

Zambia

Zambia Institute of Human Resources Management Act, 1997

Chapter 147

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Zambia Institute of Human Resources Management Act, 1997

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Zambia

Zambia Institute of Human Resources Management Act, 1997

Chapter 147

Commenced on 18 April 1997

[This is the version of this document from 18 April 1997.]

[Act 11 of 1997]

An Act to establish the Zambia Institute of Human Resources Management; to provide for its functions; to provide for its membership and organisation; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Zambia Institute of Human Resources Management Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"Code of Conduct" means the code of conduct referred to in section twenty-eight;

"Council" means the Human Resources Management Council of the Institute established under section eighteen;

"Councillor" means a member of the Council referred to in paragraph (1) of the First Schedule;

"Chairman" means the Chairman of the Disciplinary Committee elected under section twenty;

"Deputy Registrar" means the Deputy Registrar of the Institute appointed under sub-paragraph (1) of paragraph (8) of the First Schedule;

"Disciplinary Committee" means the Disciplinary Committee constituted under section twenty;

"Infamous conduct" means a breach of the Code of Conduct referred to in section twenty-eight;

"Institute" means the Zambia Institute of Human Resources Management constituted under section three;

"member" means a member of the Institute and "membership" shall be construed accordingly;

"President" means the President of the Institute elected under sub-paragraph (2) of paragraph (1) of the First Schedule;

"Registrar" means the Registrar of the Institute appointed under sub-paragraph (1) of paragraph (8) of the First Schedule;

"Secretary" means the Secretary of the Council elected to the Council under sub-paragraph (2) of paragraph (1) of the First Schedule;

"Treasurer" means the Treasurer of the Council elected to the Council under sub-paragraph (2) of paragraph (1) of the First Schedule;

"Vice-President" means the Vice-President of the Council elected under sub-paragraph (2) of paragraph (1) of the First Schedule;

"Vice-Secretary" means the Vice-Secretary of the Council elected to the Council under sub-paragraph (2) of paragraph (1) of the First Schedule; and

"Vice-Treasurer" means the Vice-Treasurer of the Council elected under sub-paragraph (2) of paragraph (1) of the First Schedule.

Part II – The Zambia Institute of Human Resources Management

3. Constitution of Institute

There is hereby constituted the Zambia Institute of Human Resources Management.

4. Functions of Institute

The functions of the Institute shall be to—

- (a) carry out training of persons involved in human resources management;
- (b) raise the standard of human resources management as a means of increasing productivity and efficiency;
- (c) carry out research related to human resources management in order to develop human resources management in Zambia;
- (d) publish a journal of the Institute, and collect, collate and publish other information of service and interests to the Institute;
- (e) encourage, uphold and improve the standards of training and professional ability of persons engaged in human resources management and industrial relations;
- (f) maintain close contact with technical colleges, universities, professional institutions, government departments, commercial institutions and similar international institutions so as to improve the quality of human resources management;
- (g) undertake and execute any trusts which are conducive to any of the objects of the Institute;
- (h) take proper action on all matters affecting the duties and responsibilities of its members; and
- (i) do all such other things as are incidental to the foregoing or conducive to the attainment of the objectives of the Institute.

Part III – Membership

5. Classes of membership

- (1) There shall be six classes of membership of the Institute, namely: Honorary Fellow, Member, Associate, Affiliate and Student.
- (2) A person making an application for membership of the Institute shall produce such documents as the Council may require.

6. Honorary Fellow member

The members may, in special cases, by a vote of two-thirds of the members present and voting at a meeting of the Institute, elect an Honorary Fellow member from persons working in the field of human

resources management or persons holding positions in general management, where such persons has been recommended by at least two fellow members, and—

- (a) has published articles of a professional nature in field of human resources management training, industrial relations or general management; or
- (b) has conducted research in matters relating to human resources management training, industrial relations or general management, and has published the same.

7. Fellow member

The Council may, on merit, confer Fellow membership on a member for outstanding contribution to human resources management where such person has practised human resources management as a human resources manager, consultant, director or senior member at management level for not less than ten years.

8. Member

A person may on application to the Council be admitted as a member if such person—

- (a) is engaged in human resources management or in a specialised field associated with human resources management;
- (b) has passed such examination as may be set by the Council;
- (c) has performed executive or advisory duties related to human resources management at a senior level for at least five years; and
- (d) is supported by at least one Fellow.

9. Associate member

- (1) A person may, on application to the Council, be admitted as an Associate member if such person is engaged in human resources management or a specialised field associated with human resources management at the time of application.
- (2) A person who applies to be admitted to the Institute as an Associate member shall, in addition to the qualifications referred to in subsection (1)—
 - (a) have attained a minimum educational level of General Certificate of Education or its equivalent; and
 - (b) have passed qualifying examinations determined by the Council.

10. Affiliate member

- (1) The Council may confer Affiliate membership on a person if such person has submitted to the Secretary a written application for membership and—
 - (a) is engaged in a field in which knowledge of the principles of human resources management is required; or
 - (b) has experience in the fields of human resources management, but has not been able to practise the profession due to age, lack of qualification or inadequate length of such experience and is not qualified for any other grade of membership.
- (2) A person who applies for admission as an Affiliate member shall, in addition to the qualifications referred to in subsection (1)—
 - (a) have obtained a General Certificate of Education or its equivalent; and

- (b) hold a certificate in human resources management from an institution that is recognised by the Council.

11. Student member

- (1) The Council may admit a person as a Student member if such person—
 - (a) has submitted to the Secretary a written application for membership; and
 - (b) is following an approved course of study in human resources management in preparation for an examination required by the Council to be passed by student who intend to qualify for a career in human resources management.
- (2) A person who applies for admission as a Student member shall, in addition to the qualifications referred to in subsection (1)—
 - (a) have obtained a General Certificate of Education or its equivalent; and
 - (b) be supported by the establishment conducting the course of study referred to in paragraph (b) of subsection (1).

12. Admission fee

An application for membership as a Fellow, Member, Associate, Affiliate or student member shall be accompanied by an admission fee and such other fees as may be determined by the Council.

13. Sponsorship

The Council may sponsor candidates in order for them to study any course approved by the Institute.

14. Annual subscription

- (1) Every member shall on or before the fourteenth day of January each year, pay such annual subscription as the Council may determine.
- (2) The Council shall, on the payment of an annual subscription in subsection (1), issue a certificate to such paid up member, and the Registrar shall—
 - (a) keep a register in which the name of a member shall be entered;
 - (b) show against the name of the member who is entered in the register, such particulars as the Registrar may consider necessary; and
 - (c) enter any changes made in relation to those particulars.
- (3) A member who pays a subscription fee after the date stipulated in subsection (1) shall, in addition to the subscription fee, pay such late registration fee as may be determined by the Council.

15. Honorary Fellow not to pay annual subscription fee

Notwithstanding section fourteen, an Honorary Fellow member shall not pay an annual subscription.

16. Designation of members

- (1) A member, other than an Affiliate member or Student member, shall be entitled to use the following terms after that member's name—
 - (a) Honorary Fellow as "Honorary Fellow of the Zambia Institute of Human Resources Management" or by the abbreviation "Hon. F.Z.I.H.R.M.";

- (b) Fellow as "Fellow of the Zambia Institute of Human Resources Management" or by the abbreviation "F.Z.I.H.R.M.";
 - (c) Member as "Member of the Zambia Institute of Human Resources Management" or by the abbreviation "M.Z.I.H.R.M."; and
 - (d) Associate as "Associate of the Zambia Institute of Human Resources Management" or by the abbreviation "A.Z.I.H.R.M.."
- (2) An Affiliate member or Student member shall be entitled to receive all notices of and to attend an annual general meeting of the Institute and to enjoy all other privileges of membership, except that an Affiliate member or Student member shall not have any right to vote at an annual general meeting of the Institute or to serve on the Council, or on any committee other than a student committee of the Council, or as a representative of the Council on any board, committee or other body.

17. Penalty for improper use of title or description

Any person who, not being authorised to do so, uses the title or description Honorary Fellow, Fellow, Member, Associate, Affiliate or Student of the Zambia Institute of Human Resources Management, or the authorised abbreviations designating any of the titles under subsection (1) of section sixteen shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

Part IV – The Human Resources Management Council

18. Establishment of Council

- (1) There is hereby established the Human Resources Management Council which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power subject to the provisions of this Act, to do all such things as a body corporate may by law do or perform.
- (2) The First Schedule shall apply to the composition of the Council, the proceedings, funds and other matters of the Council.

19. Functions of Council

The functions of the Council shall be to—

- (a) set minimum educational and other qualifications or requirements of persons seeking enrollment as students of the Institute;
- (b) enrol students of human resources management and to keep a register of all such enrolled students;
- (c) determine fees to be paid by any member or other person in respect of courses and examinations set by the Council;
- (d) set and establish such course of study or syllabus whether graduate post-graduate or otherwise as it considers necessary;
- (e) confer certificate on persons who are successful candidates conducted by the Council; and
- (f) do all such other things as are incidental to the foregoing or conducive to the attainment of the objectives of the Institute.

Part V – The Disciplinary Committee

20. Disciplinary Committee

- (1) There shall be a disciplinary Committee of the Council.
- (2) The Disciplinary Committee shall consist of—
 - (a) not more than five and not less than two other members, who shall be appointed by the Council; and
 - (b) a representative of the Attorney-General.
- (3) The members of the Disciplinary committee shall elect the Chairperson from amongst themselves.

21. Functions of Disciplinary Committee

- (1) The functions of the Disciplinary Committee shall be to—
 - (a) hear and determine any complaint or allegation against a member of the Institute; and
 - (b) do all such things as are incidental or conducive to the attainment of the functions of the Committee.

22. Proceedings of Disciplinary Committee

- (1) At any meeting of the Disciplinary Committee, three members shall form a quorum.
- (2) The Chairman shall preside at any meeting of the Disciplinary Committee or in the absence of the Chairman, such member as the members present may elect for the purposes of that meeting.
- (3) Any question proposed for decision by the Disciplinary Committee shall be determined by a vote of the members present and voting at a meeting of the Committee.
- (4) At all meetings of the Disciplinary committee, each member present shall have one vote on a question proposed for decision by the Committee and, in the event of an equality of votes, the person presiding at the meeting shall, in addition to a deliberative vote, have a casting vote.
- (5) The Disciplinary Committee shall—
 - (a) allow the offender to make a statement or explanation; and
 - (b) establish whether the alleged breach has been proved or not.

23. Inquiries by Disciplinary Committee and penalties

- (1) If any member is, after due inquiry, found by the Disciplinary Committee to have been guilty of infamous conduct in any professional respect, the Disciplinary Committee may, if it considers appropriate, impose one or more of the following penalties—
 - (a) direct the de-registration of that member;
 - (b) censure such member;
 - (c) warn the member and suspend any further action against that member for one year depending on that member's conduct during the suspension of such action;
 - (d) order the member to pay a fine to the Council and any costs incidental to the proceedings incurred by the Council;
 - (e) expel the member; or

- (f) take such other action as it may consider necessary.
- (2) If any university, or other examining authority, having granted to any person a qualification upon which that person was registered under this Act exercises any power conferred by law of disqualifying such person and notifies the Council of the Disqualification—
 - (a) the Registrar shall make a note of the fact in the register, and
 - (b) if the said university, or other examining authority notifies to the Council the findings of fact on which the decision to disqualify the person was based, the findings may, be treated as conclusive of the facts found for the purposes of any inquiry whether that member has been guilty of infamous conduct in any professional respect.
- (3) If, after due inquiry, the Disciplinary Committee is satisfied that during the period of any postponement under paragraph (c) of subsection (1) a member has not complied with the conditions imposed thereunder, the Disciplinary Committee may, impose any of the penalties specified in paragraphs (a), (b), (d), or (e) of that subsection.
- (4) A certificate under the hand of the President that any costs have been ordered to be paid by a member under this section shall be conclusive evidence thereof.

24. Erasures from registration on grounds of fraud or error

The Disciplinary Committee may direct the Registrar to de-register a member if it is proved to the satisfaction of the Disciplinary Committee that any entry made in such register has been made fraudulently, or incorrectly or if such member is found guilty of an offence under this Act.

25. Re-registration

- (1) A member may be re-registered:
Provided that—
a member shall not be re-registered except by an application in that behalf to the Disciplinary Committee, if such member is de-registered on the ground of fraud.
- (2) The Disciplinary Committee may, if it considers necessary, direct that a member shall not be re-registered until the expiration of such period as may be specified in the direction on any application by a member for re-registration.
- (3) Subject to subsection (4), the Disciplinary Committee may, at any time direct the Registrar to re-register a member on the register where a member has been de-registered from such register.
- (4) An application for the re-registration of a member on a register shall not be made to the Disciplinary Committee—
 - (a) before the expiration of six months from the date of de-registration; or
 - (b) in any period of six months in which such application has already been made by or on behalf of the member who has been de-registered.
- (5) A member shall pay to the Council on the re-registration of such member, such re-registration fee as may be determined by the Council.

26. Appeals

- (1) Where the Disciplinary Committee—
 - (a) makes a finding and imposes a penalty on a registered member;
 - (b) directs the de-registration of a member from the register; or

- (c) rejects an application for the re-registration of a member on the register;
- the Registrar shall give the member to whom the proceedings relate, notice in writing and such member may, within thirty days of the date on which the notice was given, appeal to the Council.
- (2) The Council may, on appeal against the findings or orders of the Disciplinary Committee—
 - (a) confirm, vary or set aside any findings made, penalty imposed or direction given by the committee; or
 - (b) refer the matter back to the Disciplinary committee for further consideration.
 - (3) A direction for the de-registration of a registered member from a register shall not take effect until the expiration of the time for appealing or, if any appeal is brought, until the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.
 - (4) Any member who is still aggrieved by the decision of the Council may within thirty days appeal to the High Court.

27. Rules relating to disciplinary procedure

The Disciplinary Committee shall before taking any disciplinary action—

- (a) give the member at least fourteen days' notice of the time and place of the proceedings;
- (b) serve the member with the notice in compliance with this Act;
- (c) give the member an opportunity to decide whether to appear in person or by a legal representative or to make written submissions; and
- (d) make the member aware of the member's right to call witnesses and to be assisted by another member during the proceedings.

Part VI – Miscellaneous

28. Rules

The Council may make rules for the better carrying out of the provisions of this Act, and in particular shall have power to—

- (a) lay down the Code of Conduct, and other guidelines to good practice;
- (b) determine the procedure for annual general meetings;
- (c) determine the voting procedure at annual general meetings;
- (d) lay down the forms in which a member may appoint a proxy to vote on a member's behalf at general meetings;
- (e) regulate the manner of conducting proceedings of the Council;
- (f) stipulate the conditions for sponsorship of members to study human resources management and related subjects at recognised establishments;
- (g) provide for matters in respect of the organisational structure of the Institute;
- (h) state the objects of the functional committees of the Institute; and
- (i) make provision concerning all such matters as are required or permitted to be prescribed under this Act.

29. Savings

The savings and transitional provisions shall be set out in the Second Schedule.

First Schedule (Section 18 (2))

1. Composition of Council

- (1) The Council shall consist of the following Councillors—
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Secretary;
 - (d) the Treasurer;
 - (e) the Vice-Secretary;
 - (f) the Vice-Treasurer;
 - (g) two other members; and
 - (h) a representative of the Attorney-General.
- (2) Except for the Councillor referred to in sub-paragraph (h) of paragraph (1) the Councillors referred to above shall be elected by secret ballot at an annual general meeting.

2. Tenure of office

- (1) A councillor shall hold office for two years and may be re-elected or re-appointed, as the case may be.
- (2) If a Councillor resigns or ceases to hold office more than six months before the next annual general meeting, an extraordinary meeting of the Institute shall be held for the purpose of electing a successor, who shall hold office for the remainder of the term.

3. Vacation of office

- (1) The office of a Councillor shall become vacant—
 - (a) if such Councillor is adjudged bankrupt;
 - (b) if such Councillor is adjudged or otherwise declared to be of unsound mind;
 - (c) if such Councillor is absent without prior approval of the Council from three consecutive meetings of the Council, of which due notice was given to such Councillor;
 - (d) upon the expiry of not less than one month's notice in writing, of that Councillor's intention to resign given by the Councillor to the President; or
 - (e) if such Councillor ceases to be a member of the Institute.

4. Seal of the Council

- (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.
- (2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Secretary or one other person authorised in that behalf by a resolution of the Council.

- (3) Any document purporting to be a document executed under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be so executed or issued as the case may be, without further proof, unless the contrary is proved.

5. Proceedings of Council

- (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.
- (2) The Council shall, for transaction of business, meet at least twice in every calendar year at such places and at such times as the President may determine.
- (3) Five Councillors shall constitute a quorum at any meeting of the Council.
- (4) Subject to sub-paragraph (5), the Council shall, upon giving notice of not less than fourteen days, call a special meeting of the Council if not less than five Councillors so request in writing.
- (5) If the urgency of any particular matter does not permit the giving of the notice referred to in sub-paragraph (4), a special meeting may be called upon giving shorter notice.
- (6) There shall preside at a meeting of the Council the President or, in the absence of the President, the Vice-President or, in the absence of both, such Councillor as the Councillors present may elect for the purposes of that meeting.
- (7) A decision of the Council on any question shall be by a majority of the Councillors present and voting at the meeting and in the event of an equality of votes the Councillor presiding at the meeting shall have a casting vote in addition to that Councillor's deliberative vote.
- (8) 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 a person shall have no vote.
- (9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any Councillor.
- (10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

6. Committees of Council

- (1) The Council may, for the purposes of performing its functions under this Act, appoint committees and delegate to any such committees such of its functions as it considers necessary.
- (2) The Council may appoint as members of a committee established under sub-paragraph (1) persons who are, or are not Councillors, and such persons shall hold office for such period as the Council may determine.
- (3) Subject to specific or general directions of the Council any committee established under sub-paragraph (1) may regulate its own procedure.

7. Disclosure of interest

- (1) If any person is present at a meeting of the Council at which any matter in which that person or that person's spouse is directly interested, such person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.
- (2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

8. Registrar and other staff

- (1) There shall be a Registrar and a Deputy Registrar of the Institute who shall be appointed by the Council.
- (2) The Council may appoint, on such terms and conditions as it may determine, such other staff as it may consider necessary.

9. Funds of Council

- (1) The funds of the Council shall consist of such moneys as may—
 - (a) be paid as subscriptions by members;
 - (b) be paid to the Council by way of grants or donations; or
 - (c) otherwise vest in or accrue to the Council.
- (2) The Council may—
 - (a) borrow or raise or secure the payment of money for the purpose of the functions of the Institute and the Council and mortgage and charge the Institute or all or any of its movable and immovable property;
 - (b) negotiate loans of every description and receive the money on deposit or loan upon such terms as the Council may approve;
 - (c) charge and collect fees in respect of seminars, programmes, publications, consultancy services or such other services as may be provided by the Institute;
 - (d) collect registration fees and annual subscriptions from members of the Institute;
 - (e) acquire and hold shares, stocks or debenture stocks in any company or corporation whether incorporated in Zambia or elsewhere, or any bonds, or securities of any public body or authority.
- (3) The Council may invest in such manner as it considers necessary such of its funds as it does not immediately require for the performance of its functions.
- (4) The funds of the Council shall be used to further the objectives of the Institute.

10. Financial year

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

Second Schedule (Section 29)

Savings and transitional provisions

1. Interpretation

In this Schedule—

"**appointed date**" means such date as the Minister may appoint under section one;

"**Former Institute**" means the Zambia Institute of Personnel Management; and

"**Executive Committee**" means the office bearers of the Zambia Institute of Personnel Management.

2. Member of Institute before commencement of Act to be member of Institute in corresponding class after commencement of Act

- (1) Any person who immediately prior to the commencement of this Act was an Honorary Fellow, Fellow, Member, Associate, Affiliate or Student of the former Institute shall be deemed as from the commencement of this Act to be an Honorary Fellow, Fellow, Member, Associate, Affiliate or Student of the Institute, respectively, under this Act.
- (2) A person who immediately before the appointed date held office as a member of the Executive Committee of the former Institute, shall hold office, subject to this Act, until replaced by a person elected for the purpose of paragraph (1) of the First Schedule.

3. Staff of former Institute

Nothing in this Act shall affect the rights of any person employed by the former Institute immediately before the appointed date.

4. Liabilities and obligations

On the appointed date, all property, assets, rights, liabilities and obligations of the former Institute as registered under the Companies Act, shall vest in the Council established by this Act.

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5.

Any proceedings or cause of action instituted or pending by or against the former Institute as registered under the Companies Act, immediately prior to the appointed date, shall continue as if instituted under this Act.