved by the Industrial Relations Court under subsection (3).

Amendment
of section
122

9. Section *one hundred and twenty-two* of the principal Act is amended by the deletion of “one hundred kwacha” and the substitution therefor of “one thousand kwacha”.
