

GOVERNMENT OF ZAMBIA

ACT

No. 8 of 2008

Date of Assent: 24th September, 2008

An Act to amend the Industrial and Labour Relations Act.

[26th September, 2008

ENACTED by the Parliament of Zambia

Enactment

1. (1) This Act may be cited as the Industrial and Labour Relations (Amendment) Act, 2008, and shall be read as one with the Industrial and Labour Relations Act, in this Act referred to as the principal Act.

Short title

Cap. 269

2. Section *three* of the principal Act is amended—

Amendment

of section 3

(a) by the deletion of the definition of “bargaining unit” and the substitution therefor of the following:

“bargaining unit” means—

(a) the management of the undertaking and the most representative trade union representing employees in the undertaking where collective bargaining is at the level of an undertaking, other than an industry; or

(b) the negotiating team representing the employers’ organisation and the negotiating team representing the most representative trade union in the industry concerned where collective bargaining is at the level of an undertaking or industry;

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

“dispute” means a disagreement on any matter pertaining to employment relationship by the parties to a recognition or collective agreement;

“management” in relation to an employee, means a person—

(a) who is the head of an institution or undertaking and has authority to hire,

Amendment
of section 78

18. Section *seventy-eight* of the principal Act is amended-

(a) in subsection (1)—

- (i) by the deletion of the words “ the parties” and the substitution therefor of the words “either party”;
- (ii) by the deletion of the word ‘or’ in paragraph (a);
- (iii) by the deletion of the full stop at the end of paragraph (b) and the substitution therefor of a semi-colon and the word “or”; and
- (iv) by the insertion immediately after paragraph (b) of the following new paragraph:

(c) refer it to arbitration and the provisions of the Arbitration Act shall apply accordingly;

(b) in subsection (4), by the deletion of the words “ may continue for an indefinite period during which the dispute remains unresolved” and the substitution therefor of the words “ shall continue for a period of fourteen days after which the dispute shall if it remains unresolved, be referred to the Court”; and

(c) in subsection (5), by the insertion of the words “or after” after the word “before”.

Act No. 19
of 2000

Amendment
of section 85

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

(3) The Court shall not consider a complaint or an application unless the complainant or applicant presents the complaint or application to the Court—

(a) within ninety days of exhausting the administrative channels available to the complainant or applicant; or

(b) where there are no administrative channels available to the complainant or applicant, within ninety days of the occurrence of the event which gave rise to the complaint or application:

Provided that—

- (i) upon application by the complainant or applicant, the Court may extend the period in which the complaint or application may be presented before it; and

(ii) the Court shall dispose of the matter within a period of one year from the day on which the complaint or application is presented to it.”

20. Section *eighty-six* of the principal Act is amended in subsection (1) by the deletion of paragraph (c) and the substitution therefor of the following paragraph:

Amendment
of section 86

(c) not more than ten members appointed by the Judicial Service Commission.

21. Section *one hundred and four* of the principal Act is amended by the deletion of the words “ four hundred” and the substitution therefor of the words “two hundred thousand”.

Amendment
of section
104
