

GOVERNMENT OF ZAMBIA

ACT

No. 10 of 2004

Date of Assent: 2 September, 2004

**An Act to amend the Employment of Young Persons and
Children's Act**

[8th September, 2004

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Employment of Young Persons and Children (Amendment) Act, 2004, and shall be read as one with the Employment of Young Persons and Children Act, in this Act referred to as the principal Act.

Short title

Cap. 274

2. The principal Act is amended in the long title by the insertion immediately after the words " and children " of the words " to implement the International Labour Organisation Convention on Minimum Age and the International Labour Organisation Convention on the Worst Forms of Child Labour ".

Amendment
of long title

3. Section *two* of the principal Act is amended—

Amendment
of section 2

(a) in the definition of " child " by the deletion of the word " fourteen " and the substitution therefor of the word " fifteen ";

(b) by the insertion in the appropriate place of the following new definitions:

" covered worksite " means any public or private undertaking and includes any commercial, agricultural or domestic worksite and any undertaking in which only members of the same family are employed;

“ worst form of labour ” includes—

- (a) all forms of slavery and all practices similar to slavery, such as the sale and trafficking of children and young persons, debt bondage, serfdom, forced and compulsory labour and forced or compulsory recruitment of children and young persons for use in armed conflict;
- (b) the use, procuring or offering of a child or young person for prostitution, production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child or a young person for illicit activities, such as the production and trafficking of illegal drugs; and
- (d) work that by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children or young persons;
- (e) by the deletion of the definition “ young person ” and the substitution therefor of the following:

“ young person ” means a person aged between fifteen and eighteen years old.

Amendment of section 4

4. Section *four* of the principal Act is amended in subsection (1)—

- (a) by the deletion of the comma after the word “ thereof ” and the substitution thereof of a full-stop; and
- (b) by the deletion of the words “ other than an undertaking in which only members of the same family are employed ”.

Insertion of new section 4A and 4B

5. The principal Act is amended by the insertion immediately after section *four* of the following new sections:

Prohibition of employment of child

4A. (1) Subject to subsection (2), a child shall not be employed in any covered worksite.

(2) Notwithstanding subsection (1), a child aged between thirteen and fifteen years may be lawfully engaged in light work—

(a) which is not likely to be harmful to that child's health or development; and

(b) is not prejudicial to that child's—

(i) attendance at an institution of learning;

(ii) participation in vocational orientation or training approved by a competent authority or that child's capacity to benefit from the institution received.

(3) The provisions of subsection (1) shall not apply to—

(a) work constituting the participation of the child in artistic performances in accordance with a statutory instrument, issued by the Minister, prescribing—

(i) the number of hours to be worked;

(ii) the conditions in which the work may be undertaken; and

(iii) such other matters as the Minister may consider necessary; and

(b) work done by a child as part of the child's education provided that such work is approved and supervised by the Permanent Secretary, some other person appointed by the Permanent Secretary for such purpose, or a person in charge of an institution of learning.

(4) A person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(5) In this section, "light work" means such work as the Minister may, by statutory instrument, determine to be light work.

4B. (1) Notwithstanding anything in this Act, a child shall not be employed in any type of employment or work which by its nature or the circumstances in which it is carried out constitutes a worst form of labour.

Prohibition
of
employment
of child in
worst form
of labour

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not less than two hundred thousand penalty units but not exceeding one million penalty units, or to imprisonment for a term not less than five years but not exceeding twenty-five years, or to both.

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(Amendment)

Amendment of section 7 6. Section *seven* of the principal Act is amended by the deletion of the words "other than an undertaking in which only members of the same family are employed".

Amendment of section 17 7. Section *seventeen* of the principal Act is amended by the insertion immediately after subsection (3) of the following new subsection:

(4) Notwithstanding subsection (1), an undertaking may employ a young person in work of artistic performance for which express written permission prescribing the number of hours to be worked and the conditions under which the young person shall work has been given by the Minister.

Insertion of new section 17B. 8. The principal Act is amended by the insertion immediately after section *seventeen* A the following new section:

Prohibition of employment of young person in worst form of labour

17B. Notwithstanding anything in this Act, a young person shall not be employed in any type of employment or work which by its nature or the circumstances in which it is carried out constitutes a worst form of labour.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand penalty units, or exceeding one million penalty units, or to imprisonment for a term of not less than five years but not exceeding twenty-five years, or to both."
