

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 1 OF 1989

The Zambezi River Authority Act
(Act No. 17 of 1987)

**The Zambezi River Authority Terms and Conditions of
Service By-laws, 1989**

IN EXERCISE of the powers conferred upon the Zambezi River Authority by Article 10 of the Schedule to the Zambezi River Authority Act and with the approval of the Council of Ministers, the following By-laws are hereby made:

PART I

PRELIMINARY

1. These By-laws may be cited as the Zambezi River Authority Terms and Conditions of Service By-laws, 1989.

2. In these By-laws, unless inconsistent with the context—

“ Authority ” means the Zambezi River Authority established by the Zambezi River Authority Act, 1987;

“ Dependant ”, means—

(a) the wife of an employee;

(b) any child of an employee including an illegitimate and adopted child or stepchild, who is under the age of 18 years and wholly dependent on him;

“ employee ” means a person confirmed in a post specified in the Schedule;

“ Head of Department ” means the person having the overall responsibility for any particular department within the Authority or in the absence of such person, any person designated to act in his place;

“ leave ” means leave of absence from duty;

“ pay ” means the salary of an employee together with such allowances as may be payable to him;

Title and
commen-
ment

Inter-
prelation
Act No. 17
of 1987

“retirement age” means the age of retirement as specified in by-law six;

“working day” means any day of the week except Sunday, Saturday and Public Holidays.

PART II

GENERAL

Probation

3. (1) Subject to this section every person entering the service of the Authority shall serve a probationary period of six months unless the Authority expressly appoints him to the service without him having to serve such probationary period.

(2) The period referred to in sub-by-law (1) may be reduced or extended by the Authority, so however, that no probationary period shall, save in exceptional circumstances, exceed twelve months.

(3) A person serving on probation may resign by giving 24 hours notice of his intention to do so or may be discharged by the Authority upon like notice.

(4) A person shall not be confirmed to the service of the Authority unless he has passed a medical examination by a medical practitioner appointed or specifically approved by the Authority.

Additional remuneration

4. Save as may otherwise be prescribed, an employee shall not be entitled to additional remuneration in respect of any duty or work which he is required to perform whether during or after the normal hours of work.

Hours of work

5. The normal hours of work shall be as laid down from time to time by the Authority.

Retirement

6. (1) Subject to the provisions of by-law seven an employee may retire from service with the Authority on his 55th birthday or at any time thereafter and shall retire not later than his 60th birthday unless the Authority extends his retirement age in accordance with sub-by-law (2).

(2) The Chief Executive may, upon application made by an employee, at any time during the six months following his fifty-ninth birthday, extend the employee's retirement age to later than his sixty-fifth birthday.

(3) By-law seven relating to period of notice shall apply, with necessary modifications, to an employee wishing to retire in terms of this section:

Provided that for an employee listed in Parts C and D of the Schedule whose services have been extended under sub-by-law (2), the period of notice shall be three months.

7. (1) An employee wishing to resign from the services of the Authority shall give notice in writing to his Head of Department of his intention to do so. Notice of resignation

(2) The period of notice to be given in terms of sub-by-law (1) shall be—

- (a) in the case of an employee in a post listed in Part A and B of the Schedule, three calendar months;
- (b) in the case of any employee in a post listed in Part C and D of the Schedule, one calendar month or such longer period as the Authority may determine at the time of such employee's appointment.

Provided that—

- (i) the Authority may permit an employee to resign without giving notice or upon giving such shorter notice as the Authority may determine;
- (ii) any period spent on annual leave shall not form part of the last month of the period of notice;
- (iii) an employee may surrender one month's salary in lieu of notice.

8. (1) The Authority may at any time discharge an employee by giving him— Discharge

- (i) such period of notice in writing as is equivalent to the notice which that employee is required to give in accordance with sub-by-law (2), of by-law *seven*; or
- (ii) one month's salary in lieu of notice.

(2) The Authority may take summary action as described in sub-by-law (1) of by-law *eleven* against any employee whom the Authority has found guilty of misconduct after considering—

- (i) a report by his Head of Department on the conduct of the employee; and
- (ii) any written representation made by such employee in relation to the alleged misconduct.

9. An employee shall be guilty of misconduct if— Misconduct

- (a) he absents himself from duty during working hours without permission or valid excuse;
- (b) he performs his work negligently or he fails without reasonable excuse to perform any work properly assigned to him;
- (c) he disobeys any instructions which may properly be given to him;
- (d) he becomes incompetent to perform his work or performs his work inefficiently owing to causes within his control;

to either
colleague

- (e) he is under the influence of intoxicating liquor or habit-forming drugs during working hours;
- (f) he becomes bankrupt or insolvent or has a writ of civil imprisonment or other like order issued against him;
- (g) he fails without reasonable excuse to place his time at the disposal of the Authority after normal hours of work when so required;
- (h) except with the written consent of the Authority and in accordance with such directions, if any, as may be given to him from time to time—
 - (i) he engages for profit in any business or occupation other than his official duties;
 - (ii) he is or becomes a director or engages directly or indirectly in the management or direction of any public company or syndicate;
 - (iii) he undertakes any private agency or work in any matter connected with the exercise or performance of his official duties, (other than work of a scientific, cultural or charitable nature);
- (i) except in the discharge of his official duties —
 - (i) he discloses information acquired in the course of such duties; or
 - (ii) he uses, for any purposes, information gained by or conveyed to him through his employment with the Authority notwithstanding that he does not disclose such information;
- (j) he conducts himself in a manner or is addicted to any habits unbecoming or inconsistent with the discharge of his official duties or likely to bring the Authority into disrepute;
- (k) he makes use of monies belonging to the Authority for private purposes;
- (l) he uses or disposes of any property of the Authority without lawful authority;
- (m) he fails to take reasonable care of any property of the Authority in his custody or on charge to him or to take such steps as are within his power to ensure that reasonable care is taken of any such property;
- (n) except with the written consent of the Authority and in accordance with such directions, if any, as may be given to him from time to time, he accepts valuable presents (other than the ordinary gifts of personal friends) from persons with whom he is likely to come into contact in the discharge of his duties;

equivalent

subsequent

(o) being a person to whom by-law *ten* applies, he fails to carry out the obligations imposed on him by or under that section.

10. If an employee or his spouse—

Conflict of interest

(a) acquires or holds any direct or indirect pecuniary interest in any contract or knowingly acquires or holds any direct or indirect pecuniary interest in any firm or company, applying or negotiating for a contract with the Authority; or

(b) owns any immovable property in, or has any direct or indirect pecuniary interest in, any firm or company and such ownership or interest results in the private interests of the employee coming into or appearing to come into conflict with his official duties; or

(c) has otherwise, in his private capacity, any other direct or indirect interest in any business of the Authority;

the employee shall forthwith report the facts to the Authority and shall thereafter comply with such directions in connection therewith as the Authority may from time to time give to him.

11. (1) An employee suspected of misconduct or against whom criminal proceedings have been instituted may be prohibited by the head of his department from carrying out the duties of his post, and the prohibition shall remain in force until cancelled by the Head of Department or otherwise under these By-laws.

Prohibition and suspension

(2) An employee prohibited from carrying out his duties under sub-by-law (1) shall be entitled to the full amount of his salary for the period of subsistence of the prohibition.

(3) Notwithstanding sub-by-law (1) the Authority may, on its own motion, where an employee is suspected of misconduct or against whom criminal proceedings have been instituted—

(a) prohibit that employee from carrying out the duties of his post; or

(b) order the suspension of that employee and that employee shall not carry out the duties of his post.

(4) Where an employee has been prohibited by his Head of Department under sub-by-law (1) from carrying out the duties of his post, the Authority may order the suspension of such employee and that employee shall not carry out the duties of his post.

(5) If the Authority orders the suspension of an employee who has been prohibited from carrying out the duties of his post, the prohibition by the employee's Head of Department under sub-by-law (1) shall be deemed to be cancelled with effect from the date of the Authority's order.

17 1 89
202 1 17
1989

(6) An employee in respect of whom an order of suspension has been made under sub-by law (3) or (4) shall be entitled to half his salary for the period of such suspension.

(7) If after investigation by the Chief Executive of the Authority relating to any allegation of misconduct, the Authority decides that no misconduct is disclosed or the matter is trivial then any prohibition or suspension made under this by-law shall be deemed to have been cancelled with effect from the date of the Authority's decision, and the employee shall, in the case of a suspension, thereupon be entitled to be paid the full amount of his salary for the period of the suspension less the amount paid to him under sub-by-law (6).

(8) If an employee against whom a prohibition or order of suspension has been made under this by-law on the ground that criminal proceedings were instituted against him or he is acquitted of the crime or is not brought to trial the prohibition or orders of suspension shall remain in force pending the conclusion of any proceedings that may have been taken against him on a charge of misconduct and if no such proceedings are taken the Authority shall cancel the prohibition or order of suspension and, in the case of a suspension, the employee shall thereupon be entitled to be paid the full amount of his salary for the period of suspension less the amount paid to him under sub-by-law (6).

(9) The powers of the Authority under this by-law may be exercised by the Chief Executive or some other authorised person:

(10) The Chief Executive may delegate any of his powers under this by-law to any employee of the Authority.

(11) If an employee charged with misconduct is found guilty by the Authority the Authority may cancel any prohibition or order of suspension in force under this by-law in relation to the employee and—

(a) caution or reprimand him;

(b) reprimand the employee and—

(i) transfer him to another post or grade, the salary of which is less than that received by him at the date he is found guilty of misconduct; and

(ii) order a reduction in any allowance to which he may be entitled; or

(c) call upon the employee to resign with effect from a specified date, failing which he shall be deemed to be discharged as from that date; or

(d) discharge the employee.

12. (1) If an employee is convicted of any crime the Authority may cancel from the date of conviction any prohibition or order of suspension in force under by-law eleven in relation to the employee and—

Procedure
on con-
viction for
crime

- (a) discharge the employee with effect from the date of his conviction; or
- (b) call upon the employee to resign with effect from a specified date, failing which he shall be deemed to have been discharged as from that date; or
- (c) reprimand the employee and—
- (i) transfer him to another post or grade, the salary of which is less than that received by him at the date of his conviction; and
 - (ii) order a reduction in any allowance to which he may be entitled; or
- (d) caution or reprimand him.

(2) If the Authority does not exercise the powers mentioned in paragraph (a) or (b) of sub-by-law (1), the employee shall not be entitled to his salary or any portion thereof in respect of the period of his imprisonment but the Authority may direct that he be paid an allowance in respect of that period.

13. (1) Subject to this by-law an additional one month's basic salary shall be payable annually to an employee and shall be included with the salary paid in December each year.

Additional
one month's
salary

(2) Where an employee enters the service of the Authority during the calendar year he shall be entitled to a proportion of the additional one month's basic salary based on the number of completed calendar months' service in that calendar year.

(3) No payment or proportionate payment of the additional month's basic salary shall be paid to an employee who resigns or is discharged from the service of the Authority during the course of a calendar year.

(4) The additional one month's basic salary shall not apply for the purpose of calculating of overtime or shift allowance.

(5) For the purposes of the Central African Power Corporation Pension and Life Assurance Fund Pension contributions will be deducted from the additional one month's basic salary.

14. Where the Authority does not provide accommodation to an employee the Authority shall pay to the employee a housing allowance of an amount to be determined by the Authority from time to time.

Housing
allowance

PART III

LEAVE

15. (1) Subject to the provisions of this Part, a Head of Department may grant leave with pay to an employee who has completed more than six months' service.

Grant or
refusal of
leave

(2) All leave is granted subject to the needs of the Authority and no employee is entitled to take leave at any particular time.

**Annual
leave**

16. (1) Subject to this by-law and by-law *thirty-six* an employee shall be granted, for each calendar year of service, annual leave with pay at the rates specified hereunder for each Part as listed in the Schedule—

(a) Part A	48 days
(b) Part B	42 days
(c) Part C	36 days
(d) Part D	30 days

(2) If in any calendar year an employee does not complete a calendar year's service, the leave which shall be granted to that employee in terms of sub-by-law (1) shall, for each calendar month of service be for—

(a) Part A	4 days
(b) Part B	3½ days
(c) Part C	3 days
(d) Part D	2½ days

**Maximum
continuous
period of
annual
leave**

17. (1) Subject to this Part no employee may be granted leave for a continuous period longer than that specified hereunder for each Part as listed in the Schedule—

(a) Part A	140 days
(b) Part B	120 days
(c) Part C	105 days
(d) Part D	90 days

(2) Subject to sub-by-law (3) no employee may accumulate leave in excess of the days specified hereunder for each Part as listed in the Schedule—

(a) Part A	140 days
(b) Part B	120 days
(c) Part C	105 days
(d) Part D	90 days

(3) Where an employee applies for leave and his application is not approved because of the needs of the Authority, he shall be entitled to accumulate leave above the amount of days specified in sub-by-law (2).

(4) Where an employee has been granted only part of the total leave which he has earned, he may be granted the balance later together with any further leave which he may then have earned:

Provided that an employee does not at any one time take more than the maximum amount of leave specified in sub-by-law (1).

18. (1) Sick leave may be granted to an employee—

- (a) who is ill or injured, if his illness or injury is not caused by his own negligence or misconduct;
- (b) who has undergone dental treatment;
- (c) who is on leave, if he is confined to his house or to hospital or some similar institution for a period of not less than fourteen days, but only for the period which is so confined.

Circumstances in which sick leave may be granted

(2) Subject to the provisions of sub-law (3), an employee may be granted sick leave with pay or sick leave with half pay.

(3) No employee may be granted, during the period of two years ending on the last day of the sick leave he applies for, more than a total of 184 days paid sick leave.

19. (1) Sick leave for a period not exceeding three days may be granted to an employee by a Head of Department without the production of a certificate.

Grant of sick leave

(2) Sick leave—

- (a) not exceeding a continuous period of ninety days; or
- (b) which, together with sick leave previously granted to him in the period of twelve months ending on the last day of the sick leave applied for, does not exceed a total of ninety days;

may be granted by a Head of Department to an employee on the production of a certificate of a registered medical practitioner or a registered dental surgeon or, if the Head of Department or Chief Executive of the Authority so requires, of a certificate of a medical practitioner appointed by the Authority, stating that—

- (i) the employee is unfit to discharge his duties; and
- (ii) the period of leave applied for is necessary for the recovery of the employee's health.

(3) Notwithstanding the provisions of sub-by-law (2) but subject to sub-by-law (3) of by-law *eighteen* a Head of Department may grant to an employee sick leave for any period recommended by a medical practitioner appointed by the Authority which is in excess of the periods specified in sub-by-law (2) where the medical practitioner certifies, in writing, that the employee is likely to be able to resume duty after such further period of sick leave.

20. (1) Notwithstanding receipt of a written opinion by a medical practitioner appointed by the Authority under sub-by-law (2) of by-law *nineteen*, to the effect that it is probable that an employee who is already on sick leave will not be able to

resume duty at the end of any period of sick leave and should be discharged on the grounds of ill-health, the Authority may, subject to the provisions of sub-by-law (3) of by-law *eighteen*, grant a further period of sick leave pending a decision on the findings of a majority of three medical practitioners of whom two shall be nominated by the Authority and one by the employee.

Grant of annual leave in lieu of sick leave

21. An employee who has exhausted his paid sick leave entitlement under sub-by-law (3) of by-law *eighteen* may, if he wishes, apply for and be granted such annual leave with pay as he may have earned in lieu of unpaid sick leave.

Reporting of absence from duty

22. (1) If an employee is absent from duty because of illness or injury for a period which is likely to exceed fourteen days or for a period the exact duration of which cannot be determined, he shall within fourteen days from the first day of his absence forward or cause to be forwarded to the Secretary of the Authority a duly completed certificate or absence in the form prescribed by the Authority.

(2) A Head of Department shall arrange for the completion and the forwarding of the certificate referred to in sub-by-law (1) if, owing to the serious nature of the employee's illness and the absence of any member of his family, the employee has been unable to comply with the provisions of that sub-by-law.

(3) Where an employee is absent from duty for a period of three days the appropriate Head of Department shall report immediately to the Secretary of the Authority such absence.

Employee to submit to medical examination when required by the Authority

23. An employee shall submit himself for medical examination by a medical practitioner appointed by the Authority when so required by the Authority.

Leave for urgent personal reasons

24. (1) Subject to this by-law an employee who is not eligible for leave or is eligible for leave but considers that the leave due to him is insufficient, and who wishes to be absent from duty for urgent personal reasons, may apply to his Head of Department for leave for urgent personal reasons giving full details of the circumstances involved.

(2) A Head of Department with the approval of the Chief Executive—

(a) may grant paid leave for urgent personal reasons for a period not exceeding ninety days;

(b) shall, where he considers it necessary to grant further leave for urgent personal reasons which is in excess of that granted under paragraph (b), grant such further period of unpaid leave as he considers adequate for the purpose.

(3) An employee shall only be granted leave for urgent personal reasons if such leave is taken in conjunction with any annual leave that may be available to him.

(4) Leave for urgent personal reasons with pay granted to an employee under this section shall be deducted from annual leave accumulated by that employee after his return to duty and if he retires or resigns from, or is discharged by, the Authority before accumulating a period of annual leave equivalent to the period of leave so granted the pay paid to him in respect of that period of leave for urgent personal reasons shall be a debt due by him to the Authority.

25. (1) Special leave may be granted by a Head of Department to an employee—

Special
leave

(a) for the purpose of sitting an examination necessary for his advancement in the service of the Authority:

Provided that a Head of Department shall not, except at the direction of the Authority, grant special leave to an employee sitting an examination outside Zimbabwe or Zambia;

(b) who, in circumstances approved by the Authority, on the recommendation of a medical practitioner, is absent from duty because of contact with a person having an infectious disease.

(2) Special leave not exceeding ninety days in duration may be granted to a female employee who is pregnant, commencing not more than forty-five days before the expected date of birth of her baby. Such leave may be granted only once in any one period of 24 months.

(3) Special leave granted to an employee in accordance with sub-by-laws (1) and (2) will be granted with pay.

26. (1) On the death of an employee who has served for not less than one year there shall be paid to his surviving spouse or in the absence of a surviving spouse, to his dependants, as the Authority may decide, the cash equivalent of annual leave, if any, earned by him calculated at the rate of pay received by him at the date of his death.

Benefit
payable
on death

(2) If an employee dies before receiving an additional one month's basic salary in terms of by-law *thirteen*, the surviving spouse of that employee or in the absence of a surviving spouse, his dependants, shall be paid a proportion of one month's basic salary based on the number of completed calendar months' service of the employee in the calendar year in which he dies.

27. (1) Subject to sub-by-law (2) an employee who has served for not less than one year and who is to be discharged on grounds of ill health may be granted, at his option, either—

Benefit on
discharge
for ill health

(a) such annual leave as he may have earned; or
 (b) the cash equivalent of such annual leave as he may have earned, calculated at the rate of pay received by him on his last day of duty.

(2) An employee who elects to go on leave in accordance with paragraph (a) of sub-by-law (1), but who will reach retirement age before the expiry of such annual leave shall be granted—

(a) a period of annual leave which is necessary to enable him to attain his retirement age; and

(b) the cash equivalent of the balance of any annual leave as he may have earned.

Leave
benefits on
retirement

28. Subject to by-law *seventeen* an employee who, having completed twelve months' service and having complied with any provisions applicable to him with regard to the giving of notice of retirement, retires from the service shall be granted the cash equivalent of such annual leave as may have been earned by him calculated at the rate of pay received by him on his last day of duty.

Leave
benefits on
resignation

29. Subject to by-law *seventeen* an employee who, having completed twelve months' service and having complied with any provisions applicable to him with regard to the giving of notice on resignation, resigns from the service shall be granted the cash equivalent of such annual leave as may have been earned by him calculated at the rate of pay received by him on his last day of duty.

Leave
benefit on
discharge

30. An employee who—

(a) is discharged on grounds of misconduct;

(b) resigns or is called upon to resign in order to avoid discharge on grounds of misconduct; or

(c) is discharged because he fails to perform his work in an efficient and competent manner;

shall be granted annual leave or the cash equivalent of any annual leave accrued on leaving the service.

Application
for leave
to be in
form
prescribed

31. An application for annual leave, for urgent personal matters, sick leave, or special leave shall be made in the form prescribed by the Authority.

Secretary
to be
advised of
the grant of
leave

32. A Head of Department shall ensure, by monthly return, that the Secretary is advised of the grant of leave to an employee.

33. A Head of Department shall report, without delay, to the Secretary the failure by an employee to resume duty on the expiry of his leave.

Secretary to be informed of failure to resume duty after leave

34. (1) An employee to whom annual leave has been granted shall not return to duty before the expiry of that leave except with the consent of his Head of Department.

Resumption of duty before expiry of leave

(2) If an employee to whom annual leave has been granted returns to duty in accordance with sub-by-law (1) he shall be credited with the balance of the annual leave days originally granted but not utilised.

PART IV

EMPLOYEES RETAINED FROM CENTRAL AFRICAN POWER CORPORATION

35. Notwithstanding by-law *thirty-seven*, any matter relating to the service of an employee with the Central African Power Corporation and with the Authority before the date specified in by-law *one* shall be determined in accordance with the Central African Power Corporation Conditions of Service Rules and any other relevant Rules then in force.

Former Conditions of Service

36. (1) Irrespective of the classification in the Schedule an employee of the Central African Power Corporation retained by the Authority after the 1st October, 1987, and earning leave at the rates specified in the first column shall earn leave at the rate specified in the by-law as listed in the second column.

Conversion of leave

<i>First Column</i>	<i>Second Column</i>
<i>Previous rate with Corporation</i>	<i>New rate with Authority</i>
40 working days per annum	By-law 16 (1) (a)
35 working days per annum	By-law 16 (1) (b)
30 working days per annum	By-law 16 (1) (c)
25 working days per annum	By-law 16 (1) (d)

(2) Accrued leave carried forward at the date specified in by-law *one* shall be converted on the following basis:

- (a) annual leave due to former Category 'A' and 'C' employees multiplied by five and divided by six;
- (b) vacation leave due to former Category 'B' employees multiplied by five and divided by seven;

(c) occasional leave due to former Category 'B' employees at full value and converted to annual leave.

(3) There shall be no loss of accrued leave if after conversion at the rates set out in sub-by-law (2) the total exceeds the maximum stated in sub-by-law (2) of by-law *seventeen*.

(4) In the case of former Category 'B' employees the maximum number of leave days stated in by-laws *twenty-eight* and *twenty-nine* shall be 200 working days.

Revocation

37. The Central African Power Corporation Conditions of Service Rules are hereby revoked.

SCHEDULE

Leave Days

PART A

Chief Executive	48
Secretary/Accountant	
Chief Engineer	

PART B

Senior Engineer	42
Assistant Secretary	
Assistant Accountant	
Section Engineer	
Legal Counsel	
Dam Safety Engineer	
Hydrologist	

PART C

Administrative Officer	36
Dam Safety Monitoring Officer	
Personnel Officer	
Administrator, Pension Fund	
Supplies Officer	
Administrative Assistant	
Draughtsman	
Maintenance Supervisor	
Accounts Officer	
Technician	
Senior Foreman	
Stores Controller	

Leave Days

PART D

Accounts Assistant	30
Survey Assistant	
Personal Secretary	
Typist	
Housekeeper	
Foreman	
Clerk	
Machine Operator	
Supplies Assistant	

Made by the Zambezi River Authority this 14th day of December, 1988.

J. J. CHITAURO,
Chairman

Approved by the Council of Ministers this 14th day of December, 1988.

E. M. HAIMBE,
*Minister of Power, Transport and Communications
(Zambia)*

G. G. CHIGAGA,
*Minister of Finance and National Commission for
Development Planning (Zambia)*

K. M. KANGAI,
*Minister of Energy and Water Resources and
Development (Zimbabwe)*

B. T. G. CHIDZERO,
*Senior Minister for Finance Economic Planning
and Development (Zimbabwe)*

LUSAKA

14th December, 1988

[CMPTC.105/33/50]