

GOVERNMENT OF ZAMBIA

ACT

No. 42 of 1990

Date of Assent: 23rd January, 1991

An Act to provide for the establishment of a Salaries and Conditions of Service Commission; to provide for powers and functions of the Commission; and to provide for matters connected with or incidental to the foregoing.

[1st February, 1991

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Salaries and Conditions of Service Commission Act, 1990. Short title
2. (1) In this Act, unless the context otherwise requires— Interpretation, application and exemption
 - “Chairman” means the person appointed Chairman of the Commission under section *four*;
 - “Civil Service” means any offices under the Public Service Commission, the Teaching Service Commission, the Judicial Service Commission and the Police and Prison Service Commission and includes any office in the defence forces;
 - “Commission” means the Salaries and Conditions of Service Commission established under section *three*;
 - “employee” means an employee in the Civil Service or of a parastatal body;
 - “member” means a member of the Commission appointed under section *four*;
 - “parastatal body” means—
 - (a) any company, association, statutory board or corporation, or any institution of learning in which the State has a majority or controlling interest;

(b) any company, association, statutory board or corporation, or any institution of learning in which the State holds any interest and which the President may, by statutory order, declare to be a parastatal body;

“ public officer ” means any person who is a member of, or holds office in, or is employed in, the Public Service whether such membership, office or employment is permanent or temporary, full or part-time, paid or unpaid; and “ public office ” shall be construed accordingly;

“ Public Service ” means the Civil Service and service in a parastatal body;

“ Secretary ” means the person appointed secretary to the Commission under section *fourteen*;

“ terms and conditions of service ” includes salaries, salary scales, allowances, emoluments and benefits of whatever nature;

(2) This Act shall apply to classified daily employees engaged by the Government.

(3) In this Act reference to an office in the public service shall not be construed as including references to the office of the Attorney-General, or a member of any Commission established by the Constitution or to the office of the Clerk of the National Assembly or any office in the department of the Clerk of the National Assembly.

(4) The President may exempt from the provisions of this Act all employees, or any particular category of employees in the Civil Service or of a parastatal body.

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PART II

SALARIES AND CONDITIONS OF SERVICE COMMISSION

Establishment of Commission

3. There is hereby established the Salaries and Conditions of Service Commission.

Composition of Commission and appointment of members

4. (1) The Commission shall consist of a Chairman and six other members.

(2) The President shall appoint the members of the Commission on such terms and conditions as he may determine.

(3) A member shall, subject to the other provisions of this section, hold office for four years but shall be eligible for re-appointment on the expiry of his term of office.

(4) A person shall not be qualified for appointment as a member of the Commission if—

(a) he is a member of the National Assembly;

- (b) he is a public officer;
- (c) he is a member of a commission established by the Constitution;
- (d) he is a member of a trade union as defined in the Industrial Relations Act;
- (e) he is an officer of, or in the employment of, any political party;
- (f) he is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind;
- (g) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Zambia;
- (h) he is sentenced to a term of imprisonment of, or exceeding six months; or
- (i) his freedom of movement is restricted or he is detained under the authority of any law in force in Zambia.

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(5) Subject to the other provisions of this section, the office of a member shall become vacant—

- (a) at the expiration of four years from the date of his appointment;
- (b) if any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment as such;
- (c) if he dies; or
- (d) if he resigns or is removed from office.

(6) A member may resign upon giving one month's notice in writing to the President and may be removed by the President at any time.

(7) Whenever the office of a member becomes vacant before the expiry of the term provided in subsection (3), the President may appoint another person to be a member:

Provided that such other person shall hold office only for the unexpired term of office of the person who vacated the office.

5. (1) The functions of the Commission shall be to—

- (a) determine and review salaries and conditions of service for public officers who are not members of a trade union or similar organisation;
- (b) approve, either without amendment or with such amendments as it thinks fit, or to refuse to approve, the terms and conditions of service for public officers who are members of a trade union or similar organisation; and

Functions
of
Commission

(c) perform such other duties relating to the Public Service as the President or the Prime Minister may refer to it.

(2) Any salaries or conditions of service determined by the Commission may be given retrospective effect.

(3) Notwithstanding anything to the contrary, contained in any other written law, any public officer who has charge of documents which might aid the Commission carry out its functions shall permit the Commission or an officer authorised by the Commission to inspect those documents and have custody of any copy of such documents, where necessary.

(4) In carrying out its functions under this Act, the Commission shall—

(a) work in close co-operation with the relevant Ministry or departments of the Government or parastatal body;

(b) ensure, as far as possible, that there shall be substantial parity in the terms and conditions of service throughout the Public Service.

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(5) The powers of the Prices and Incomes Commission as specified in the Industrial Relations Act shall not apply to the functions of the Commission under this Act.

(6) The Commission may receive written submissions and hear evidence regarding salaries and conditions of service from the public, any public officer or from any trade union or other similar organisation representing employees in the Public Service.

(7) The President may give to the Commission such general or specific directions with respect to the carrying out of the functions of the Commission as he may consider necessary and the Commission shall give effect to such directions.

Proceedings
of
Commission

6. (1) Subject to the other provisions of this Act, the Commission may regulate its own procedure.

(2) Upon giving notice of not less than fourteen days, a meeting of the Commission may be called by the Chairman and shall be called if not less than three members so request in writing:

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

(3) Three members shall form a quorum at any meeting of the Commission.

(4) There shall preside at any meeting of the Commission—

(a) the Chairman; or

(b) in the absence of the Chairman such member as the members present may elect for the purpose of that meeting.

(5) A decision of the Commission on any question shall be by a majority of the members present and voting at a 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 Commission may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Commission but that person shall have no vote.

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

(8) The Commission shall cause minutes to be kept of the proceedings of every meeting of the Commission.

7. (1) If a person is present at a meeting of the Commission or at which any matter is the subject of consideration and in which the person or his spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting disclose such interest and shall not, unless the Commission otherwise directs, take part in any consideration or discussion of, or vote on, any question touching the matter.

Disclosure
of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

8. No action or other proceedings shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity

9. (1) No person shall, without the consent in writing given by or on behalf of the Commission, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of, his duties under this Act.

Prohibition
of publi-
cation or
disclosure of
information
to
unauthorised
persons

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand Kwacha or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both.

Negotiations with trade unions

10. Nothing contained in this Act shall prohibit a parastatal body or the government from negotiating terms and conditions of service of its employees with a trade union or similar, organisation representing such employees; but it shall be the duty of the parastatal body or the government, within one month of an agreement with the trade union or similar organisation, to submit the agreement or any amendment to an agreement to the Commission and paragraph (b) or subsection (1) of section five shall apply to the agreement or amendment.

Offences relating to giving of false information

11. Any person who, in connection with the exercise of any function of the Commission, wilfully gives to the Commission or any member thereof, any information which he knows to be false or misleading in any material particular shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four hundred kwacha or to imprisonment for a term not exceeding two years, or to both.

Certain communications to be privileged

12. Notwithstanding anything to the contrary contained in any other written law, except under a court order, no person shall, in any legal proceedings, be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission or any member or employee thereof and any parastatal body or the Government or any public officer, or between the members and employees of the Commission in exercise of, or in connection with the exercise of, any of the functions of the Commission, unless the Chairman has consented in writing to such production or disclosure.

Offences of influencing or attempting to influence Commission

13. Any person who otherwise than in the course of his duties directly or indirectly by himself or by any other person, in bad faith, influences or attempts to influence any decision of the Commission shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four hundred kwacha or to imprisonment for a term not exceeding two years, or to both:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any office or prohibit any person from supplying any information or assistance upon a formal request made by the Commission.

Secretary and other staff

14. (1) There shall be a Secretary to the Commission who shall be appointed by the President on such terms and conditions as the President may determine.

(2) The Secretary shall be, subject to the other provisions of this Act and the general directions of the Commission, responsible for the administration of the day-to-day affairs of the Commission.

(3) The Commission may, with the approval of the President appoint, on such terms and conditions as it may determine such other staff as it considers necessary for the performance of the functions of the Commission.

15. (1) The funds of the Commission shall consist of such moneys as may be appropriated by Parliament for the purpose of the Commission.

Funds of
the
Commission

(2) There shall be paid from the funds of the Commission —

(a) transport, subsistence and other allowances for the members and staff of the Commission when engaged on the business of the Commission at such rate as the Prime Minister may determine; and

(b) any other expenses incurred by the Commission in the performance of its functions.

16. The financial year of the Commission shall be the period of twelve months ending on the 31st December, in each year.

Financial
year

17. The Commission shall cause to be kept proper books of account and other records relating to its accounts.

Accounts

18. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Commission shall submit to the Prime Minister a report concerning its activities during that financial year.

Annual
report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Commission and there shall be appended thereto—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information as the Prime Minister may require.

(3) The Prime Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

19. The Commission may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act.

Regulations

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

The second section details the various methods used to collect and analyze the data. It describes how the information is organized into categories and how statistical analysis is applied to identify trends and patterns. The goal is to provide a clear and concise summary of the findings.

The third part of the report focuses on the results of the study. It presents the key findings and discusses their implications. The data shows a significant increase in certain areas, which may be attributed to the changes implemented during the period of observation.

The final section provides a conclusion and offers recommendations for future research. It suggests that further studies should be conducted to explore the long-term effects of the interventions and to identify any potential limitations of the current study.