

**[CAP. 269**

**REPUBLIC OF ZAMBIA**

**THE INDUSTRIAL AND LABOUR RELATIONS ACT**

**CHAPTER 269 OF THE LAWS OF ZAMBIA**



**CHAPTER 269**

**THE INDUSTRIAL AND LABOUR RELATIONS ACT**

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## CHAPTER 269

## INDUSTRIAL AND LABOUR RELATIONS

Date of Assent: 26th April, 1993

Act  
27 of 1993  
13 of 1994  
30 of 1997  
8 of 2008

**An Act to revise the law relating to the formation of trade unions and employers' representative organisations, including the formation of federations of trade unions and federations of employers' organisations, recognition and collective agreements, settlement of disputes, strikes, lockouts, essential services and the Tripartite Labour Consultative Council; the Industrial Relations Court; to repeal and replace the Industrial Relations Act, 1990; and to provide for matters connected with or incidental to the foregoing.**

*(As amended by Act No. 30 of 1997)*  
[30th April, 1993]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Industrial and Labour Relations Act.

Title

2. (1) Subject to subsection (2), this Act shall not apply to—
- (a) the Zambia Defence Force;
  - (b) the Zambia Police Force;
  - (c) the Zambia Prison Service;
  - (d) the Zambia Security Intelligence Service; and
  - (e) Judges, registrars of the court, magistrates and local court Magistrates.

Application  
and  
power of  
exemption

(2) The Minister may, after consultation with the Tripartite Consultative Labour Council, by statutory instrument, and subject to such conditions as he may prescribe, exempt any person or class of persons or any trade, industry or undertaking from all or any of the provisions of this Act, or any regulation or order made, or any direction given, in pursuance of this Act.

(3) The Companies Act, the Societies Act and the Co-operatives Societies Act shall not apply to any trade union or association.

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(4) Any organisation which is intended to carry out activities of a trade union or an employers' association shall be registered only under this Act and any registration under the Companies Act, the Societies Act and the Co-operative Societies Act shall be void.

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Interpretation

3. (1) In this Act, unless the context otherwise requires—  
“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;

“Chairman” means the person appointed Chairman of the Court under section *eighty-six*;

“collective agreement” means an agreement negotiated by an appropriate bargaining unit in which the terms and conditions affecting the employment and remuneration of employees are laid down;

“collective bargaining” means the carrying on of negotiations by an appropriate bargaining unit for the purpose of concluding a collective agreement;

“collective dispute” shall be construed in accordance with section *seventy-five*;

“Commissioner” means the Labour Commissioner;

“Congress” means the Zambia Congress of Trade Unions continued under section *twenty eight*;

“Court” means the Industrial Relations Court established under section *eighty-four*;

“deadlock” means a situation arising out of a collective dispute where the parties to the dispute have exhausted the procedure, whether formal or otherwise, mutually agreed to by the parties for the settlement of the dispute, where conciliation in terms of section *seventy-eight* has proved unsuccessful, and where either or both parties are of the opinion that further negotiations are unlikely to lead to the settlement of the dispute;

“Deputy Chairman” means the person appointed Deputy Chairman of the Court under section *eighty-six*;

“dispute” means a disagreement on any matter pertaining to

employment relationship by the parties to a recognition or collective agreement;

“eligible employee” means a unionisable employee other than a member of the management of an undertaking;

“employee” means any person who has entered into, or works under, a contract of employment with an employer whether such contract is express or implied, oral or written, or serving a probationary period of employment, a casual employee, an employee specifically engaged on a temporary basis for work of an intermittent or seasonal nature;

“employer” means any person who, or body of persons, firm, company, corporation or public authority which, has entered into a contract to employ any person and includes any agent, representative or manager of such person, body of persons, firm, corporation, company or public authority who is placed in authority over the persons employed;

“employer’s organisation”—

(a) means any group of employers registered under this Act whose principal objectives are the representation and promotion of employers’ interests and the regulation of relations between employers and employees’ or between employers and trade unions; and

(b) includes a federation of employers organisations;

“essential service” shall be construed in accordance with section *one hundred and seven*;

“executive board” means the duly elected executive committee of a representative body;

“executive officer” means a person elected or appointed by a representative body to be responsible for the day to day administration, management and organisation of that representative body;

“federation” means the Zambia Federation of Employers continued under section *fifty-five*;

“federation of employers’ organisations” means any organisation whose membership consists wholly or mainly of—

(a) registered employers’ organisations which are affiliated to the organisation: or

(b) individual employers who are not members of any employers’ organisation and whose principal objectives include the regulation of relations between employers affiliated to the federation of employers’ organisations or between employers

organisations and trade unions and federations of trade unions;

“federation of trade unions” means an organisation whose membership consists of registered trade unions affiliated to such federation and whose principal objectives are the promotion and regulation of relations between the trade unions affiliated to the federation or between employees, their trade unions employers and employers’ organisation;

“lock-out” means the closing down of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, as a result of a dispute, and done with a view of compelling those persons, or to aid another employer in compelling those persons or to aid him, to accept terms or conditions of employment or terms or conditions affecting employment;

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

- (a) who is the head of an institution or undertaking and has authority to hire, suspend, promote or demote an employee of the institution or undertaking;
- (b) who is the head of a department in an institution or undertaking and has authority in the financial, operational, human resource, security or policy matters of the institution or undertaking;
- (c) with decision-making authority in the financial, operational, personnel or policy matters of an institution or undertaking and who represents and negotiates on behalf of the institution or undertaking in collective bargaining or negotiations with any trade union; or
- (d) with written institutional authority to perform the functions referred to in paragraphs (a), (b) or (c)

“most representative” in relation to an organisation, means—

- (a) a national centre with the most number of affiliates; or
- (b) at sector, trade, undertaking, establishment or industry level, a body with the majority of members:

Provided that where in the sector, trade undertaking, establishment or industry, there are employees who offer specialised services requiring specific representation, the most

- representative body shall be considered to be between the competing representation;
- “national centre” means an organisation to which any group of trade unions is affiliated and whose principal objective is to represent and promote the interests of the trade unions and;
- “member” means a member of the union;
- “officer of a trade union” means a duly elected or appointed office holder of a trade union including a trustee, but does not include its employees;
- “officer of an employers’ organisation” means a duly elected or appointed office-holder of an employers’ organisation who shall not be an employee of that organisation;
- “proper officer” means a labour officer as defined in section *three* of the Employment Act;
- “recognition agreement” means an agreement described in Part VII;
- “Registrar” means the person appointed Registrar of the Court under section *eighty-seven*;
- “representative body” means a trade union, a federation of trade unions, an employers’ organisation and federation of employers’ organisation or any other representative body registered under this Act;
- “strike” means;
- (a) the cessation of work or withdrawal of labour by a body of persons employed in any undertaking or institution acting in combination; or
  - (b) a concerted refusal or a refusal under a common understanding of any number of employees to continue to work or provide their labour;
- “trade union”—
- (a) means any group or organisation of employees registered under this Act whose principal objectives are the representation and promotion of interests of the employees and regulation of relations between employees and employers; and
  - (b) includes a federation of trade unions;
- “trustee” in relation to a representative body means a person elected or appointed to the post of trustee; and
- “undertaking” means any company, firm, trade, business, industry or any other kind of enterprise, any statutory board or corporation or any local or public authority or any branch or autonomous division thereof.

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(As amended by Act No. 30 of 1997 and Act No. 8 of 2008)

## PART II

## TRADE UNIONS

When employee ceases to be eligible employee

4. (1) An employee shall cease to be an eligible employee if the employee becomes a member of management.

(2) Where there is a disagreement as to whether or not an employee is a member of management, either party to the disagreement may refer the matter to the Commissioner for determination.

(3) Any party aggrieved by the decision of the Commissioner, may, within fourteen days of such decision, appeal to the Court.

*(As amended by Act No. 8 of 2008)*

Rights of employee in respect of trade union membership and its activities  
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5. (1) Notwithstanding anything to the contrary contained in any other written law and subject only to the provisions of the Constitution and this Act every employee shall have the following rights:

- (a) the right to take part in the formation of a trade union;
- (b) the right to be a member of a trade union within the sector, trade, undertaking establishment or industry in which that employee is engaged
- (c) any appropriate time to take part in the activities of a trade union including any activities as or with a view to becoming, an officer of the trade union, seeking election or accepting appointment, and if so appointed to hold office as such officer subject only to the constitution of the trade union concerned;
- (d) the right to obtain leave of absence from work in the exercise of the rights provided for in paragraph (c) and the leave applied for shall not be unreasonably withheld by the employer;
- (e) the right not to be prevented, dismissed, penalised, victimised or discriminated against or deterred from exercising the rights conferred on the employee under this Act;
- (f) the right of any employee not to be a member of a trade union or be required to relinquish membership;
- (g) the right not to be dismissed, victimised or prejudiced for exercising or for the anticipated exercise of any right recognised by this Act or any other law relating to employment; or for participating in any proceedings relating thereto;

- (h) the right not to do work normally done by an employee who is lawfully on strike or who is locked out, unless such work constitutes an essential service, or if on request the employee voluntarily waives the right specified under this Act;
- (i) the right not to be dismissed, penalised or disciplined on the grounds that the employee—
  - (i) has been or is a complainant or a witness or has given evidence in any proceedings whether instituted against the employer before the Court or any other court; or
  - (ii) is entitled to a reward, benefit or compensation against any employers' organisation or class of employers to which the employers of that employee belongs or against any other person, in consequence of a decision made by a court in favour of that employee or in favour of a trade union or class of employees to which the employee belongs.

(2) Any employee who has reasonable cause to believe that the employee's, services have, or employment has, been terminated or that the employee has suffered any penalty, disadvantage or victimisation for exercising or in connection with the exercise of any rights specified under the section may—

- (a) within thirty days after exhausting administrative channels available to that employee in the employing undertaking; or
- (b) where administrative channels are not available, within thirty days of the termination of services or employment, or of knowing that the employee has suffered any penalty, disadvantage or victimisation;

lay a complaint before the Court

(3) The Court shall, if it finds in favour of the complainant—

- (a) grant to the complainant damages or compensation for loss of employment;
- (b) make an order for re-employment or re-instatement; or
- (c) make such other order as it may consider appropriate in the circumstances.

(4) No employer or employers' organisation or any person acting on behalf of the employer or employers' organisation shall render financial or other assistance in any form to any trade union or any officer or member thereof with the object of exercising any control over, or influence in, the activities of such trade union.

(5) Any person or employer or employer's organisation who, or which, contravenes the provisions of subsection (4) shall be guilty of an offence, and shall be liable upon conviction, to a fine not exceeding two thousand seven hundred and seventy-eighty penalty units and may be prohibited from holding office in an employers' organisation for such period as the Court may determine.

*(As amended by Act No.30 of 1997 and Act No. 8 of 2008)*

Obligations of employees in respect of trade union and its activities

6. Every employee shall promote, maintain and co-operate with the management of the undertaking in which the employee is employed in the interest of industrial peace, greater efficiency and productivity.

7. (1) Every trade union shall within six months from the date of formation and subject to section *nine*, apply to the Commissioner for registration under this Act.

Registration and consequences of non-registration

(2) If the Commissioner refuses to register a trade union, the Commissioner shall notify the trade union of such refusal and the trade union shall be dissolved within six months from the date of the notification.

(3) Every trade union which is not registered or dissolved, as the case may be, within the period prescribed in subsection (1) or (2), and every officer of such trade union, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four penalty units for every day that it remains unregistered or undissolved, as the case may be, after the expiration of such period, and every such officer may in addition be prohibited from holding office in any other trade union for a period of one year.

*(As amended by Act No. 13 of 1994 and Act No.8 of 2008)*

Acts of unregistered trade unions and their officers

8. (1) No trade union or officer shall perform any act in furtherance of the objects for which it has been formed unless such trade union is registered under this Act.

(2) Any trade union which, or officer who, contravenes subsection (1) shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred penalty units, and every such officer may in addition be prohibited from holding office in any other trade union for a period determined by the Court.

*(As amended by Act No. 13 of 1994)*

Application for registration of trade union

9. (1) An application to register a group of employees as a trade union shall be submitted to the Commissioner in such form as may be prescribed by the Minister.

(2) An application to register a group of employees as a trade union shall be signed by not less than fifty supporters or such lesser number as may be prescribed by the Minister and shall be accompanied by—

- (a) two duly certified copies of the constitution of the proposed trade union;
- (b) such other information or document as may be required by the Commissioner by notice in writing addressed and delivered to the executive officer of the trade union within such period as may be determined by the Commissioner and specified in such notice.

(3) On being satisfied that an application for registration as a trade union has complied with the conditions of registration prescribed under this Act and that the constitution of the proposed trade union provides for matters set out in the Schedule to this Act, the Commissioner shall within a period of six months from the date of application for registration register the group of employees as trade union and issue the trade union with a certificate of registration in the prescribed form, upon payment of the prescribed fee.

(4) A certificate of registration issued under subsection (3) unless proved to have been withdrawn or cancelled shall be *prima facie* evidence that provisions of this Act relating to registration have been complied with.

(5) A group of employees shall not be registered as a trade union under this section—

- (a) under a name identical to, or by which, any other trade union has been registered or so nearly resembles such name as to be likely to deceive its own members or members of the public;
- (b) if it does not comply with the conditions, of registration prescribed, in consultation with the Tripartite Consultative Labour Council, under this Act; or
- (c) If—
  - (i) the registration will be prejudicial to national security; or
  - (ii) the objects of the trade union are contrary to the purposes for which the trade union was formed.

(6) The Commissioner shall, where the Commissioner rejects an application under subsection(5), inform the applicant of the reasons therefor.

*As amended by Act No.30 of 1997 and Act No.8 of 2008)*

Continuation  
of trade  
unions Act  
No.  
36 of 1990

**10.** Every trade union established by, and registered in accordance with, section *six* of the Industrial Relations Act, 1990, is hereby continued as if established and registered under this Act.

Constitution  
of trade  
union  
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**11.** (1) The constitution of trade union in force immediately before the commencement of this Act shall continue in force in so far as it is not inconsistent with the Constitution, this Act or any other written law or until it is amended or replaced under this Act.

(2) The constitution of every trade union registered under this Act and every amendment thereof shall be registered with the Commissioner and shall be accompanied by a duly certified copy of the resolution adopting the constitution or amendment thereof signed by the executive board.

(3) The constitution of every trade union registered under this Act—

(a) shall not be amended to the extent that the amendment becomes inconsistent with the freedom of association enshrined in the Constitution or with any other written law; and

(b) shall include provisions set out in the Schedule to this Act.

*As amended by Act No.30 of 1997)*

Cancellation  
of certificate  
of registra-  
tion of  
trade union

**12.** (1) The Commissioner shall, after obtaining the approval of the Minister, cancel the certificate of registration of a trade union—

(a) at the request of the trade union which has resolved to be dissolved and an application has been made in the prescribed form;

(b) if the certificate of registration has been obtained by fraud or mistake;

(c) if the trade union has wilfully violated any of the provisions of this Act; or

(d) if the trade union is dormant.

(2) Where the Commissioner intends to cancel the certificate of registration under paragraph (b) or (c) of subsection (1), he shall, at least three months before cancelling the certificate, give notice in writing to the union and the union may make representations to the Commissioner within that period of notice.

(3) The Commissioner may, after receipt from the trade union of representations, if any, and after the expiration of the three months notice, cancel the certificate of registration and shall notify the trade union accordingly.

(4) A trade union whose registration is cancelled shall have a right of appeal to the Court in accordance with the provisions of section *thirteen*.

(5) A trade union whose certificate of registration has been cancelled under this section shall, from the time of such cancellation, cease to operate as a trade union and shall be dissolved unless an appeal against such cancellation is preferred under section *thirteen* to the Court:

Provided that in the case of any cancellation, other than cancellation made under paragraph (a) of subsection (1), in respect of which no appeal is preferred to the court, the cancellation shall not have effect until the Court confirms the cancellation.

**13.** (1) Any person aggrieved by any refusal of the Commissioner to register a trade union, or by any decision to register an organisation as a trade union, or by the cancellation of a certificate of registration, may appeal, to the Court not later than ninety days after the notification of such refusal, decision or cancellation, as the case may be.

Appeal from  
decisions of  
Commissioner

(2) The Commissioner shall have the right to be heard on any appeal preferred under subsection (1).

(3) The Chairman may make rules governing such appeals, providing for the method of tendering evidence, prescribing the procedure to be followed, the fees to be paid, and notices to be given to the Commissioner.

(4) The Court, in an appeal referred to in subsection (1), may—

(a) set aside the decision of the Commissioner refusing the registration of a trade union or cancelling a certificate of registration if it is satisfied that grounds exist which qualify or entitle such trade union to be registered, or if it is satisfied that the cancellation of the certificate of registration should not have been made; and order the Commissioner to register the trade union or order the Commissioner to restore the certificate of registration subject to such conditions, if any, as the Court may specify;

(b) dismiss the appeal; or

(c) make such other order as it considers appropriate in the circumstances.

(As amended by Act No.30 of 1997 and Act No. of 8  
2008)

Change of  
name or  
address of  
trade union

**14.** (1) Subject to subsection (5) of section *nine*, a trade union may, in accordance with the provisions of its constitution, change its name.

(2) Notice in writing of every change of name, signed by seven members, and countersigned by the executive officer of the executive committee of a trade union, shall be sent to the Commissioner within thirty days of the change, and the Commissioner shall register the change of name if he is satisfied that the change complies with subsection (1).

(3) No change of name shall affect any right or obligation of a trade union or of any member, and legal proceedings in respect of such right or obligation may be commenced or, if pending, continued by, or against, the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union, notwithstanding its new name.

(4) Notice in writing of every change in the address of the registered office of a trade union shall be sent to the Commissioner within thirty days of the change, and the Commissioner shall register the change of address.

(5) Failure to send a notice as required by subsection (2) or (4), as the case may be, shall render the executive officer of a trade union liable, upon conviction, to a fine not exceeding twenty penalty units for every day during which the failure continues.

*(As amended by Act No. 13 of 1994 and Act No. 8 of 2008)*

Amalgamation  
of trade  
unions

**15.** (1) Two or more trade unions may, in accordance with the provisions of their respective constitutions, amalgamate as one trade union and the new trade union so formed shall be registered in accordance with the provisions of this Act.

(2) Any legal proceedings in respect of any rights or obligations of a trade union which has amalgamated with another trade union may be commenced, be continued, if pending, by, or against, the trade union formed as a result of the amalgamation.

Voluntary  
dissolution of  
trade union

**16.** (1) When it is intended to dissolve a trade union voluntarily, notice of such intention, signed by the members of the executive committee of the trade union and a copy of the resolution to dissolve the trade union, shall be sent to the Commissioner with a copy to a federation of Trade Union if the trade union is affiliated to it, and a federation of trade unions may comment on the intended dissolution within fourteen days of the receipt of the notice.

(2) If the Commissioner is satisfied that the intended dissolution of a trade union is in accordance with its constitution, the Commissioner shall approve the dissolution of such trade union.

(3) The Commissioner shall notify his approval to the trade union, the Federation a federation of trade unions, if the trade union is affiliated to it.

(4) The dissolution shall become effective from the date the Commissioner approves such dissolution.

(5) Where a trade union is dissolved under subsection (2) or dissolved under subsection (5) of section *twelve*—

(a) the property of the trade union shall vest in the liquidator appointed by the Commissioner who shall have all the powers to recover, realise and sell such property as a trustee in bankruptcy has in relation to bankrupt's property under the Bankruptcy Act and Part V of the Bankruptcy Act relating to remuneration and costs shall, with the necessary modifications, apply to such liquidator;

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(b) the Commissioner shall, within thirty days of the appointment of a liquidator under paragraph (a), notify the national centre to which the trade union is affiliated, of the appointment of the liquidator; and

(c) the liquidator shall proceed to wind up the affairs of the trade union and, after satisfying and providing for all the debts or other liabilities of the trade union, prepare a scheme for the application of its remaining assets or property for purposes likely to benefit the former members of the dissolved trade union; or distribute the assets or property or the proceeds among its former members, as the Commissioner may determine.

(6) No action or other proceedings shall lie or be instituted against the liquidator in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

*(As amended by Act No. 30 of 1997 Act No. 8 of 2008)*

**17.** (1) From the commencement of this Act—

(a) a trade union with a valid certificate of registration issued before the commencement of this Act, and which was affiliated to the Congress before the commencement of this Act, shall, subject to paragraph (b) continue to be affiliated to it;

Existing  
trade unions  
and  
Congress

(b) a trade union affiliated to the Congress before the commencement of this Act may, in accordance with the provisions of its constitution, cease to be affiliated to the Congress;

- (c) a trade union registered under this Act may in accordance with its constitution, be affiliated to a federation of trade unions of its choice;
- (d) two or more registered trade unions which have ceased, in accordance with their constitutions, to be affiliated to the Congress, or which were not affiliated to the Congress or federation of trade unions may, in accordance with their constitutions, establish or form a federation of trade unions of their choice and shall register the federation of trade unions of their choice and shall register the federation under this Act; and
- (e) a registered trade union affiliated to a federation of trade unions shall have rights and privileges specified in the constitution of that federation of trade unions.

(2) Every registered trade union shall, upon request, supply a duly certified copy of its constitution and any amendment thereof to every person who becomes a member of that trade union.

(3) Any person who, with intent to mislead or defraud—

- (a) gives to any member of a registered trade union or to any person intending or applying to become a member of such trade union, a copy of a constitution or any amendment to it other than the current version purporting that it is the current constitution of such trade union or current amendment to it, as the case may be; or
- (b) gives to any person a copy of any constitution purporting it to be a constitution of a registered trade union when it is not registered;

shall be guilty of an offence and shall be liable, upon conviction—

- (i) for misleading, to a fine not exceeding four hundred penalty units; or
- (ii) to a fine not exceeding eight hundred penalty units where there was an intention to defraud; and

in addition, may be prohibited from holding office in a trade union for such period as the Court may determine.

*(As amended by Act No. 13 of 1994 and No. 30 of 1997)*

Disqualifica-  
tion from  
election or  
appointment  
as officer of  
trade union

**18. (1)** No person shall be qualified for election or appointment as an officer of a trade union if he—

- (a) has not been engaged or employed for a period of twelve months or more in the trade, occupation or industry with which the trade union is directly concerned:

Provided that—

- (a) the trade union may, if satisfied as to the suitability of a particular candidate, allow him to stand for such election, or be appointed, notwithstanding that he has been so engaged or employed for a period of less than twelve months;
- (b) having been an officer (or a member of the executive) of a trade union whose certificate of registration has been cancelled under section *eleven*, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to such cancellation;
- (c) has been convicted of an offence involving dishonesty within a period of five years preceding the election or appointment;
- (d) is an undischarged bankrupt;
- (e) is of unsound mind;
- (f) has been suspended, under its constitution from holding office in the trade union and his suspension has not been revoked, or the period for which he was suspended has not expired; or
- (g) is an officer of a trade union or trade union secretariat who is not employed outside the trade union or trade union secretariat.

(2) An officer of a trade union shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full-time officer of a trade union shall be a full-time officer of any other trade union or of a federation of trade unions unless he resigns from his first office.

(4) The Commissioner may call for such documentation and information, as he may think necessary, from the executive committee or any officer of a trade union in order to ensure that the provisions of this section are being complied with.

(5) Any person who acts or purports to act as an officer of a trade union after being disqualified under this section to hold office in a trade union shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four hundred penalty units and in addition may be prohibited from holding office in any trade union for a period determined by the Court.

*(As amended by Act No. 13 of 1994, Act No.30 of 1997 and Act No.8 of 2008)*

Information about elections of trade union, etc.

**19.** (1) Where a trade union holds an election to fill any office, the trade union shall, within thirty days of the election or appointment, notify, in writing, the Commissioner, and federation of trade unions if the trade union is affiliated to it, of the result of the election or appointment, as the case may be.

(2) Failure to comply with subsection (1) shall render the executive officer of the trade union guilty of an offence and liable, upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of the trade union shall be exhibited in a prominent place at the registered office, and at every branch office, of the trade union.

*(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)*

Count process against officer of trade union

**20.** Any member or officer of a trade union or any officer of a federation of trade unions, if the trade union is affiliated to it, who has reasonable grounds to believe that a person who is disqualified from holding office has been elected or appointed as an officer of the trade union or that there is a reasonable case against such person for the fraudulent misuse of trade union funds, may, not later than thirty days from the date of election or appointment to the office or of becoming aware of fraudulent misuse of trade union funds, apply to the court and the court may grant such relief or remedy as it may consider just in the circumstances.

*(As amended by Act No. 30 of 1997 )*

Annual report of accounts of trade union

**21.** (1) As soon as practicable, but not later than twelve months after the expiry of each financial year of the trade union, the executive officer of every trade union shall submit to the Commissioner a report concerning the financial affairs of the trade union during that financial year.

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

- (a) an audited balance sheet;
- (b) an audited statement of revenue and expenditure; and
- (c) such other information as the Commissioner may require.

(3) The commissioner shall, where the Commissioner has reasonable grounds to believe that the officers of trade union have misused, misapplied or misappropriated the funds of the trade union or used the funds for purposes contrary to the objects of the constitution of the trade union, appoint an independent auditor to audit the books of account of the trade union.

- (4) The auditor appointed under subsection (3)—
- (a) shall conduct a preliminary investigation into the books of account of the trade union; and
  - (b) may for purposes of auditing the books of account of a trade union, recommend to the Commissioner that the officers of the trade union be suspended.
- (5) The Commissioner shall, where the auditor makes a recommendation under paragraph (b) of section (4)—
- (a) recommend the suspension of a trade union member or executive board, as the case may be, to the Tripartite Consultative Labour Council constituted under section *seventy-nine*.
  - (b) request the membership to nominate from amongst themselves the members to constitute an interim committee of the trade union; and
  - (c) appoint from amongst the nominations submitted under paragraph (b), an interim committee to oversee the operations of the trade union.
- (6) Where the report of an auditor appointed under subsection (3) establishes that the officers of a trade union have misused, misapplied or misappropriated the funds or used the funds for purposes contrary to the objects of the constitution of trade union, the Commissioner shall recommend the removal of a trade union member or dissolution of the Board, as the case may be, to the Tripartite Consultative Labour Council constituted under section *Seventy-nine*.
- (a) shall conduct a preliminary investigation into the books of account of the trade union; and
- (7) An executive officer of a trade union who, without good cause, fails to comply with this section shall be guilty of an offence and liable, upon conviction, to a fine not exceeding two hundred thousand penalty units and may be prohibited from holding office in any trade union for a period not exceeding five years.

*(As amended by Act No.13 of 1994 and No. 8 of 2008 )*

**22.** (1) An employer may, by agreement with an eligible employee, deduct the amount of subscription prescribed by the constitution of the trade union from the wages of such eligible employee if the employee is a member of such trade union.

Deduction of  
subscription  
by agreement

(2) An eligible employee may, at any time, withdraw the agreement referred to in subsection (1), by giving three months notice, in writing, to the trade union concerned.

*(3)-(8) Deleted by Act No. 30 of 1997*

(9) The Minister may make regulations to give effect to the provisions of this section.

*(As amended by Act No. 30 of 1997)*

Remittance  
of  
subscription

**23.** (1) An employer shall, not later than fourteen days after the end of each month, remit the subscription in the manner prescribed in the agreement.

*(As amended by Act (2) - (4) Deleted by Act No. 30 of 1997)*

Acquisition  
of land by  
trade unions

**24.** A trade union may purchase or take on lease in the name of the trustee of the trade union any land and sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant shall inquire whether the trustee has authority for the sale, exchange, mortgage or letting, and the receipt of the trustees shall be a valid discharge for the moneys arising therefrom.

Property of  
trade union  
to vest in  
trustees

**25.** All real and personal property belonging to any trade union shall vest in trustees of the trade union, for the use and benefit of the trade union and the members.

Actions by  
or against  
trustees of  
trade unions

**26.** The trustees of a trade union, or any other officer of the trade union, who may be authorised so to do by the constitution shall have power to bring or defend or cause to be brought or defended, any action, suit or proceedings, whether civil or criminal, as the case may be, in any court of law, concerning the property, or any right or claim to property of the trade union and shall have power in all cases concerning the real or personal property of the trade union, to sue and be sued in court, in their proper names, without other description than the title of their office.

Limitation of  
liability of  
trustees of  
trade unions

**27.** A trustee of a trade union shall not be liable to make good any deficiency occurring in the funds of the trade union unless such deficiency occurred due to neglect or wilful default on the part of the trustee.

### PART III

#### FEDERATION OF TRADE UNIONS

*(As amended by Act No. 30 of 1997)*

Continuation  
of Congress  
as federation  
of trade  
unions

**28.** The Congress formed and registered before the commencement of this Act, shall continue to exist as a body corporate and shall be deemed to be registered as a federation of trade unions under this Act.

*(As amended by Act No. 30 of 1994)*

**29.** The provisions of section *eleven* shall, with necessary modification apply, to a federation of trade unions registered under this Act.

Constitution  
of federation  
of trade  
unions

*(As amended by Act No. 30 of 1997)*

**30.** (1) No person shall be qualified for election or appointment as an officer of a federation of trade unions if—

Qualification  
and  
disqualification  
from  
election or  
appointment  
as officer of  
a federation  
of trade  
unions

- (a) he has been an officer, or a member of the executive, of a trade union the certificate of registration of which has been cancelled under section *twelve* and he fails to satisfy the Commissioner that he did not contribute to the circumstances leading to such cancellation or dissolution;
- (b) he has been convicted of an offence involving dishonesty within five years preceding the election or appointment;
- (c) he is an undischarged bankrupt;
- (d) he is of unsound mind;
- (e) he has been suspended, under the Constitution of a federation of trade unions, from holding office in a federation of trade unions and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of a federation of trade unions shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full time officer of a federation of trade unions shall be a full time officer of any trade union.

(4) The Commissioner may call for such documentation and information, as he may think necessary, from the executive committee or any officer of a federation of trade unions to ensure that the provisions of this section are complied with.

(5) Any person disqualified under this section to hold office in a federation of trade unions who acts or purports to act as an officer of a federation of trade unions, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for a period determined by the Court.

*(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)*

Information about elections of a federation of trade unions etc.

**31.** (1) Where a federation of trade unions holds an election to fill any office in a federation of trade unions or makes an appointment to any office, the executive officer of a federation of trade unions shall, within thirty days of such election or appointment, notify and the Commissioner, in writing, of such appointment or of the result of such election, as the case may be.

(2) Failure to comply with subsection (1) shall render the executive officer of a federation of trade unions guilty of an offence and liable upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of a federation of trade unions shall be exhibited in a prominent place, where possible, at the registered office, and at every registered office of the affiliates of a federation of trade unions.

*(As amended by Act No. 13 of 1994 and No. 30 of 1997)*

Injunction against officer or federation of trade unions

**32.** Any member or officer of a trade union affiliated to a federation of trade union may apply to the Court for an injunction prohibiting an officer of a federation of trade unions from holding office or dealing with the funds of a federation of trade unions, and the Court may, if it is satisfied that such officer of a federation of trade unions is disqualified under section *thirty* from holding office in federation of trade unions or that there is a pending case against such officer for the fraudulent misuse of the funds of a federation of trade unions, grant such application and make the necessary order.

*(As amended by Act No. 30 of 1997)*

Annual report of accounts of federation of trade union,

**33.** Section *twenty-one* shall apply, with the necessary modifications, to a federation of trade unions and its executive officer.

*(As amended by Act No. 30 of 1997)*

Relations between a federation of trade unions, and trade unions

**34.** (1) Notwithstanding the other provisions of this Act relating to the affiliation of trade unions to a federation of trade unions, each trade union shall maintain its separate status and shall have the right to organise itself as it considers fit in accordance with its constitution.

(2) A federation of trade unions, shall have no jurisdiction over any trade union affiliated to it in any domestic management or domestic matter unless such matter has been referred to a federation of trade unions by the trade union.

(3) A trade union or a federation of trade unions, may affiliate to a trade union or organisation outside Zambia by a simple majority decision of the members present and voting at a general conference of the trade union or a federation of trade union and shall inform the Commissioner within twenty-one days of such affiliation.

(4) A trade union or a federation of trade unions, may receive outside material, technical or financial assistance and shall inform the commissioner of such assistance within thirty days of such receipt.

(5) Subject to the other provisions of this Act, a federation of trade unions, shall have general jurisdiction over trade unions affiliated to it, on—

- (a) any issue requiring adoption of a common policy position affecting the affiliated trade unions;
- (b) the provision of professional and technical advisers to trade unions involved in negotiations with employers' organisations or litigation; and
- (c) the submission of such information, data, documentation, annual reports and financial statements as a federation of trade union may stipulate from time to time.

*(As amended by Act No. 30 of 1997 and Act No. 8 of 2008)*

**35.** (1) Where a dispute arises between two or more trade unions affiliated to the Congress, the parties to that dispute shall refer the dispute to the federation of trade union for resolution by reconciliation.

Dispute  
between  
trade unions

(2) If a federation of trade unions fails to resolve the dispute, referred to it under subsection (1), the dispute shall be referred to the Commissioner for arbitration, subject to appeal to the Court.

(3) Where the dispute involves trade unions not affiliated to any federation of trade unions, or any party to that dispute is not affiliated to any federation of trade unions, either party to the dispute may refer the dispute to the Commissioner for arbitration, subject to appeal to the Court.

*(As amended by Act No. 30 of 1997)*

## PART IV

## EMPLOYERS' ORGANISATIONS

Registration  
and  
consequences  
of non-  
registration  
of  
employers'  
organisation

**36.** (1) Every employers' organisation shall, subject to section *forty*, apply to the Commissioner for registration under this Act within six months from the date of formation.

(2) If the Commissioner refuses to register an association, the association shall be dissolved within six months from the date of the notification of the refusal to register—

(3) Every officer of an employers' organisation which is not registered or dissolved, as the case may be, within the period prescribed in subsection (1) or (2), shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding one hundred and eleven penalty units for every day that the employers; organisation remains unregistered or undissolved, as the case may be, after the expiration of such period, and in addition, every such officer may be prohibited from holding office in any employers' organisation for such period as may be determined by the Court.

*(As amended by Act No. 30 of 1997)*

Rights of  
employers

**37.** (1) Subject to this Act—

- (a) employers shall have the right to participate in the formation of, and to join, an employers organisation and to participate in the lawful activities of such employers' organisation;
- (b) nothing contained in any law shall prohibit any employer from being or becoming a member of any employers' organisation lawfully in being or subject the employer to any penalty by reason of the employers' membership of any such employers' organisation;
- (c) no person shall impede, interfere with, or coerce, an employer in the exercise of his rights under this Act;
- (d) no person shall subject an employer to any form of discrimination on the ground that the employer is or is not a member of any employers' organisation;
- (e) no person shall subject another person to any form of discrimination on the ground that the person holds office in an employers' organisation; and
- (f) no person shall impede or interfere with the lawful establishment administration or functioning of an employers' organisation;

(2) No employee shall cease or suspend doing work for his employer on the ground that the employer—

- (a) is or is not a member or holds or does not hold office, in an association;
- (b) participates in the lawful activities of an employers' organisation;
- (c) has appeared as a complainant or as a witness or has given evidence in any proceedings before the Court or any other court; or
- (d) is or has become entitled to any advantage, award, benefit or compensation in consequence of a decision made by the Court or any other court in favour of the employer, or in favour of an employers' organisation or class or category of employers to which such employer belongs, either against such employee or against the trade union or class or category of employees to which such employee belongs or against any other person.

(3) Any person who contravenes any provisions of this section shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for such period as the Court may determine.

*(As amended by Act No. 13 of 1994)*

**38.** *Repealed by Act No. 30 of 1997*

**39.** (1) No employers' organisation or any of its officers shall perform any act in furtherance of the objects for which it has been formed unless such employers' organisation is registered under this Act.

Acts or  
unregistered  
employers'  
organisation  
and its  
officers

(2) Where an employers' organisation, or any of its officers, contravene subsection(1), every officer of the employers' organisation shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two hundred penalty units, and every officer may, in addition, be prohibited from holding office in any other employers' organisation for such period as may be determined by the Court.

*(As amended by Act No. 30 of 1997)*

40. (1) An application for registration as an employers' organisation shall be submitted to the Commissioner in such form as may be prescribed by the Minister.

Application  
for  
registration  
of  
employers'  
organisation

(2) Every application to register as an employers' organisation shall be submitted under subsection (1) by not less than five members of the proposed employers' organisation or such a lesser number as the Commissioner may accept to form an employers' organisation and shall be accompanied by—

- (a) two duly certified copies of the constitution; and
- (b) such other information or documents as may be required by the Commissioner by notice in writing addressed and delivered to the prospective officers of the proposed employers' organisation within such period as may be determined by the Commissioner and specified in such notice.

(3) On being satisfied that the organisation applying for registration as an employers' organisation has complied with the provisions of registration under this act and that its constitution provides for matters set out in the Schedule to this Act, the Commissioner shall register the organisation as an employers' organisation, and issue the employers' organisation with a certificate of registration in prescribed form upon payment of the prescribed fee.

(4) A certificate of registration issued under subsection (3) unless provided to have been withdrawn or cancelled, shall be *prima-facie* evidence that the provisions of this Act relating to registration of employers' organisations have been complied with.

(5) No organisation shall be registered as an employers' organisation—

- (a) under a name identical to or by which any other employers' organisation has been registered or so nearly resembles such name as to be likely to deceive its own members or members of the public; or
- (b) if it does not comply with the conditions of registration prescribed, in consultation with the Tripartite Consultative Labour Council, under this Act.

*(As amended by Act No. 30 of 1997)*

41. Every employers' organisation established by, and registered in accordance with, section thirty-nine of the Industrial Relations Act, 1990, is here continued as if established and registered under the Act.

Continuation  
of  
employers'  
organisation

*(As amended by Act No. 30 of 1997)*

**42.** (1) The constitution of every employers' organisation in force immediately before the commencement of this Act shall continue in force in so far as it is not inconsistent with this Act, the Constitution or any other written law or until it is replaced or amended under this Act.

Constitution of employers' organisation

(2) The constitution of every employers' organisation and every amendment thereof shall be registered with the Commissioner and shall be accompanied by a copy of the resolution adopting the constitution or amendment thereof signed by the executive board.

(3) The constitution of every employers' organisation—

(a) shall not be amended to the extent that the amendment shall be inconsistent with the freedom of association enshrined in the Constitution, or with any other written law; and

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(b) shall include provisions on the matters set out in the Schedule to this Act.

*(As amended by Act No. 30 of 1997)*

**43.** (1) No person shall be qualified for election as an officer of an employers' organisation if—

Disqualification from election or appointment as officer of employers' organisation

(a) he, or a member of the executive, of an association the certificate of registration of which has been cancelled under this Act, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to the cancellation;

(b) he has been convicted of an offence involving dishonesty within a period of five years preceding such election;

(c) he is of unsound mind;

(d) he is an undischarged bankrupt; or

(e) he has been suspended, under this Act or the constitution of the employers organisation, from holding office in the employers organisation and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of an employers organisation shall cease to hold office if circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) No person who is a full-time officer of an employers organisation shall be a full-time officer of any other employers' organisation or Federation unless he resigns from his first office.

(4) The Commissioner may call for such documentation and information which he considers necessary from the executive committee or any officer of an employers' organisation to ensure that the provisions of this section are being complied with.

(5) Any person who being disqualified under this section to hold office in any employers' organisation, acts or purports to act as an officer of that employers' organisation shall be guilty of an offence and liable upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in any employers' organisation for such period as the court may determine.

*(As amended by Act No.13 of 1994 and Act No. 30 of 1997)*

Information about elections of employers' organisation etc.

**44.** (1) Where an employers' organisation holds an election to fill any office in the employers' organisation or makes an appointment to any office, the executive officer of the employers, organisation shall, within thirty days of the election or appointment, notify the Commissioner and the Federation if the employers' organisation is affiliated to it in writing, of the result of the election, or of the appointment, as the case may be.

(2) An executive officer who fails to comply with subsection (1) shall be guilty of an offence and liable, upon conviction to a fine not exceeding ten penalty units for every day during which the failure continues.

(3) The name and office of every office holder and trustee of the employers, organisation shall be exhibited in a prominent place at the registered office, and at every branch of the employers' organisation.

*(As amended by Act No.13 of 1994 and Act No. 30 of 1997)*

Court processes against officer of employers' organisation

**45.** Any member or officer of an employers' organisation, or any officer of a federation, of employers' organisations if the employers organisation is affiliated to it, who has reasonable grounds to believe that a person who is disqualified from holding office has been elected or appointed as an officer of an employers' organisation or that there is a reasonable case against such person for the fraudulent misuse of employers' organisation funds, may not later than thirty days from the date of election or appointment to such an office or of becoming aware of the fraudulent misuse of funds, apply to the Court and the Court may grant such relief or remedy as it may consider just in the circumstances.

*(As amended by Act No.30 of 1997)*

**46.** (1) The Commissioner may, with the approval of the Minister, cancel the certificate of registration of an employers' organisation—

Cancellation  
of certificate  
of  
registration

(a) at the request of the employers' organisation which has resolved to be dissolved and the application has been made in the prescribed form;

(b) if the certificate of registration has been obtained by fraud or mistake; or

(c) if the employers' organisation has wilfully violated any of the provisions of this Act.

(2) Where the Commissioner intends to cancel the certificate of registration of an employers' organisation under paragraphs (b) or (c) of subsection (1), he shall at least three months before cancelling the certificate, give notice to the employers' organisation concerned, specifying the grounds upon which he intends to rely for the intended cancellation.

(3) The employers' organisation referred to in subsection (2) may make representations to the Commissioner in opposition to the grounds contained in the notice.

(4) The Commissioner may, after the receipt from the employers' organisation of representations, if any, and after the expiration of the three months notice, cancel the certificate of registration and shall notify the employers' organisation accordingly.

(5) An employers' organisation whose certificate of registration is cancelled may appeal to the Court.

(6) An employers' organisation whose certificate of registration is cancelled shall from the time of the cancellation cease to operate as an employers' organisation and shall be dissolved unless an appeal against the cancellation is preferred:

Provided that in the case of any cancellation other than a cancellation made under paragraphs (a) and (c) of subsection (1), in respect of which no appeal is preferred to the Court, the cancellation shall not have effect until it is referred to the Court for confirmation.

*(As amended by Act No. 30 of 1997)*

**47.** (1) Any person aggrieved by a refusal of the Commissioner to register an employers' organisation, or by the cancellation of a certificate of registration, may appeal to the Court within thirty days of the notification of refusal, decision or cancellation, as the case may be.

Appeal  
from  
decisions of  
Commissioner

(2) The Commissioner shall be entitled to appear and to be heard on any appeal made under subsection (1).

(3) The Chairman may make rules governing appeals, provide for the method of tendering evidence, prescribe the procedure to be followed, the fees to be paid, and notices to be given to the Commissioner.

- (4) The Court may in an appeal referred to in subsection (1)—
- (a) set aside the decision of the Commissioner refusing the registration of an employers' organisation if it is satisfied that grounds exist which qualify or entitle such employers' organisation to be registered, or it is satisfied that the cancelling or the certificate of registration should not have been made; and order the Commissioner to register the employers' organisation or order the Commissioner to restore the certificate of registration, subject to such conditions if any as the Court may specify;
  - (b) dismiss the appeal; or
  - (c) make such other order as it may consider appropriate in the circumstances

*(As amended by Act No. 30 of 1997)*

Change of  
name or  
address of  
employers'  
organisation

**48.** (1) Subject to subsection (5) of section *forty* an employers' organisation may, in accordance with the provisions of its constitution, change its name.

(2) Notice in writing of every change of name, signed by all the members of the executive committee of an association shall be submitted to the Commissioner within thirty days of the change and the Commissioner shall register the change of name if he is satisfied that the change complies with subsection (1).

(3) No change of name shall affect any right or obligation of an employers' organisation or of any member of the employers' organisation, and any legal proceedings in respect of the right or obligation of the employers' organisation may be commenced or continued, if pending, by or against the trustees of the employers' organisation or any other officer who may sue or be sued on behalf of the employers' organisation, notwithstanding its new name.

(4) Notice in writing of every change in the address of the registered office of an employers' organisation shall be sent by its executive officer to the Commissioner for registration within thirty days of the change of address.

(5) Failure to send a notice as required by subsection (2) or (4), shall render the employers' organisation and its executive officer liable, upon conviction, to a fine not exceeding twenty penalty units each for every day during which the failure continues.

*(As amended by Act No. 13 of 1994)*

**49.** (1) Two or more employers' organisations may amalgamate as one employers' organisation and the new employers' organisation shall be registered in accordance with this Act.

Amalgamation  
of  
employers'  
organisation

(2) Any legal proceedings in respect of any rights or obligations of an employers' organisation which has amalgamated with another employers' organisation may be commenced or be continued, if pending, by or against the employers' organisation formed as a result of the amalgamation.

*(As amended by Act No. 30 of 1997)*

**50.** (1) Where an employers' organisation is to be dissolved voluntarily, a notice of the intention to dissolve the employers' organisation signed by all the members of the executive of the employers' organisation and an authenticated copy of the minutes and resolution passed making the decision shall be submitted to the Commissioner with a copy to a federation of employers' organisation, if the employers' organisation is affiliated to it, which may comment on the intended dissolution within fourteen days of receipt of the notice.

Voluntary  
dissolution  
of  
employers'  
organisation

(2) If the Commissioner is satisfied that the intended dissolution of an employers' organisation is in accordance with its constitution he may approve the dissolution of the employers' organisation and the dissolution shall be effective from the date the Commissioner accords his approval.

(3) The Commissioner shall notify his approval to the association and a federation of employers' organisation, if the employers' organisation is affiliated to it.

(4) Where an employers' organisation is dissolved under subsection (2) or dissolved under section *forty-six*—

(a) the property of the employers' organisation shall vest in the liquidator appointed by the Commissioner who shall have all the powers to recover, realise and dispose of the property as a trustee in bankruptcy has in relation to a bankrupt's property under the Bankruptcy Act and Part V of the Bankruptcy Act relating to remuneration and costs with the necessary modifications, shall apply to such liquidator;

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(b) the liquidator shall wind up the affairs of the employers' organisation and, after satisfying and providing for all the debts or other liabilities, prepare a scheme for the application of its remaining assets or property for purposes likely to benefit the former members of the dissolved employers' organisation or distribute the assets or property or the proceeds among such of its former members as the Commissioner may determine.

(5) No suit or proceeding shall be instituted against the liquidator appointed by the Commissioner for or in respect of anything done or omitted to be done by him in the performance of his functions under this Act.

*(As amended by Act No. 30 of 1997)*

Annual  
report of  
accounts of  
employers'  
organisations

**51.** (1) From the commencement of this Act—

- (a) an employers' organisation with a valid certificate of registration issued before the commencement of this Act which was affiliated to the Federation before the commencement of this Act shall, subject to paragraph (b), continue to be affiliated to it;
- (b) an employers' organisation affiliated to the federation before the commencement of this Act or affiliated to a federation of employers' organisation after commencement of its constitution, cease to be affiliated to the Federation or a federation of employers' organisation, as the case may be;
- (c) an employers' organisation registered under this Act may, in accordance with its constitution, be affiliated to a federation of employers organisations of its choice;
- (d) two or more registered employers' organisation which have ceased to be affiliated to the Federation before the commencement of this Act, or which are not affiliated to any federation of employers' organisation may, in accordance with their constitution establish a federation of employers' organisations of their choices and shall register the federation under this Act; and
- (e) a registered employers' organisation affiliated to a federation of employers' organisation shall have the rights and privileges specified in the constitution of that federation of employers' organisation.

(2) Every registered employers' organisation shall upon request, supply a copy of its constitution and every amendment thereof to every member of that employers' organisation.

*(As amended by Act No.30 of 1997)*

Affiliation of  
employers  
organisation  
before  
commencement  
of Act

**52.** Section *twenty-one* shall apply, with the necessary modifications, to an employers' organisation or executive officer as it applies to a trade union and its executive officer.

*(As amended by Act No.30 of 1997)*

**53.** Section *twenty-five* shall apply, with the necessary modifications, to an employers' organisation and its trustees as it applies to a trade union and its trustees.

*(As amended by Act No.30 of 1997)*

Acquisition of land by employers' organisation and vesting of property

**54.** Sections *twenty-six* and *twenty-seven* shall apply, with the necessary modifications, to an employers' organisation and its trustees as they apply to a trade union and its trustees.

Actions by or against trustees of employers' organisation and limitation of their liability

## PART V

### FEDERATION OF EMPLOYERS ORGANISATIONS

**55.** The Zambia Federation of Employers formed and registered before the commencement of this Act shall continue to exist as a body corporate and shall be deemed to be registered as a federation of employers' organisation under this Act.

*(As amended by Act No. 30 of 1997)*

Continuation of Federation

**56.** The provisions of section *thirty-three* shall with necessary modification apply to a federation of employers' organisation registered under this Act.

*(As amended by Act No. 30 of 1997)*

Constitution of federation of employers organisation

**57.** Section *thirty-four* shall apply to the relationship between a federation of employers' organisation, and employers' organisation with the necessary modifications, as it applies to the a federation of employers organisation and trade unions.

*(As amended by Act No.30 of 1997)*

Relations between Federation and employers organisation

**58.** (1) No person shall be qualified for election as an officer of the a federation of employers organisation if—

- (a) he has not, for three years or more, been an officer of an employers' organisation or engaged in a managerial capacity or in the field of personnel management or industrial relations:

Disqualification from election or appointment as officer of a Federation of employers organisation

Provided that a federation of employers' organisation may, if it is satisfied as to the suitability of a particular candidate, allow him to stand for such election, notwithstanding that he does not qualify under this paragraph;

- (b) he, having been an officer or a member of the executive of any employers' organisation, the registration of which has been cancelled under the provisions of this Act, fails to satisfy the Commissioner that he did not contribute to the circumstances leading to the cancellation;

- (c) he has been convicted of an offence involving dishonesty within a period of five years preceding the election or appointment;
- (d) he is an undischarged bankrupt;
- (e) he is of unsound mind; or
- (f) he has been suspended, under the Constitution of a federation employers organisation, from holding office in a federation of employers' organisation and his suspension has not been revoked, or the period for which he was suspended has not expired.

(2) An officer of a federation of employers organisation shall cease to hold office if any circumstances arise which would disqualify him under subsection (1) for election as an officer.

(3) The Commissioner shall, for the purpose of satisfying himself that the provisions of this section are being complied with, request for such documentation or information, as he may think necessary, from the executive officer of a federation of employers' organisation.

(4) Any person who, being disqualified under this section from holding office in a federation of employers organisation acts or purports to act as an officer of a federation of employers organisation shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a federation of employers organisation for a period determined by the Court.

*(As amended by Act No.13 of 1994 and Act No. 30 of 1997)*

Notification  
of results of  
election of  
federation

**59.** (1) Where a federation of employers organisation holds an election to fill any office in a federation of employers organisation or makes appointment to any office, the executive officer of a federation of employers' organisation shall, within thirty days of the election or appointment, notify the Commissioner and in writing, of the appointment or of the result of the election, as the case may be.

(2) Any executive officer who fails to comply with subsection (1) shall be guilty of an offence and liable upon conviction, to a fine not exceeding ten penalty units for every day during which such failure continues.

(3) The name and office of every office holder and trustee of a federation of employers shall be exhibited in a prominent place at the registered office, where possible, and at every registered office of the affiliates of the federation of employers organisation.

*(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)*

**60.** Section *twenty-one* shall apply, with the necessary modifications, to a federation of employers' organisation and its executive officer as it applies to a trade union and its executive officer.

Annual report or accounts of a federation of employers' organisation

*(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)*

## PART VI

### FUNDS OF REPRESENTATIVE BODIES

**61.** (1) Notwithstanding anything contained in the constitution of a representative body, the funds of the representative body shall be expended for the lawful objects authorised under its constitution.

Objectives for which funds shall not be expended

(2) Any member of, a representative body may apply to the Court for an order to stop such a representative body from applying its funds to objects which have not been authorised by its constitution.

(3) A representative body shall, in accordance with generally accepted accounting principles and procedures—

- (a) keep books and records of account of its income expenditure, assets and liabilities;
- (b) prepare annual financial statements consisting of income and expenditure and a balance sheet showing its assets, liabilities and financial position at the end of each financial year ;and
- (c) have its books and records of account and financial statements audited annually by a qualified auditor appointed by the representative body, which audited report shall be submitted to the Commissioner.

(4) The books and records of account of representative body shall be open to inspection by any member of that body.

*(As amended by Act No. 30 of 1997)*

**62.** (1) Every treasurer, former treasurer, or other officer of a representative body shall, at such times as the officer is required by the constitution of such representative body or upon being requested to do so, submit to the trustees or members of that representative body a true account of—

Control of funds

- (a) all monies received and disbursed by the officer;and
- (b) the balance of monies in hand.

(2) The trustees or members of a representative body shall, on receipt of the account submitted under subsection(1),cause the account to be audited.

(3) Notwithstanding subsection (1), or the constitution of a representative body, the representative body may appoint an accountant.

(4) The accountant appointed under subsection (3) shall—

(a) have access to all books of account, records, returns, reports and other documents relating to the transactions of the representative body;

(b) debit the accounts of the representative body with the professional fees and expenses reasonably incurred by the accountant in the performance of duties under this section.

*(As amended by Act No.13 of 1994 and Act No. 30 of 1997)*

## PART VII

### RECOGNITION AGREEMENTS

Registration  
of  
employers

**63.** (1) Every employer employing twenty-five or more eligible employees, or such lesser number as may be prescribed by the Minister, shall register himself with the Commissioner within a period not exceeding three months from the date of coming into operation of this section or, from the date upon which this section becomes applicable to the employer, as the case may be.

(2) The registration shall be in the manner and in the form as may be prescribed:

Act No. 36  
of 1990

Provided that an employer registered under the Industrial Relations Act, 1990, shall be deemed to be registered under this Act.

(3) An employer to whom this section applies and who fails without reasonable cause or excuse, (the onus of proof shall lie on the employer), to register in accordance with this section shall be guilty of an offence and liable, upon conviction, to a fine not exceeding one hundred thousand penalty units

*(As amended by Act No.13 of 1994 and Act No. 8 of 2008)*

Duty to  
enter into  
recognition  
agreement

**64.** (1) Not later than three months from the date of registration under section *sixty-three* a registered employer and a trade union, if any, to which the employees belong shall enter into a recognition agreement, at sector, trade, undertaking, establishment or industry level as the case may be.

(2) Not later than three months from the date of coming into operation of this part or from the date upon which an association and a trade union have become established in an industry, the association and the union shall enter into a recognition agreement.

(3) The Minister may, for good cause extend the period laid down in subsections (1) and (2).

(4) A recognition agreement registered under the Industrial Relations Act, 1990, shall be deemed to be registered under this Act.

Act No. 36 of  
1990

(5) Where the parties referred to in subsection (1) or (2), fail to conclude a recognition agreement under this Part, the failure shall be deemed to be a collective dispute and Part IX shall apply, with the necessary modifications.

(6) An employer who contravenes subsection (1) or (2), commits an offence and liable, upon conviction, to a fine not exceeding twenty-seven thousand eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

*(As amended by Act No. 30 of 1997 and Act No.8 of 2008)*

**65.** (1) Every recognition agreement shall be in writing, signed by the representatives of the parties to it and shall provide—

Essentials  
recognition  
agreement

(a) that the employer or employers' organisation, as the case may be, has recognised the trade union as a representative of, and bargaining agent for, the eligible employees represented by the trade union so recognised for the purpose of regulating relations between the employer or employers' organisation and the trade union;

(b) for the rules relating to grievances and bargaining procedures;

(c) for the methods, procedures and rules under which the agreement may be reviewed, amended, replaced or terminated.

(2) Three copies of a recognition agreement and of any alterations to the agreement shall be delivered to the Commissioner by the parties to the agreement.

(3) The commissioner may, if satisfied that all the conditions of the recognition agreement have been met, register the agreement and shall return a copy each to the parties concerned.

*(As amended by Act No. 30 of 1997)*

**65A.** (1) A party to a recognition agreement may apply to the Commissioner for the termination of the recognition agreement, stating the reasons therefor.

(2) The Commissioner shall, where the Commissioner receives an application under subsection (1), inform the other party to the recognition agreement in respect of which the application is made and set a date on which the application shall be heard.

(3) The Commissioner may, where the Commissioner hears the parties pursuant to subsection (2)—

(a) approve the termination of the agreement; or

(b) reject the application and give the applicant the reasons therefor

*(As amended by Act No.8 of 2008)*

## PART VIII

### COLLECTIVE AGREEMENTS

Employers  
or employ-  
ers'  
organisation  
and trade  
union to  
enter into  
collective  
bargaining

**66.** (1) Within three months from the date of registration of the recognition agreement under subsection (3) of section *sixty five*, the employer or employers' organisation, as the case may be and the trade union, shall enter into collective bargaining for the purpose of concluding and signing a collective agreement.

(2) Collective bargaining may be undertaken—

(a) at the level of an undertaking, through negotiations between the management of the undertaking and the trade union representing the eligible employees ; or

(b) at the level of an industry, through negotiations between the employers' organisation and the trade union representing the eligible employees.

(3) Every valid collective agreement in force prior to the commencement of this Act shall continue in force until its expiry or replacement under this Act:

*(As amended by Act No. 13 of 1994 and Act No.30 of 1997)*

**67.** *Repealed by Act No. 30 of 1997.*

**68.** Every collective agreement shall contain clauses, in this part referred to as statutory clauses, stipulating—

Collective agreements

- (a) the date on which the agreement is to come into effect and the period for which it is to remain in force; and
- (b) the methods, procedures and rules for reviewing, amending, replacing or terminating the collective agreement.

**69.** (1) The bargaining unit shall—

Obligations of bargaining unit

- (a) commence negotiations for the purpose of concluding a new collective agreement at least three months before the date of expiry of the current collective agreement:

Provided that the most representative trade union shall ensure the participation of any minority trade unions in the sector, trade, undertaking, establishment or industry by forming an alliance with the minority trade unions led by the most representative trade union.

- (b) notify the Commissioner in writing, within fifteen days after the commencement of the negotiations, of the date on which the negotiations were commenced; and
- (c) conclude and sign the collective agreement within three months after the commencement of the negotiations.

(2) If the bargaining unit fails, or neglects without reasonable cause or excuse (the onus of proof shall lie on the bargaining unit) to commence negotiations or conclude the collective agreement in the manner and within the period specified in paragraphs (a) and (c) of subsection (1), or to notify the Commissioner in the manner and within the period specified in paragraph (b) of subsection (1), every member of the bargaining unit shall be liable, upon conviction, to a fine not exceeding forty penalty units and may be prohibited from holding a position in the bargaining unit for a period not exceeding three months.

*(As amended by Act No. 13 of 1994 and Act No. 8 of 2008)*

**70.** (1) The parties to a collective agreement shall, within fourteen days of signing, lodge five signed copies of the collective agreement with the Commissioner.

Lodging of collective agreements

(2) The Commissioner shall, within fourteen days of receipt of the copies referred to in subsection (1), submit such copies, together with his comment to the Minister.

Approval of  
collective  
agreement

**71.** (1) The Minister may, after considering a collective agreement lodged in accordance with section *seventy* together with the comments of the Commissioner received under subsection (2)—

- (a) direct that a copy of the collective agreement be returned to the parties together with his reasons for not directing the registration and give instructions to re-submit the collective agreement to the Commissioner; or
- (b) direct the Commissioner to register the collective agreement.

(2) The Minister shall not direct the registration of a collective agreement unless he is satisfied that—

- (a) the agreement contains the statutory clauses referred to in section *sixty-eight*; and
- (b) the clauses in the agreement do not contain anything which is contrary to any written law.

(3) Every collective agreement which has been approved by the Minister shall—

- (a) come into force on the date on which it is approved or on a later date specified in the collective agreement;
- (b) remain in force for such period as shall be specified in the agreement;
- (c) be binding on the parties to it.

*(As amended by Act No. 30 of 1997)*

Variation of  
collective  
agreement

**72.** The parties to a collective agreement may by agreement vary the provisions of a collective agreement and the procedure set out in section *seventy* shall apply, with the necessary modifications, to the variation.

Extension of  
collective  
agreement in  
force

**73.** (1) Where a bargaining unit is unable to conclude a new collective agreement before the expiration of the existing collective agreement, or where for any other reason the bargaining unit desires to extend the period during which the existing collective agreement is to remain in force, it may apply to the Minister in that behalf.

(2) An application under subsection (1) shall be made not less than thirty and not more than sixty days before the expiration of the existing collective agreement:

Provided that the Minister may, consider an application made at any time before the expiration of the existing collective agreement.

(3) Deleted by Act No. 30 of 1997.

*(As amended by Act No. 30 of 1997)*

**74.** *Repealed by Act No. 30 of 1997.*

## PART IX

## SETTLEMENT OF COLLECTIVE DISPUTES

**75.** A collective dispute shall exist when there is a dispute between an employer or an organisation representing employers on the one hand and the employees or an organisation representing the employees on the other hand, relating to terms and conditions of, or affecting the employment of, the employees and one party to the dispute has presented in writing to the other party all its claims and demands and—

Collective  
disputes

- (a) the other party has, within fourteen days from the date of receipt of the claims or demands, failed to answer the claims or demands; or
- (b) the other party has formally rejected the claims or demands and has made no counter offer; or
- (c) both the parties to the dispute have held at least one meeting with a view to negotiating a settlement of the dispute, but have failed to reach settlement on all or some of the matters in issue between them.

**76.** (1) Where a collective dispute arises and neither of the parties to the dispute is engaged in an essential service, either party to the dispute shall refer the dispute to—

Dispute to  
be referred  
to  
conciliator,  
board of  
conciliation  
or to court

- (a) a conciliator appointed by the parties to the dispute; or
- (b) a board of conciliation composed of—
  - (i) a conciliator appointed by the employer or an organisation representing employers;
  - (ii) a conciliator appointed by the employees or an organisation representing the employees; and
  - (iii) a conciliator appointed by the employer or the organisation representing the employers and employees or the organisation representing employees, who shall be the Chairman.

(2) Where the parties to a collective dispute not engaged in an essential service fail to agree within a period of seven days from the date when the collective dispute arose on the appointment of a conciliator or of the Chairman, they shall inform the Commissioner accordingly.

(3) The Commissioner on receipt of the information under subsection (2) shall request the Minister to appoint, within a period of seven days from the date of the request, a conciliator or Chairman of the board of conciliation from a list of names submitted and agreed upon by the representatives of employees and the representatives of employers.

(4) The conciliator or the board of conciliation appointed under subsection (1) or subsection (3) shall, within seven days of his or its appointment, summon the parties to the collective dispute to a meeting and proceed to conciliate in the dispute.

(5) Any party to a collective dispute or any agent or representative who refuses or neglects without reasonable cause or excuse (the onus of proof shall lie on such party) to attend a meeting summoned by the conciliator or board of conciliation shall be guilty of an offence.

(6) A conciliator or board of conciliators appointed under this section shall conclude a dispute within thirty days from the date of the appointment.

(7) Where a conciliator or board of conciliators fails to settle a dispute within the period stipulated in subsection (6), the settlement of the dispute shall be deemed to have failed and section *seventy-eight* shall apply;

(8) Where a collective dispute arises and any of the parties to it are engaged in an essential service, the parties to the dispute shall refer the dispute to the Court.

(9) Any person who commits an offence under subsection (5) shall, upon conviction, be liable—

(a) in the case of a body corporate, to a fine not exceeding one thousand penalty units;

(b) in any other case to a fine not exceeding four hundred penalty units.

*(As amended by Act No. 13 of 1994, Act No. 30 of 1997)*

Approval of  
settlement by  
conciliation

77. (1) As soon as a collective dispute is settled by means of conciliation, the conciliator or the Chairman of the Board of conciliation shall cause a memorandum of the terms of the settlement to be prepared which shall be signed by the parties to it and shall be witnessed by the conciliator or the Chairman and each member of the board of conciliation, as the case may be.

(2) The conciliator or the Chairman of the board of conciliation, shall, within seven days of the settlement of a dispute by conciliation, submit authenticated copies of the memorandum referred to in subsection (1) to the Registrar.

(3) The Registrar shall, as soon as possible after receipt of a copy of the memorandum refer it to the Court which shall, subject to the settlement embodied in the memorandum, if not contrary to any written law, approve the settlement.

(4) If the Court decides that the settlement as a whole or any term of the settlement embodied in the memorandum is contrary to any written law, the Registrar shall communicate the decision of the Court to the parties to the dispute accordingly.

**78.** (1) Where a conciliator or board of conciliation fails to settle a collective dispute either party to the collective dispute may—

(a) refer it to the Court;

(b) conduct a ballot to settle the dispute by a strike or lockout;  
or

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

Failure to  
reach  
settlement  
by  
conciliation

Cap. 40

(2) Where a collective dispute is referred to the Court under subsection (1) or under subsection (6) of section *seventy-six* the decision of the Court shall, subject to section *ninety-seven* be binding upon the parties to the dispute for such period as the Court may specify in the Order.

(3) Where the parties, decide to proceed on strike or lockout, the parties shall not proceed on strike or lockout unless a simple majority decision of the employees present and voting is made by employees in favour of the strike or lockout.

(4) The strike or lockout may, subject to section *seventy-five*, commence ten days following the decision to do so and shall continue for a period of fourteen days after which the dispute shall if it remains unresolved be referred to the Court.

(5) The Minister may intervene before or after the commencement of the strike or lockout under subsection (4) to try and settle the dispute.

(6) The Minister may, after consultation with the Tripartite Consultative Labour Council apply to the Court for a declaration that the continuance of the strike or lockout is not in the public interest.

(7) The Court shall make a decision within seven days of the application for a declaration that the strike or lockout is not in the public interest.

(8) Where the Court issues a declaration in favour of the application, the strike or lockout shall cease and the dispute shall be deemed to have been referred to the Court under paragraph (a) of subsection (1).

(10) The Court shall have power to decide whether the workers on a legal strike should be eligible for payment of wages during the period of the strike.

(11) Where action in pursuance of a strike or lockout takes place in accordance with the provisions of this Act—

(a) the provisions of the recognition and collective agreements, if any, between the parties shall not be deemed to have been breached by reason only of such action; or

(b) the contract of employment with respect to each employee involved in the strike or lock out shall not be deemed to have been breached by reason only of such action.

*(As amended by Act No. 30 of 1997 and Act No. 8 of 2008)*

## PART X

### TRIPARTITE CONSULTATIVE LABOUR COUNCIL

Consultative  
Labour  
Council

**79.** (1) There is hereby constituted the Tripartite Consultative Labour Council, in this part referred to as the Council which shall consist of the Minister and such equal number of members representing the trade unions, the employers and the Government, as the Minister may determine but the members shall not be less than twenty-one.

(2) The members representing—

(a) the trade unions shall be nominated by the trade unions registered under this Act;

(b) the employers shall be nominated by the employers' organisations registered under this Act; and

(c) the Government shall be nominated by the Minister.

(3) The Commissioner shall act as the secretary to the Council and any committee which may be formed by the Council.

*(As amended by Act No. 30 of 1997)*

Chairman  
and Vice-  
Chairman of  
Council

**80.** (1) The Council shall be chaired by the Minister, or in his absence, the Deputy Minister responsible for labour.

(2) There shall be two Vice-Chairmen of the council of which one shall be nominated by the trade unions and the other nominated by the employers' organisation.

Proceedings  
of  
Consultative  
Council

**81.** (1) Subject to the other provisions of this Part, the Council may regulate its own procedure.

(2) For the transaction of its business, the Council shall meet at least twice annually at such places and at such times, as the Chairman, in consultation with the trade unions and the employers' organisation may determine.

(3) A meeting of the Council may be called by giving notice of not less than fourteen days:

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

(4) At any meeting of the Council, one-half of the members shall form a quorum.

(5) Decisions of the Council on any question shall be by a majority of the members present and voting at the 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 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 person shall have no vote.

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

(8) The Government, trade unions and the employers' organisation shall be responsible for paying allowances for the attendance of meetings of the Council, to their respective representatives.

*(As amended by Act No. 30 of 1997)*

**82.** (1) The council may establish any number of standing or adhoc committees to assist the Council in the performance of its functions.

Committees  
of  
Council

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council, a committee established under this section may regulate its own procedure.

**83.** The functions of the Council shall be to advise the Government on all issues relating to labour matters, manpower development and utilisation and any other matter referred to the Council by the Government.

Functions  
of  
Council

## PART XI

## INDUSTRIAL RELATIONS COURT

Continuation  
of Court Act  
No. 36 of  
1990

**84.** The Industrial Relations Court established by section *sixty-four* of the Industrial Relations Act, is hereby continued as if established under this Act.

Jurisdiction  
of court

**85.** (1) The Court shall have original and exclusive jurisdiction to hear and determine any industrial relations matters and any proceedings under this Act.

(2) The Court shall have jurisdiction to commit and punish for contempt any person who disobeys or unlawfully refuses to carry out or to be bound by, an order made against that person by the Court under this Act.

(3) The Court shall not consider a complainant 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.

(4) The Court shall have the jurisdiction to hear and determine any dispute between any employer and an employee notwithstanding that such dispute is not connected with a collective agreement or other trade union matter.

(5) The Court shall not be bound by the rules of evidence in civil or criminal proceedings, but the main object of the Court shall be to do substantial justice between the parties before it.

(6) An award, declaration, decision or judgement of the Court on any matter referred to it for its decision or on any matter falling

within its exclusive jurisdiction shall, subject to section *ninety-seven*, be binding on the parties to the matter and on any parties affected.

(7) It shall be within the exclusive jurisdiction of the Court to resolve any ambiguity in any collective or recognition agreement brought to its notice by any of the parties concerned.

(8) No person shall take part in a lockout or a strike against or in defiance of any award, declaration, decision or judgement of the Court and any person who contravenes this subsection shall be liable, upon conviction, to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(9) For the purpose of this section “industrial relations matters” shall include issues relating to —

- (a) inquiries, awards and decision in collective disputes;
- (b) interpretation of the terms of awards, collective agreements and recognition agreement; and
- (c) general inquiris into, and adjudication on, any matter affecting the rights, obligation and privileges of employees employers and thier representative bodies.

*(As amended by Act No. 30 of 1997 and Act No. of 2008)*

**85A.** Where the Court finds that the complaint or application presented to it is justified and reasonable, the Court shall grant such remedy as it consider just and equitable and may—

Remedies  
by Court

- (a) award the complainant or applicant damages or compensation for loss of employment:
- (b) make an order for reinstatement, re-employment or re-engagement:
- (c) deem the complainant or applicant as retired ,retrenched or redundant :or
- (d) make any other order or award as the court may consider fit in the circumstances of the case.

*(As amended by Act No. 30 of 1997)*

**86.** (1) The Court shall consist of the following members:

Composition  
of Court

- (a) a Chairman;
- (b) Deputy Chairmen; and
- (c) not more than ten members appointed by the Judicial Service Commission..

(2) A person shall not be qualified for appointment as Chairman or Deputy Chairman, unless he qualifies to be appointed as High Court Judge.

(3) The Chairman and Deputy Chairmen shall be appointed by the President on the recommendation of the Judicial Service Commission.

(4) The members, other than the chairman and Deputy Chairman, shall hold office for a period of three years but shall be eligible for re-appointment.

(5) The Chairman and Deputy Chairmen shall have the same tenure and security of office as a judge of the High Court prescribed in the Constitution in the Article relating to tenure of office of judges of the Supreme and High Court and shall be subject to removal from office for inability to perform the functions of his office under that Article.

*(As amended by Act No. 30 of 1997 and Act No. 8 of 2008)*

Registrar and  
other officers  
of Court

**87.** (1) There shall be a Registrar and such Deputy Registrars and such Assistant Registrars, as may be necessary, who shall be public officers and who shall be appointed by the Judicial Service Commission.

(2) The Judicial Service Commission may appoint such other officers of the Court, as may be necessary.

**88.** *Repealed by Act No.30 of 1997*

Proceedings  
of Court

**89.** (1) The Chairman or a Deputy Chairman shall preside over the Court.

(2) The court, when hearing any matter, shall be duly constituted if it consists of three members or such uneven number as the Chairman may direct:

Provided that the Chairman or a Deputy Chairman may deal with interlocutory matters and deliver a ruling or make any order in chambers and may deliver any ruling or judgement made by the Court duly constituted.

(3) Subject to subsection (2), the determination of any matter before the Court shall be according to the opinion of the majority of the members of the Court considering or hearing the matter:

Provided that on a point of law the decision of the Chairman or the Deputy Chairman shall prevail.

(4) A person shall not sit or act as a member of the Court if he has any interest direct or indirect, personal or pecuniary, in any matter before the Court.

(5) The sittings of the Court shall be held in such places as the Chairman may direct.

*(As amended by Act No. 30 of 1997)*

**90.** (1) The court may, on application, declare who is or should be the holder of any office in a representative body. Declaration  
by Court

(2) The Chairman may make rules providing for the procedure to be followed on an application for a declaration under this section and prescribing any fees which shall be payable on any application.

(3) Without prejudice to the power of the Court to punish for contempt of court, where it has been declared under subsection (1) that any person is or should be the holder of an office, any other person who acts or purports to act as the holder of the office contrary to the terms of the declaration, shall be liable upon conviction, to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

*(As amended by Act No. 13 of 1994 and Act 30 of 1997)*

**91.** (1) At any hearing before the Court, any party may appear in person or be represented— Representation  
of parties

(a) by any officer of a representative body; or

(b) by a legal practitioner.

in any proceedings before the Court, the Government may be represented by the Attorney-General or by any other person authorised by him for that purpose.

**92.** (1) The court may summon witnesses, call for the production and inspection of, books, documents, records and other things, and to examine witnesses. Powers to  
summon  
witnesses

(2) A summons for the attendance of a witness or for the production of books, documents, records or other things shall be signed by the Registrar or Deputy Registrar and served in the same manner as if it were a *subpoena* for the attendance of a witness at a civil trial in the High Court.

(3) Any person giving evidence or summoned to give evidence or to produce any book, document, record or other thing before the Court, shall be entitled to the same privileges and immunities as if he were summoned to attend or were giving evidence in civil proceedings before the High Court.

(4) A person summoned under this section, other than a public officer or a person having an interest in the proceedings for which he is summoned, may on the order of the Court be paid from moneys appropriated by Parliament such allowances as may be prescribed by the Chairman.

Power to  
obtain  
evidence

**93.** (1) If any person who has been summoned under section *ninety-two* having reasonable notice of the time and place at which he is required to attend, fails to attend, or fails to remain in attendance until duly excused by the Court from further attendance, the Chairman or Deputy Chairman may, upon being satisfied by the return of the person charged with the service of the summons, that the summons was duly served upon such person, issue a warrant signed by him for the apprehension of the person.

(2) A person against whom a warrant has been issued under subsection (1), shall be apprehended by any police officer to whom the warrant is delivered and shall be brought before the Court to give evidence or to produce a book, document, record or other thing.

(3) If any person who has been summoned under section *ninety-two*—

- (a) refuses to be sworn or affirmed as a witness;
- (b) having been sworn or affirmed refuses to answer fully and satisfactorily any question he is lawfully required to answer; or
- (c) refuses or fails to produce any book, document, record or other thing and does not excuse his refusal or failure to the satisfaction of the Court;

the Chairman or Deputy Chairman may order that person to be detained in custody, as if he were a prisoner awaiting trial, for any period not exceeding eight days unless he sooner consents to do what is required of him.

(4) Where the person referred to in subsection (3), upon being brought before the Court at an adjourned hearing, further refuses or fails to do what is required of him, the Chairman or Deputy Chairman may, if he sees it fit, adjourn the proceedings and order that person to be detained for a like period until the person consents to do what is required of him.

- 94.** (1) The Court shall deliver judgment within sixty days after the hearing of the case. Judgment of Court
- (2) Failure to deliver judgment, within the period stipulated in subsection (1) shall amount to inability by the Chairman or Deputy Chairman to perform the functions of his office and the provisions of the Constitution in dealing with the inability by a judge to perform his functions under the Constitution shall apply. Cap. 1
- 95.** (1) The Registrar or Deputy Registrar shall cause every award, decision or judgment of the Court to be communicated to the parties concerned and to the Commissioner. Publication of judgments of Court
- (2) The Chairman may cause to be published in the *Gazette* any award, decision or judgment of the Court which, in his opinion, is of general interest.
- 96.** The Chairman shall, by statutory instrument, make rules regulating the procedure of the Court. Rules of Court
- 97.** Any person aggrieved by any award, declaration, decision or judgment of the Court may appeal to the Supreme Court on any point of law or any point of mixed law and fact. Appeals to Supreme Court

## PART XII

### GENERAL

- 98.** An act done by a person in contemplation or furtherance of a collective dispute shall not be actionable on the ground that it induces some other person to break a contract of employment, or that it interferes, with the trade, business or employment of some other person, or with the right of that other person to dispose of his capital or labour as he wishes. Immunity of officials of trade unions
- 99.** (1) An agreement by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a collective dispute shall not be punishable as a conspiracy if such act when committed by one person would not be punishable as a crime. Conspiracy in collective disputes
- (2) An act done in pursuance of an agreement by two or more persons shall not, if done in contemplation or furtherance of a collective dispute, be actionable unless the act, if done without any such agreement would be actionable.

(3) Nothing in this section shall—

- (a) affect the law relating to conspiracy for which punishment is prescribed by any law in force in the Republic; or
- (b) affect the law relating to riot, unlawful assembly, breach of the peace, or sedition.

Breach of contract involving injury to persons or property

**100.** (1) Where any person or in combination with others wilfully break a contract of service or of hire, knowing or having reasonable cause to believe that the probable consequence of their so doing will endanger human life or cause serious bodily injury or expose any property, whether real or personal, to destruction or serious injury, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

(2) No prosecution under this section shall be brought except by, or with the written consent of, the Director of Public Prosecutions.

*(As amended by Act No. 13 of 1994)*

Prohibition from participation in lockouts or strikes

**101.** (1) No employer or other person shall take part in a lockout which is not in contemplation or furtherance of a collective dispute to which the employer or that person is a party.

(2) No employee, trade union or other person shall take part in a strike which—

- (a) has not been authorised by a strike ballot taken in the manner provided by the constitution of a trade union under this Act; or
- (b) is not in contemplation or furtherance of a collective dispute to which the employee or trade union is a party.

(3) Any employer or other person who does any act in contravention of subsection (1), shall be liable, upon conviction—

- (a) in the case of a body corporate, to a fine not exceeding one thousand penalty units;
- (b) in any other case to a fine not exceeding four hundred penalty units;

(4) Any employee, trade union or other person who does any act or incites any person to do any act in contravention of subsection (2), shall be guilty of an offence and shall be liable upon conviction—

- (a) in the case of the trade union, to a fine not exceeding one thousand penalty units; or
- (b) in the case of an employee or other person, to a fine not exceeding four hundred penalty units and may be prohibited from holding office in a trade union for such period as the Court may determine.

*(As amended by Act No. 13 of 1994)*

**102.** (1) Any person acting on behalf of a trade union or a federation of trade unions in contemplation or furtherance of the settlement of a collective dispute may attend at or near a place not being a dwelling house, where a person works or carries on business, for the purpose of peacefully persuading an employee or an employer involved in the collective dispute to take part in a lawful demonstration:

Attendance at or near place of residence, business or employment for certain purposes

Provided that no person shall intimidate that other person or any other person in that place or obstruct the approach thereto or egress therefrom.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

*(As amended by Act No. 30 of 1997)*

**103.** (1) Any person acting in contemplation or furtherance of the settlement of a collective dispute may attend, at or near a dwelling house or place where another person resides or happens to be, for the purpose of peacefully obtaining or communicating information or of persuading or inducing the other person to take part in a strike or a demonstration:

Attendance at or near place of residence

Provided that no person shall intimidate that other person in that place.

(2) Any person who contravenes subsection (1) shall be charged with the offence of watching and besetting such house or place wrongfully and without legal authority within the meaning of subsection (1) of section *one hundred and seventy-three* of the Penal Code, and shall be liable, upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months or to both.

Cap. 87

*(As amended by Act No. 13 of 1994)*

Obstructing  
Commissioner,  
etc

**104.** Any person who wilfully obstructs or hinders the Commissioner, or any other person, in the exercise of any of his powers under this Act shall be liable, upon conviction, to a fine not exceeding four hundred thousand penalty units and may be prohibited from holding office in a trade union or employers' organisation for such period as the Court may determine.

*(As amended by Act No. 30 of 1997 and Act No. 8 of 2008)*

Prosecution  
of offences

**105.** All offences under this Act may be prosecuted before a subordinate court of the first or second class.

General  
penalty

**106.** Any person who does any act prohibited by this Act or who omits to do any act which he is required to do under this Act shall be charged with an offence and, where no specific penalty is provided by this Act in respect of such act or omission, he shall be liable, upon conviction, to a fine not exceeding one thousand penalty units and, in the case of an individual, he may also be barred from holding office of a trade union or employers' organisation for such period as the Court may determine.

*(As amended by Act No. 13 of 1994 and No. 30 of 1997)*

Essential  
service  
certificates

**107.** (1) Every employee engaged or employed in an essential service shall be issued by his employer with an essential service certificate in such form and in such manner as may be prescribed and such certificate shall be *prima facie* evidence for the purpose of any inquiry or proceedings under this section that the person to whom such certificate has been issued is engaged or employed in an essential service and that the attention of such employee has been drawn to the provisions of this section.

(2) Any person engaged or employed in an essential service who, without just cause or excuse (the onus of proof shall lie on him), does any act, or omits to do any act, the doing or the omission of which is likely to hinder or interfere with the carrying on of an essential service, shall be guilty of an offence.

(3) No employer or other person shall take part in a lockout and no employee, trade union or other person shall take part in a strike which is likely to hinder or interfere with the carrying on of any essential service.

(4) No person engaged in an essential service shall be eligible for payment of his salary if such person goes on strike or go-slow.

(5) Any person who incites or encourages a person engaged or employed in an essential service to do any act, or omit to do any act, the doing or the omission of which is likely to hinder or interfere with the carrying on of an essential service, shall be guilty of an offence.

(6) A police officer may arrest without warrant any person whom he has reasonable grounds to believe is acting in contravention of this section, and any person who obstructs a police officer in the execution of his duties under this subsection shall be guilty of an offence.

(7) Any person who contravenes subsection (2), (4) or (5) shall be liable, upon conviction, to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months and may be prohibited from holding office in a trade union for such period as the Court may determine.

(8) Any employer or other person who contravenes subsection (3) shall be guilty of an offence and shall be liable, upon conviction—

- (a) in the case of a body corporate, to a fine not exceeding one thousand penalty units; or
- (b) in any other case, to a fine not exceeding four hundred penalty units.

(9) Any employee, trade union or other person who contravenes subsection (3) shall be guilty of an offence and shall be liable, upon conviction—

- (a) in the case of the trade union, to a fine not exceeding one thousand penalty units; or
- (b) in the case of the employee or other person, to a fine not exceeding two hundred penalty units.

(10) For the purpose of this section, “essential service” means—

- (a) any service relating to the generation, supply or distribution of electricity;
- (b) any hospital or medical service;
- (c) any service relating to the supply and distribution of water;
- (d) any sewerage service;
- (e) any fire brigade; or
- (f) any service for the maintenance of safe and sound conditions in a mine of—

- (i) underground working and drainage;
- (ii) shafts and shaft installations; or
- (iii) machinery and plant;

(g) such other service which the Minister may, in consultation with the Tripartite Consultative Labour Council, prescribed by statutory instrument as an essential service.

*(As amended by Act No. 13 of 1994 and Act No. 30 of 1997)*

Restriction  
on  
discrimination  
in  
employment

**108.** (1) No employer shall terminate the services of an employee or impose any other penalty or disadvantage on any employee, on grounds of race, sex, marital status, religion, political opinion or affiliation, tribal extraction status of the employee.

(2) Any employee who has reasonable cause to believe that the employees' services have been terminated or that the employee has suffered any other penalty or disadvantage, or any prospective employee who has reasonable cause to believe that the employee has been discriminated against, on any of the grounds set out in subsection (1) may, within thirty days of the occurrence which gives rise to such belief, lay a complaint before the Court:

Provided that the Court may extend the thirty-day period for a further three months after the date on which the complainant has exhausted the administrative channels available to him.

(3) The Court shall, if it finds in favour of the complainant—

- (a) grant to the complainant damages or compensation for loss of employment;
- (b) make an order for re-employment or reinstatement in accordance with the gravity of the circumstances of each case.

Conduct of  
ballots

**109.** (1) The Minister may, by statutory instrument, make regulations governing the conduct of ballots for any representative body, and such regulations may include provisions relating to the giving of notices to any person qualified to vote in such ballots.

(2) Where a secret ballot is to be held in more than one place in connection with any matter, it shall be held in all such places on the same day or days and between the same hours.

Complaints  
against  
irregularities  
in elections

**110.** (1) Any interested person who has reasonable grounds to believe that the election of any person to any office in a representative body has been conducted in an irregular manner, that person may, not later than twenty-one days after the holding of such election, lay a complaint before the Court.

(2) The Court may, if it is satisfied that an irregularity has occurred in the conduct of any election, declare the election null and void and order fresh elections to be conducted under the supervision of such person, and on such conditions, as the Court may determine.

**111.** The Minister shall each year lay before the National Assembly a report on the working of this Act.

Report to  
National  
Assembly

**112.** The Minister may, by statutory instrument, —

Regulations  
by Minister

- (a) make regulations for the purpose of giving effect to the provisions of this Act; and
- (b) make regulations prescribing all matters which by this Act are required or permitted to be prescribed

*(As amended by Act No. 30 of 1997)*

**113.** (1) The Industrial Relations Act, 1990, is hereby repealed.

Repeal and  
savings Act  
No. 36 of  
1990

(2) Notwithstanding the repeal of the Industrial Relations Act, 1990, any statutory instrument or directive issued or made under that Act shall remain in force, so far as it is not inconsistent with this Act until revoked or cancelled under this Act.

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## SCHEDULE

(Sections 11, 29, 42, 56)

The Constitution of every representative body shall include-

- (a) the name of the representative body and the address of its registered office in Zambia;
- (b) the principal objects for which the representative body is established and the class or classes of employees or employers which the representative body shall represent:

Provided that—

- (i) a representative body may include in its constitution objects other than principal objects and, subject to the other provisions of this Act, any such representative body shall have power to apply its funds for any lawful objects authorised under its constitution;
  - (ii) no objects of any representative body shall not, by reason that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust;
- (c) the purposes to which the funds of the representative body may be applied;
  - (d) the organisational structure of the representative body, the mode of appointment and removal of the officers responsible for the administration of the representative body and the powers and duties of such officers;
  - (e) the payment of subscriptions and fees by the members and the method of collection and the grounds for disqualifying a member from voting on any matter concerning the representative body;
  - (f) the vesting and safe custody of the funds and property of the trade representative body, the banking and investment of its funds, and the maintenance, inspection and periodic auditing of its accounts and all other financial records;
  - (g) provision for disqualification from election or appointment to any office in the representative body of any office holder who has misappropriated the funds of the representative body;
  - (h) the election of the officers within six months after registration of a representative body and thereafter, at regular intervals of not more than four years;
  - (i) the election of not less than two and not more than four trustees of the representative body;
  - (j) the election by secret ballot supervised by a proper officer for a strike;
  - (k) the procedure for amending the constitution of the representative body; and
  - (l) a provision to ensure that all classes of members of a representative body are adequately and effectively represented on all organs of a representative body.

## **SUBSIDIARY LEGISLATION**

CAP. 269

## THE INDUSTRIAL RELATIONS ACT

Statutory  
Instrument  
65 of 1991  
80 of 2003

## SECTION 109—THE CONDUCT OF BALLOTS REGULATIONS

*Regulations by the Minister*

Title and  
application

1. These Regulations may be cited as the Conduct of Ballot Regulations, and shall apply to every ballot conducted by a representative body.

Interpretation

1A In these Regulations unless the context otherwise requires—  
“ representative body ” means a trade union, a federation of trade unions, an employers’ organisation and a federation of employers’ organisations or any other representative body registered under the Act

*(As amended by S.I. No. 80 of 2003)*

Notification  
of ballot

2. Where a trade union, the Congress, association or the Federation is required to conduct a ballot it shall—

(a) not less than seventy-two hours before the ballot is held, notify the proper officer in writing specifying the matter to be determined and the day and the time when balloting shall take place;

(b) not less than twenty-four hours before the ballot is held, furnish to the proper officer a list of the persons who are eligible to vote in the ballot together with such other particulars concerning such persons as the proper officer may require;

(c) on the request of the proper officer, furnish him with such evidence as he may require, by affidavit or otherwise, as he may require as to the eligibility to vote of all or any of the persons referred to in paragraph (b);

(d) before the ballot is conducted, give adequate notice of such intention to its members:

Provided that in the case of a strike ballot or lockout ballot not less than forty-eight hours notice shall be given to the members before such ballot is conducted.

*(As amended by S.I. No 80 of 2003)*

Establishment  
of voting  
points

3. The proper officer in consultation with a trade union, the Congress, association or the Federation, as the case may be, shall appoint a place or places at which the voting point shall be established.

Supervision  
of voting  
points

4. Every voting point shall throughout the period of voting be supervised by a proper officer who shall keep order thereat, and shall regulate the number of voters to be admitted to such point at any one time.

## Conduct of Ballot Regulations

[SUBSIDIARY]

5. If the proper officer so directs the representative body shall, not less than one hour before the voting is held, provide, to the satisfaction of the proper officer, enclosed voting booths and, where possible, chairs and tables in such numbers as may be necessary.  
(As amended by S.I. No. 80 of 2003)
- Equipment of voting points
6. For the purpose of enabling voters to cast their votes for or against the proposal to be determined by the ballot, the proper officer shall—
- Distinguishing ballot boxes, etc.
- (a) determine the number of ballot boxes to be put in voting booth;
  - (b) ensure that each ballot box is clearly distinguished from the other, by colour or by a mark affixed to it;
  - (c) affix notice at the entrance to each voting booth stating the proposal to be determined by the booth;
  - (d) take such steps as may seem to him necessary to explain to voters the purpose and method of voting.
7. Each ballot box shall be constructed in such a manner that the balloting tokens can be freely introduced therein but cannot be withdrawn therefrom without the box being unlocked, cut or broken open.
- Structure of ballot boxes
8. (1) Immediately before a ballot is held, the presiding officer shall show each ballot box empty to—
- Condition of ballot boxes
- (a) any representative of a representative body or a candidate who may be present and who has previously made his presence known to the proper officer;
  - (b) such other persons as may be present.
- (2) The proper officer shall ensure that the ballot box is sealed in a manner that it cannot be opened without breaking the seal.  
(As amended by S.I. No. 80 of 2003)
9. Every ballot shall be conducted in accordance with the following provisions, that is to say—
- Conduct of ballot
- (a) every voter taking part in a ballot shall present himself to the proper officer at a voting point during the hours laid down for the taking of the ballot and shall before recording his vote, identify himself by the production of his membership card or otherwise, as the proper officer may direct:
- Provided that any direction given by the proper officer under this paragraph shall be in accordance with the constitution of the representative body concerned-
- (b) the proper officer shall mark off the name or number of each voter on the list provided under paragraph (b) of regulation 2;

[SUBSIDIARY]

*Conduct of Ballot Regulations*

(c) the proper officer shall then deliver to the voter a token marked with an official mark in such form as the proper officer may direct and any token not so marked shall be void and shall not be counted;

(d) the voter shall then—

(i) enter the balloting booth alone;

(ii) record his vote by placing the token in the ballot box or boxes as the case may be, provided therein; and

(iii) leave the balloting booth without delay.

*(As amended by S.I. No. 80 of 2003)*

Sealing of  
ballot boxes  
after voting

**10.** As soon as practicable after the close of each day of voting, the proper officer shall at each voting point seal each ballot box, and all the ballot boxes together shall be locked by him in such place as he may provide for the purpose.

Voting at  
other voting  
points

**11.** Any person otherwise eligible to vote at any voting point who, at the time of voting, finds himself at another voting point may cast his vote at that point:

Provided that—

(a) he can satisfactorily identify himself to the proper officer at the voting point where he wishes to cast his vote, and

(b) he is in possession of a letter from a responsible official of the trade union, Congress association or Federation as the case may be, stating that he is eligible to vote in the ballot; or

(c) any proper officer at the voting point where such person wishes to cast his vote has been advised by telegram or otherwise in terms similar to those specified under paragraph (b).

Representative  
at counting  
of votes

**12.** The trade union, Congress, association or Federation may appoint no more than three representatives to attend at the counting of votes after the ballot has been closed.

Counting of  
votes

**13.** (1) Except in the case of a ballot conducted at more than one voting point, the proper officer at each voting point shall, as soon as practicable after the close of voting, count the votes and record the result of the ballot in the presence of representatives referred to under regulation 12 and the result so recorded shall be published in such a manner as the proper officer may direct.

(2) Where a ballot is conducted at more than one voting point the ballot figures for all voting points shall be added together so as to record the total results of the ballot and the result shall be published in such manner as the Labour Commissioner may direct.

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THE INDUSTRIAL RELATIONS COURT RULES

[SUBSIDIARY]

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*Statutory  
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PART I  
PRELIMINARY

1. These Rules may be cited as the Industrial Relations Court Rules. Title
2. In these Rules, unless the context otherwise requires— Interpreta-  
tion
  - "Act" means the Industrial Relations Act;\*
  - "Registrar" means the Registrar of the Court and includes any officer of the Court authorised by the Chairman to perform the functions of the Registrar;
  - "Court" means the Industrial Relations Court established under section *ninety-six*;
  - "Judge" means the Chairman or the Deputy Chairman;
  - "Part" means a Part of these Rules;
  - "seal" means any device capable of making an imprint, whether embossed or otherwise, on paper.

PART II  
APPLICATIONS TO THE COURT

3. This Part applies to applications to the Court under— Application  
of Part II
  - section 17 (injunction against an officer of a trade union);
  - section 44 (injunction against an officer of an association);
  - section 74 (3) (determination of alleged contravention of written laws or infringement of collective agreements, works agreements or works rules);
  - section 88 (interpretation of any clause in a collective agreement);
  - section 99 (1) (declaration by the Court); and
  - section 102 (Court to resolve ambiguities in collective agreements, its awards and decisions).
4. An application to which this Part applies shall be made by serving on the Court notice in writing in, or substantially in accordance with, the appropriate form in Part A of the Schedule. Institution of  
proceedings

## [SUBSIDIARY]

*Industrial Relations Court Rules*

Serving of  
notice of  
applications

5. On receipt of a notice under rule 4, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal, and shall return a sealed copy of the notice to the applicant and serve a sealed copy thereof on any other person considered by the Court to be a proper party to the proceedings, and every such person shall be a respondent to the application.

Respondent's  
answer

6. (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which an answer to the application must be delivered.

(2) A respondent who desires to oppose the application shall, within the time appointed under sub-rule (1), deliver to the Court an answer in, or substantially in accordance with, Form IRC 7 contained in Part A of the Schedule, setting out his answer and the Registrar shall serve a copy of such answer on every party to the proceedings.

Disposal of  
application

7. (1) If all parties to the proceedings have concurred in, or consented to, the application, or if no answer is delivered under rule 6 (2), the Court may, if it thinks fit, deal with the application without a hearing.

(2) Except where the Court deals with the application under sub-rule (1), the Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing the application and shall notify every party of the date appointed by the Court by which any interlocutory application may be made.

(3) The Court may, if it thinks fit, deal with an application to which this Part relates without an oral hearing notwithstanding that the application is opposed, but the Court shall not do so unless—

(a) all parties to the proceedings consent; or

(b) any party desiring an oral hearing has been given an opportunity of applying to the Court for such hearing and the Court is satisfied that no injustice can be caused if the application is dealt with without an oral hearing.

## PART III

## COMPLAINTS TO THE COURT

Application  
of Part III

8. This Part applies to complaints presented to the Court under—

section 114 (2) (complaint of discrimination in employment);

section 120 (1) (complaint in respect of irregularities in election).

*Industrial Relations Court Rules*

[SUBSIDIARY]

9. A complaint to which this Part applies shall be presented by serving on the Court notice in writing in, or substantially in accordance with, the appropriate form in Part B of the Schedule.

Institution of proceedings

10. On receipt of a notice under rule 9, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal, and shall return a sealed copy of the notice to the complainant and serve a sealed copy thereof on any person from whom any relief is claimed (and on any other person considered by the Court to be a proper party to the proceedings), and every such person shall be a respondent to the complaint.

Service of notice of complaint

11. (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which an answer to the complaint must be delivered.

Respondent's answer

(2) A respondent who desires to answer a complaint shall, within the time appointed under sub-rule (1), deliver to the Court an answer in, or substantially in accordance with, Form IRC 10 contained in Part B of the Schedule, setting out his answer to the complaint, and the Registrar shall serve a copy of such answer on every other party to the proceedings.

12. The Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing the complaint, and shall notify every such party of the date appointed by the Court by which any interlocutory application may be made.

Disposal of complaint

PART IV

APPEALS TO THE COURT

13. This Part applies to appeals under—  
section 10 (1) (appeal from the decision of the Commissioner);  
section 28 (3) (appeal from decision on disputes between trade unions);  
section 37 (1) (appeal from the decision of the Commissioner);  
section 59 (4) (appeal from the decision of a trade union);  
section 73 (4) (appeal from decision of the Board of Review).

Application of Part IV

14. An appeal to which this Part applies shall be instituted by serving on the Court, within the time allowed under rule 15, notice in writing in, or substantially in accordance with, the appropriate form in Part C of the Schedule, together with a copy of the refusal, decision or cancellation, as the case may be, against which the appeal is lodged.

Institution of appeal

## [SUBSIDIARY]

*Industrial Relations Court Rules*Time for  
appealing

**15.** A notice under rule 14 shall be served within thirty days of the date of the notification to the appellant of the refusal, decision or cancellation, as the case may be, against which the appeal is lodged.

Service of  
notice of  
appeal

**16.** On receipt of a notice under rule 14, the Registrar shall register the notice in the Court register and endorse the registration number thereon and seal the notice with the Court's seal, and shall return a sealed copy of the notice to the appellant and serve a sealed copy thereof on every person who, in accordance with rule 17, is a respondent to the appeal.

Respondents  
to appeals

**17.** The respondents to an appeal shall be—

- (a) in the case of an appeal under section 10 (1) or 37 (1), the Commissioner;
- (b) in the case of an appeal under section 28 (3), the Congress;
- (c) in the case of an appeal under section 59 (4), the trade union in question; and
- (d) in the case of an appeal under section 73 (4), parties to the proceedings before the Board of Review, other than the appellant.

Respondent's  
answer

**18.** (1) The Registrar shall, as soon as practicable, notify every respondent of the date appointed by the Court by which any answer under sub-rule (2) shall be delivered.

(2) Subject to sub-rule (3), a respondent who wishes to resist an appeal shall within the time appointed under sub-rule (1) deliver to the Court an answer in, or substantially in accordance with, Form IRC 16 contained in Part C of the Schedule, setting out the grounds on which he relies, and the Registrar shall serve a copy of such answer on every other party to the proceedings.

(3) A respondent who wishes to cross-appeal may do so by including in an answer delivered under sub-rule (2) a statement of the grounds of his cross-appeal.

Disposal of  
appeal

**19.** The Registrar shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the Court for hearing an appeal, and shall notify every such party of the date appointed by the Court within which any interlocutory application may be made.

## PART V

## REFERENCE OF A COLLECTIVE DISPUTE TO THE COURT

Application  
of Part V

**20.** This Part applies to a reference of a collective dispute made to the Court by the Minister.

**21.** (1) A reference of a collective dispute made to the Court by the Minister under the provisions of section 93 (3) shall be made in writing in, or substantially in accordance with, Form IRC 17 contained in Part D of the Schedule.

Reference of a collective dispute to the Court

(2) A reference of a collective dispute made to the Court by the Minister under the provisions of section 95 (1) shall be made in writing in, or substantially in accordance with, Form IRC 18 contained in Part D of the Schedule.

(3) A reference of a collective dispute shall be accompanied by a notification in writing in, or substantially in accordance with, Form IRC 19 contained in Part D of the Schedule, stating the details of the issues in the collective dispute.

**22.** When a reference of a collective dispute is made to the Court by the Minister, the Court shall take cognizance of the dispute and register the dispute in the Court register.

Registration of reference

**23.** The Court shall notify the parties to a collective dispute referred to the Court of the registration number of such dispute and shall fix the date and place for giving directions as to the further conduct of the dispute.

Date and place for giving directions

**24.** Each party to a collective dispute referred to the Court shall, within such period as the Court may direct, being not less than seven days after the date of such direction, present to the Court—

Statement of claim and answer

(a) in the case of the claimant, a statement of claim in writing in, or substantially in accordance with, Form IRC 20 contained in Part D of the Schedule, setting out—

- (i) the nature and full particulars of each item of the claim or demand involved in the dispute and as stated in the terms of reference to the Court;
- (ii) the class or classes of workers to whom the dispute relates; and
- (iii) such submissions as the claimant party may wish to make in support of its claim;

(b) in the case of the respondent, an answer in, or substantially in accordance with, Form IRC 21 contained in Part D of the Schedule, setting out—

- (i) such answer as it may wish to give to the items of the claim of demand raised in the statement of claim;
- (ii) an admission of such submissions set out in the statement of claim as the respondent admits, and a denial of such submissions as the respondent does not admit; and
- (iii) any submissions which the respondent may wish to make in support of its answer;

and shall at the same time supply to the other party a copy of such answer.

Further and better particulars

**25.** Where the Court considers that either the statement of claim or the answer does not set out adequately the particulars required by the Court or for any other reason the Court requires clarification or amplification of any submission by a party, the Court may require the party to provide such further details as it may consider necessary within such period as it may determine, and the party so required shall provide to the Court and the other party to the dispute such clarification and amplification as is required.

Witnesses and hearing

**26.** (1) Each party shall notify the Court when submitting the statement of claim or answer, as the case may be, of any witnesses he proposes to call and shall at the same time notify the other party to the dispute, but a party may call further witnesses with the leave of the Court.

(2) The Court shall notify the parties of the date and place of the hearing of the dispute.

Award

**27.** An award shall be communicated to the parties to a dispute in such manner as the Court may deem fit.

## PART VI

### REFERENCE UNDER SECTION 28 (4) OF A DISPUTE BETWEEN TRADE UNIONS

Reference under section 28 (4)

**28.** A reference to the Court under section 28 (4) of the Act of a dispute between trade unions shall be made in writing in, or substantially in accordance with, Form IRC 22 contained in Part D of the Schedule.

Cognizance of a dispute

**29.** When a reference of a dispute is made to the Court under rule 28, the Court shall take cognizance of the dispute and register the dispute in the Court register, and the provisions of rule 23 shall apply *mutatis mutandis* to such reference.

## PART VII

### GENERAL PROVISIONS APPLYING TO ALL PROCEEDINGS

Application of Part VII

**30.** This Part applies to all proceedings before the Court.

Time and place of proceedings

**31.** Any proceedings before the Court may be dealt with at such time and place as the Court may from time to time direct.

Joinder of parties

**32.** The Court may, on the application of any person or of its own motion, direct that any person not already a party to proceedings

be added as a party, or that any party to proceedings shall cease to be a party, and in either case may give such consequential directions as it considers necessary.

**33.** (1) Without prejudice to rule 36, an interlocutory application may be made by giving notice in writing to the Court, specifying the directions or order sought. Interlocutory applications

(2) On receipt of a notice under sub-rule (1), the Registrar shall serve a copy thereof on every other party to the proceedings who appears to him to be concerned in the matter to which the notice relates and shall notify the applicant and every such other party of the arrangements made by the Court for dealing with the application.

**34.** A single Judge of the Court may exercise any powers vested in the Court not involving the final determination of a dispute or other matter, hereafter referred to as an interlocutory matter. Powers of a single Judge

**35.** (1) Where an interlocutory order is made by a Judge in pursuance of rule 34, any party aggrieved by the order may appeal to the Court. Appeal from interlocutory orders

(2) Notice of appeal under sub-rule (1) may be given to the Registrar, either orally or in writing, within three days of the order appealed from and the Registrar shall notify every other party who appears to him to be concerned in the appeal and shall inform every such party and the appellant of the arrangements made by the Court for dealing with the appeal.

**36.** (1) Where it appears to the Court that the future conduct of any proceedings would thereby be facilitated, the Court may (either of its own motion or on application) at any stage of the proceedings appoint a date for the giving of directions as to their future conduct and thereupon the following provisions of this rule shall apply. Directions

(2) The Registrar shall give to every party to the proceedings notice of the date appointed under sub-rule (1) and any party applying for directions shall, if practicable, before that date give to the Court particulars of any directions applied for.

(3) The Registrar shall take such steps as may be practicable to inform every party of any directions applied for by any other party.

(4) On the date appointed under sub-rule (1), the Court shall consider any application for directions made by any party and any written representation relating thereto and shall give such directions as it thinks fit for the purpose of securing the just, expeditious and economical disposal of the proceedings, including, where appropriate, directions in pursuance of rule 46 for the purpose of ensuring that the parties are enabled to avail themselves of opportunities for conciliation.

(5) Without prejudice to the generality of sub-rule (4), the Court may give such directions as it thinks fit as to—

- (a) the amendment of any notice, statement of claim, answer or other document;
- (b) the giving of further and better particulars;
- (c) the delivery of interrogatories;
- (d) the admission of any facts or documents;
- (e) the discovery or further discovery of any documents;
- (f) the mode in which evidence is to be given at the hearing;
- (g) the consolidation of the proceedings with any other proceedings pending before the Court; and
- (h) the place and date of the hearing.

(6) An application for further directions, or for a variation of any directions already given, may be made in accordance with rule 33.

Court's  
power to  
give direction

**37.** Without prejudice to rule 36, the Court may, at any stage of the proceedings, of its own motion give any party to the proceedings directions as to any steps to be taken by him in relation thereto.

Interim  
orders

**38.** The Court may, on the application of any party, make, as an interim order, any order which under the Act it could make as a final order in the proceedings.

Notice to  
admit  
documents  
and facts

**39.** (1) Any party may, not less than fourteen days before the date fixed for the hearing, serve notice on any other party requiring him to admit (saving all just exceptions) the authenticity of any documents specified in the notice, and unless that other party, within seven days of service of the notice upon him, gives notice to the first party requiring the document to be proved at the hearing, he shall be deemed, unless the Court otherwise directs, to have admitted its authenticity.

(2) Any party may, not less than fourteen days before the date fixed for the hearing, give to any other party notice to admit, for the purpose of the proceedings, any facts specified in the notice, and the Court shall, in exercising its discretion as to making an order for costs or expenses under rule 44, take into consideration any unreasonable failure to admit, or delay in admitting, such facts.

Discovery  
of  
documents

**40.** A party to any proceedings may apply to the Court for an order directing any other party to make discovery or further discovery, either on oath or otherwise, of the documents relating to the proceedings which are or have been in his possession or power, and on the hearing of the application the Court may make such order, either generally or limited to certain classes of documents or to particular documents, as it thinks fit, including an order for the production or inspection of any documents.

**41.** (1) A party to any proceedings may apply to the Court for an order requiring any other party to answer interrogatories (or, as may be appropriate, a statement of facts), and the Court may give such directions as it thinks fit for the submission to the Court and service on any other party of the interrogatories or statement before the hearing of the application.

Interrogatories

(2) A body corporate or an unincorporated association shall answer any interrogatories or statement of facts by its director, manager, secretary or other officer.

**42.** If a respondent to any proceedings fails to deliver an answer within the time appointed under these Rules, or if any party to proceedings fails to comply with an order or direction of the Court, the Court may order that he be debarred from taking any further part in those proceedings (except for the purpose of being heard on any application for discovery or recovery of documents, or the answering of interrogatories or a statement of facts, or the payment of costs or expenses by him), or may make such other order as the court thinks just.

Default by parties

**43.** Every order of the Court shall be drawn up by the Registrar and a copy, sealed with the seal of the Court, shall be served by the Registrar on every party to the proceedings to which it relates.

Drawing up and enforcement of orders

**44.** (1) Where it appears to the Court that any person has been guilty of unreasonable delay, or of taking improper, vexatious or unnecessary steps in any proceedings, or of other unreasonable conduct, the Court may make an order for costs or expenses against him.

Costs

(2) Where an order is made under sub-rule (1), the Court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs or expenses, or such proportion of the costs or expenses as may be just, and in the last mentioned case may itself assess the sum to be paid, or may direct that it be assessed by the Registrar, from whose decision an appeal shall lie to the Court.

**45.** (1) Any notice or other document required or authorised by these Rules to be served on, or delivered to, any person may be sent to him by post to his address for service or, where no address for service has been given, to his registered office, principal place of business or last known address, and any notice or other document required or authorised to be served on, or delivered to, the Court may be sent by post or delivered to the Registrar.

Service of documents

(2) A document served by post shall be assumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The Court may inform itself in such manner as it thinks fit of the posting of any document by an officer of the Court.

(4) Any notice or other document required or authorised to be served on, or delivered to, an unincorporated body may be sent to its secretary, manager or other similar officer.

(5) The Court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

Conciliation

**46.** In exercising its powers under these Rules, the Court may, whether by adjourning any proceedings or otherwise, use its best endeavours to ensure that, in any case in which it appears to the Court that there is a reasonable prospect of agreement being reached between the parties, they are enabled to avail themselves of the services of conciliation officers or of other opportunities for conciliation.

Extension or abridgment of time

**47.** The time prescribed by these Rules or by order of the Court for doing any act may be extended (whether it has already expired or not) or abridged, and the date appointed for any purpose may be altered, by order of the Court.

Non-compliance with, and waiver of, rules

**48.** (1) Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the Court otherwise directs.

(2) The Court may, if it considers that to do so would lead to the more expeditious or economical disposal of any proceedings, or would otherwise be desirable in the interests of justice, dispense with the taking of any step required or authorised by these Rules, or may direct that any such step be taken in some manner other than that prescribed by these Rules.

Place and time of hearing

**49.** (1) A hearing by the Court shall take place at such time and place as the presiding Judge may determine.

(2) The Court shall have the power to adjourn any proceedings from time to time and from place to place.

## PART VIII MISCELLANEOUS

Committal for contempt of Court

**50.** Where a person has been committed to prison for contempt of Court, a warrant in Form IRC 23 contained in Part E of the Schedule shall be issued by a Judge of the Court and shall be full authority to the officer in charge of a prison and to all other persons for carrying into effect the order of committal described in such warrant.

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- 51.** A warrant to apprehend a person under subsection (1) of section *one hundred and five* of the Act shall be in Form IRC 24 contained in Part E of the Schedule. Warrant to apprehend
- 52.** A warrant to detain a witness in custody under subsection (2) of section *one hundred and five* of the Act shall be in Form IRC 25 contained in Part E of the Schedule. Warrant of detention
- 53.** The Forms set out in Part F of the Schedule or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used for all matters to which they may be applicable. Forms
- 54.** The Court or any other person authorised in writing in that behalf may at any time prior to the final determination of a matter before the Court enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work or machinery or interrogate any person therein in respect of anything situated therein or any question relating to the matter. Power to enter premises
- 55.** Nothing in these Rules shall be deemed to limit or otherwise affect the power of the Court to make such order as may be necessary for the ends of justice or to prevent the abuse of the process of the Court. Power of the Court not limited by these Rules
- 56.** If in any matter a party, witness or other person is unable to speak or understand the English language, the Court may direct a fit and proper person to attend and interpret the proceedings. Before so interpreting the Court may ask such person to swear an oath in the following terms: Interpreter
- "I swear that I will well and truly interpret and explanation make of all such matters and things as shall be required of me to the best of my skill and understanding. So help me God."
- 57.** When a party is represented by a person other than a legal practitioner, he shall file an authority to represent the party in, or substantially in accordance with, Form IRC 27 contained in Part F of the Schedule. Representation of parties
- 58.** All writs and mandatory process to be used, issued or awarded by the Court shall run and be in the name of the President, and shall be sealed with the seal of the Court. Forms of writ, etc.
- 59.** The process of the Court shall run throughout Zambia and an order of the Court shall be executed and enforced in like manner as if it were a judgment of the High Court. Orders to be enforced as a decree
- 60.** (1) All proceedings, agreements or other documents filed in the Court shall save in the circumstances referred to in sub-rule (2) be on metric foolscap paper of good quality and shall be Form of proceedings

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typewritten, mimeographed or printed in double spacing and shall be clear and easily legible. Only one side of the paper shall be used and a margin of not less than 4 cm shall be left on the left-hand side of each sheet.

(2) Where the nature of the document so requires, it may be reproduced by a photographic method.

(3) Any proceedings before the Court shall be paged consecutively and shall contain the following documents in the order in which they are hereinafter set out:

- (a) a complete index of all documents in the case showing the pages at which they appear;
- (b) all documents in the nature of pleadings in chronological order;
- (c) copies of all affidavits and exhibits to be relied on by the parties;
- (d) where the proceeding is an appeal from the decision of the Commissioner, a trade union or the Board of Review, a copy of the evidence and any other material placed before the Commissioner, the trade union or the Board of Review, as the case may be;
- (e) such other documents, if any, as may be necessary for the proper determination of the proceedings.

## PART IX

## EVIDENCE AND PROCEDURE IN THE COURT

- |                             |   |
|-----------------------------|---|
| Calling upon a party        | <b>61.</b> The Court may call upon the parties in such order as it may think fit to state their case.   |
| Admission of evidence       | <b>62.</b> The Court may accept, admit or call for any evidence at any stage of the proceedings and in any manner it thinks fit.  |
| Evidence on oath<br>Cap. 27 | <b>63.</b> Unless the Court otherwise directs, a witness shall give his evidence on oath or solemn affirmation administered in accordance with the provisions of section <i>thirty-six</i> of the High Court Act. |
| Oral evidence and affidavit | <b>64.</b> A witness at any proceedings shall be examined <i>viva voce</i> but the Court may at any time order that any particular fact may be proved by affidavit.   |
| Form of affidavit           | <b>65.</b> An affidavit filed in the Court shall be in, or substantially in accordance with, Form IRC 26 contained in Part F of the Schedule.   |
| Statistical statements      | <b>66.</b> Where statistical statements are to be filed as exhibits, on each statement shall be mentioned the following particulars:  |

- (a) the source from which the figures have been compiled; and
- (b) the name of the party submitting the exhibit.

**67.** In every matter fixed for hearing, if a party intends to rely on a book, publication, law report, etc., it shall file with the Registrar and serve on all other parties not less than four days before the date of hearing a list of such books, publications, law reports, etc.

Party to supply list of books, etc.

**PART X**

**FILING OF APPLICATIONS, APPEALS, COMPLAINTS, REFERENCES, STATEMENTS OF CLAIM, ANSWERS AND OTHER DOCUMENTS**

**68.** Every application, appeal, complaint, reference, statement of claim, answer or other document shall be filed in the office of the Registrar.

Filing of documents

**69.** Wherever under these Rules, any application, appeal, complaint, reference, statement of claim, answer or other document is required to be filed with the Court, there shall also be filed eight copies of such document, but the Registrar may in any case order that a greater or lesser number of copies shall be filed.

Copies

**70.** Every application, appeal, complaint, reference, statement of claim, answer or other document to be filed with the Court shall be scrutinised by the Registrar and if it is in order shall be admitted to the file, entered in the register and given the case number. Every such document shall be sealed by the Registrar and shall thereupon be deemed to be issued.

Registrar to scrutinise before filing

**71.** If a document is not in order by reason of any formal defect, it shall be returned by the Registrar for rectification of the defect.

Return of documents

**PART XI**

**VACANCY, SITTINGS, VACATION AND SEAL**

**72.** If at any time between the commencement of the hearing of any matter and its final determination any member of the Court hearing such matter dies or is unable through serious illness to continue to sit as a member of the Court, the Chairman may, if he is of the opinion that a new hearing would result in unwarranted delay or expense or would for any reason prejudice the parties or any of them, appoint another member of the Court to fill the vacancy.

Chairman may fill vacancy occurring during hearing

**73.** The sittings of the Court shall be two in every year, the first sitting commencing on the 22nd day of January and terminating on the 31st day of May and the second sitting commencing on the 24th day of July and terminating on the 30th day of November:

Sittings of the Court

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Provided that the Court may, in the discretion of the Chairman, deal with any matter during vacation time.

*(As amended by S.I. No. 177 of 1982)*

Working  
days and  
office hours

**74.** (1) The offices of the Court shall be open on every day of the year except on Saturdays, Sundays, public holidays and such other days as the Chairman may direct.

(2) Subject to any order of the Chairman, the offices of the Court shall be open to the public on working days—

(a) during a sitting, from 0900 hours to 1200 hours and from 1400 hours to 1600 hours; and

(b) during vacation, from 0900 hours to 1200 hours.

Seal of the  
Court

**75.** (1) There shall be used in the Court such seal as the Chairman may direct.

(2) The seal of the Court shall be impressed upon every document required by the Act or the rules made thereunder or any other written law to be so sealed.

(3) The seal of the Court shall be kept in the custody of the Registrar.

## PART XII

### REGISTRAR OF THE COURT

Custody of  
records

**76.** The Registrar shall have the custody of the records of the Court and shall exercise such functions as are assigned to him under these Rules or as may be assigned to him by the Chairman or the Deputy Chairman.

Applica-  
tions to the  
Registrar

**77.** Application in the following matters shall be made to the Registrar in writing in, or substantially in accordance with, the Form IRC 28 contained in Part F of the Schedule or a letter addressed to him—

(a) for certified copies of documents;

(b) for issue of summonses to witnesses in any matter filed in or referred to the Court;

(c) for inspection of documents filed in the Court;

(d) for withdrawal of matters filed in the Court before these are placed for hearing; and

(e) for return of exhibits.

## PART XIII

## WITNESSES' AND ASSESSORS' ALLOWANCES

**78.** A witness or an assessor, other than a public officer or a person having an interest in the proceedings for which he is summoned, who has duly attended at or for the proceedings at the instance of a party or the Court, shall be entitled to allowances, unless the Court or the Registrar shall for sufficient reason disallow the allowances of any such witness or assessor. Person entitled

**79.** (1) The allowances of witnesses and assessors shall be as follows: Allowances

<i>Class of person</i>	<i>Minimum sum payable per day</i>	<i>Maximum sum payable per day</i>
Professional persons, owners directors or managers of business and expert witness or assessors	6.00	16.00
Clerks and artisans and persons of similar status	1.00	6.00
Peasant labourers and persons of similar status	0.30	1.50

(2) The above-mentioned allowances will be paid during the time for which a witness or assessor is necessarily detained and for the time reasonably occupied in travelling.

(3) No additional allowance will be paid merely because the witness or assessor attends in respect of more than one case on the same day.

(4) If in the opinion of the Registrar to whom a claim for allowance shall be submitted-

(a) a strict adherence to the scales mentioned in sub-rule (1) would result in hardship, he may in his discretion increase the amounts payable; or

(b) a reduction in any of the allowances provided for by this rule is justified in any particular case, he may in his discretion reduce or disallow the amounts payable.

**80.** (1) In addition to any sum to which a witness or assessor may be entitled under the last preceding rule, all witnesses and assessors provided for in rule 78 shall also be entitled to be reimbursed in respect of any expenses actually and reasonably incurred in travelling to and from the Court, and for necessary accommodation and subsistence. Travelling expenses

(2) If in the opinion of the Registrar to whom a claim shall be submitted for the reimbursement of expenses, the sums expended and claimed exceed what is reasonable, he may in his discretion reduce or disallow the amounts payable.

(3) If any witness or assessor travels by his own motor vehicle or motor cycle he may claim travelling expenses at the rate of seven ngwee per kilometre and three ngwee per kilometre respectively.

## PART XIV

## COURT FEES

**81.** The fees specified in Part G of the Schedule shall be paid by the party at whose instance they are incurred, and may be afterwards recovered as cost of cause, if the Court so order. The Court or a Judge may, on account of the poverty of any party, or for other sufficient reasons, dispense, if it or he sees fit, with the payment of any fee.

**82.** The Court fees or any of the fees payable under these Rules shall be paid by cash, postal order or Bank Certified Cheque.  
(As amended by S.I. No. 157 of 1995)

**83.** Deleted by S.I. No. 157 of 1995

**84.** Deleted by S.I. No. 157 of 1995

**85.** A receipt shall be issued by the Court or any officer thereof in respect of fees paid.

No receipt to be issued

(2) Deleted by S.I. No. 1578 of 1995

(As amended by S.I. No. 157 of 1995)

**86.** Deleted by S.I. No. 157 of 1995

**87.** Deleted by S.I. No. 157 of 199

SCHEDULE

PART A

REPUBLIC OF ZAMBIA

IRC 1

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 17

(Rule 4)

1. This application is made by (name and address of applicant).....
  2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any).....
  3. Name, designation and address of the officer of the trade union against whom the order is sought to be made and the name and address of the trade union (name, designation and address of that person).....  
(name and address of the trade union) .....
  4. The grounds on which the application is made are (here set out the facts and matters relied on in support of the application): .....
  5. The applicant desires the Court to make the following order (here set out the other order desired):.....
- Date: ..... Signed: .....

REPUBLIC OF ZAMBIA

IRC 2

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 44

(Rule 4)

1. This application is made by (name and address of the applicant) .....
  2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any).....
  3. Name, designation and address of the officer of the association against whom injunction is sought and the name and address of the association (name and address of the officer) .....
  4. The grounds on which the application is made are (here set out the facts and matters relied on in support of the application): .....
  5. The applicant desires the Court to make the following order (here set out the order desired):.....
- Date:..... Signed: .....

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 3

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 74 (3)

(Rule 4)

1. This application is made by (name and address of the applicant).....

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any) .....

3. The application relates to the employee of (name(s) and address(es) of employer(s) concerned).....

4. This application relates to the following contravention or infringement (here specify the alleged contravention or infringement):.....

5. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application): .....

6. The applicant seeks the following relief (here specify the relief under section 74 sought by the applicant): .....

Date:..... Signed: .....

REPUBLIC OF ZAMBIA

IRC 4

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 88

(Rule 4)

1. This application is made by (name and address of the applicant).....

2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any).....

3. The applicant and..... (name(s) and address(es) of other party) (parties) to the collective agreement to which this application relates are parties to (here give particulars of the collective agreement): .....

4. The applicant desires the Court to interpret the meaning of the following provisions in the collective agreement (here give the provisions for which interpretation is sought):.....

5. The applicant encloses herewith his memorandum in support of his interpretation (enclose the memorandum).

Date:..... Signed: .....

Industrial Relations Court Rules

[SUBSIDIARY]

REPUBLIC OF ZAMBIA

IRC 5

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 99 (1)

(Rule 4)

- 1. This application is made by (name and address of the applicant): .....
  - 2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any): .....
  - 3. The name(s) and address(es) of (organisation(s) and (person(s)) concerned in this application are (name(s) and address(es) of proposed respondents): .....
  - 4. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application): .....
  - 5. The applicant desires the Court to make a declaration to the following effect (here set out the declaration applied for): .....
- Date:..... Signed:.....

REPUBLIC OF ZAMBIA

IRC 6

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

NOTICE OF APPLICATION UNDER SECTION 102

(Rule 4)

- 1. This application is made by (name and address of the applicant).....
  - 2. Any communication for the applicant relating to this application may be sent to (applicant's address for service, including telephone number, if any): .....
  - 3. The applicant and..... (name(s) and address(es) of other party (parties) concerned in the collective agreement, Court's award or Court's decision to which the application relates) are parties to (here give particulars of the collective agreement, Court's award or decision, as the case may be):.....
  - 4. The applicant desires the Court to resolve the following ambiguity (here set out in detail the alleged ambiguity specifying suggested amendment, if any, for resolving ambiguity):.....
  - 5. The grounds on which this application is made are (here summarise the facts and matters relied on in support of the application):.....
- Date:..... Signed:.....

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 7

INDUSTRIAL RELATIONS COURT

Application No. ...., 20.....

RESPONDENT'S ANSWER

(Rule 6 (2))

..... } Applicant(s)

Versus

..... } Respondent(s)

May it please the Honorable Court.

The Respondent(s) above named beg(s) respectfully to submit his/their answer as under (herein set out in numbered paragraphs the Respondent's answer to the application):.....

Date:..... Signed: .....

PART B

REPUBLIC OF ZAMBIA

IRC 8

INDUSTRIAL RELATIONS COURT

Complaint No. ...., 20.....

NOTICE OF COMPANY UNDER SECTION 114 (2)

(Rule 9)

1. This complaint is presented by (name and address of the complainant)...

2. Any communication for the complaint relating to this complaint may be sent to (complainant's address for service, including telephone number, if any)...

3. The name(s) and address(es) of the (employer(s)) against whom the complaint is made are (name(s) and address(es) of proposed respondent(s)) .....

4. The grounds on which this complaint is presented are (here summarise the facts and matters relied on in support of the complaint, stating the date of alleged occurrence of the event giving rise to this complaint):.....

5. The complainant is seeking the following relief (here specify, in relation to each proposed respondent, the relief under section 114 (2) sought by the complainant):.....

Date:..... Signed:.....

Complaint No. ...., 20.....

NOTICE OF COMPLAINT UNDER SECTION 120 (1)

(Rule 9)

1. This complaint is presented by *(name and address of complainant)*.....  
.....
  2. Any communication for the complainant relating to this complaint may be sent to *(complainant's address for service, including telephone number, if any)* ...  
.....
  3. The representative body against which this complaint is made is *(name and address of the Congress, Federation, trade union or association alleged to have conducted election in irregular manner)*:.....  
.....
  4. The grounds on which the complaint is presented are *(here summarise the facts and matter relied on in support of the complaint stating the date of election in question)*: .....  
.....
  5. The complainant is seeking the following relief *(here specify the relief which is sought)* .....  
.....
- Date:..... Signed:.....

Complaint No. ...., 20.....

RESPONDENT'S ANSWER

(Rule 11 (2))

..... } Complainant(s)

Versus

..... } Respondents(s)

May it please the Honourable Court.

The respondent(s) above named beg(s) respectfully to submit his/their answer as follows *(herein set out in numbered paragraphs the Respondent's answer to the application)*: .....

Date: ..... Signed:.....

[SUBSIDIARY]

Industrial Relations Court Rules

PART C
REPUBLIC OF ZAMBIA

IRC 11

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

NOTICE OF APPEAL UNDER SECTION 10 (1)
(Rule 14)

- 1. The appellant is (name and address of appellant) .....
2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any): .....
3. A copy of the \*refusal/decision/cancellation by the Commissioner is attached hereto as Appendix A.
4. The \*refusal/decision/cancellation by the Commissioner was notified to the appellant on (here state the date of notification): .....
5. The appellant appeals from the \*refusal/decision/cancellation by the Commissioner mentioned in paragraph 3.
6. The appellant's grounds of appeal are (here state the grounds of appeal): .....

Date:..... Signed: .....

\*Delete whichever is not applicable

REPUBLIC OF ZAMBIA

IRC 12

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

NOTICE OF APPEAL UNDER SECTION 28 (3)
(Rule 14)

- 1. The appellant is (name and address of appellant) .....
2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any): .....
3. A copy of the decision of the Congress is attached hereto as Appendix A.
4. The decision of the Congress was communicated to the appellant on (here state the date on which decision was communicated to the applicant): .....
5. The appellant appeals from the decision of the Congress mentioned in paragraph 3.....
6. The appellant's ground of appeal are (here state the grounds of appeal): ..
7. The names and address of other trade unions in the dispute are (here state the names and addresses of the trade unions): .....

Date:..... Signed: .....

Industrial Relations Court Rules

[SUBSIDIARY]

REPUBLIC OF ZAMBIA

IRC 13

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

NOTICE OF APPEAL UNDER SECTION 37 (1)

(Rule 14)

- 1. The appellant is (name and address of appellant) .....
  - 2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any): .....
  - 3. A copy of the \*refusal/decision/cancellation by the Commissioner is attached hereto as Appendix A.
  - 4. The appellant appeals from the \*refusal/decision/cancellation by the Commissioner mentioned in paragraph 3.
  - 5. The appellant's grounds of appeal are (here state the grounds of appeal): .....
  - 6. The \*refusal/decision/cancellation by the Commissioner was notified to the appellant on (here state the date of notification): .....
- Date:..... Signed: .....

\*Delete whichever is not applicable

REPUBLIC OF ZAMBIA

IRC 14

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

NOTICE OF APPEAL UNDER SECTION 59 (4)

(Rule 14)

- 1. The appellant is (name and address of appellant).....
  - 2. Any communication relating to this appeal may be sent to the appellant at (appellant's address for service, including telephone number, if any): .....
  - 3. A copy of the decision of ..... (name of the trade union) not approving the nomination of the appellant as a candidate for ..... (specify the election for membership of a council) and giving reasons therefor is attached hereto as Appendix A.
  - 4. Any communication relating to this appeal may be sent to the trade union in question at (trade union's address for service, including telephone number, if any) .....
  - 5. The appellant appeals from the decision of the trade union mentioned in paragraph 3.
  - 6. The appellant's grounds of appeal are (here state the grounds of appeal): .....
- Date:..... Signed: .....

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 15

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

NOTICE OF APPEAL UNDER SECTION 73 (4) (Rule 14)

- 1. The appellant is (*name and address of the appellant*):.....
  - 2. Any communication relating to this appeal may be sent to the appellant at (*appellant's address for service, including telephone number, if any*):.....
  - 3. A copy of the decision of the Board of Review is attached hereto as Appendix A.
  - 4. The appellant appeals from the decision of the Board of Review mentioned in paragraph 3.
  - 5. The parties to the proceedings before the Board of Review, other than the appellant, were (*names and addresses of other parties to proceedings resulting in a decision appealed from*): .....
  - 6. The appellant's grounds of appeal are (*here state the grounds of appeal*): .....
- Date:..... Signed: .....

REPUBLIC OF ZAMBIA

IRC 16

INDUSTRIAL RELATIONS COURT

Appeal No. ...., 20.....

RESPONDENT'S ANSWER (Rule 19 (2))

..... } Appellant(s)

Versus

..... } Respondents(s)

May it please the Honourable Court.

The Respondent(s) above named beg(s) respectfully to submit his/their answer as under (*here set out in numbered paragraphs the Respondent's answer to the appeal*) .....

Date: ..... Signed: .....

Industrial Relations Court Rules

[SUBSIDIARY]

PART D

REPUBLIC OF ZAMBIA

IRC 17

INDUSTRIAL RELATIONS COURT

Reference No. ...., 20.....

NOTICE OF REFERENCE OF A COLLECTIVE DISPUTE UNDER SECTION 93 (3) (Rule 21)

1. I have received notice of a collective dispute between (here state names of the parties): .....

2. WHEREAS the parties to the dispute are unable to reach a settlement thereof and have requested me to refer the dispute to the Court and the Commissioner has recommended to me that such request be acceded to:

NOW THEREFORE, in exercise of the powers contained in section 93 (3), I refer the said collective dispute to the Court.

3. Details of the issues in the collective dispute are as stated in Form IRC 19 attached hereto.

Date:..... Minister of Labour and Social Services

REPUBLIC OF ZAMBIA

IRC 18

INDUSTRIAL RELATIONS COURT

Reference No. ...., 20.....

NOTICE OF A REFERENCE OF A COLLECTIVE DISPUTE UNDER SECTION 95 (1) (Rule 21)

1. I have received notice of a collective dispute between (here state the names of parties): .....

2. WHEREAS the parties to the dispute as well as the conciliator or the board of conciliation have failed to reach a settlement of the dispute:

NOW THEREFORE, in exercise of the powers contained in section 95 (1), I refer the said collective dispute to the Court.

3. Details of the issues in the collective disputes are as stated in Form IRC 19 attached hereto.

Date:..... Minister of Labour and Social Services

REPUBLIC OF ZAMBIA

IRC 19

INDUSTRIAL RELATIONS COURT

Reference No. ...., 20.....

NOTIFICATION OF ISSUES IN A COLLECTIVE DISPUTE UNDER SECTION 93 OR 95 (Rule 21)

1. The parties to the collective dispute are (here state the names of the parties): .....

2. The issues in dispute between the parties are (here state in detail each claim or demand): .....

Date: .....

Minister of Labour and Social Services

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 20

INDUSTRIAL RELATIONS COURT

Reference No. ...., 20.....

STATEMENT OF CLAIM (Rule 24)

..... } Claimant(s)

Versus

..... } Respondents(s)

May it please the Honourable Court.

The ..... above named beg(s) respectfully to submit the statement of claim as follows (herein set out in numbered paragraphs the claims made and the grounds therefore):.....

.....

Date: ..... Signature: .....

REPUBLIC OF ZAMBIA

IRC 21

INDUSTRIAL RELATIONS COURT

Reference No. ...., 20.....

ANSWER (Rule 24)

..... } Claimant(s)

Versus

..... } Respondents(s)

May it please the Honourable Court.

The Respondent(s) above named beg(s) to submit his/their answer as follows (herein set out in numbered paragraphs the Respondent(s) answer to the statement of claim):

.....

Date: ..... Signature: .....

REPUBLIC OF ZAMBIA

IRC 22

INDUSTRIAL RELATIONS COURT

NOTICE OF A REFERENCE OF A DISPUTE UNDER SECTION 28 (4)
(Rule 28)

1. A dispute has arisen between us as to which of us shall have the exclusive right to represent (specify the class of employees) .....

2. The dispute was referred to the Congress for its decision thereon but the Congress has failed to communicate its decision within thirty days after the dispute was referred to it.

3. NOW THEREFORE, in accordance with the provisions of section 28(4) of the Industrial Relations Act, we hereby refer the dispute to the Court and request the Court to take cognizance thereof.

4. The addresses for service on us are as follows: .....

5. Details of the issues of the dispute are as stated in Appendix A attached hereto.

Date..... Signed..... (for ..... Trade Union)

Date..... Signed ..... (for..... Trade Union)

PART E
REPUBLIC OF ZAMBIA

IRC 23

INDUSTRIAL RELATIONS COURT

WARANT OF COMMITTAL
(Rule 50)

To each and all Police Officers of Zambia, Officers of this Court and the Superintendent/Officer in Charge of the Government Prison at.....

WHEREAS.....of .....
was on the ..... day of ....., 20....., held to be in contempt of this Court and committed to prison for a period of.....

NOW THEREFORE You are commanded in the President's name to lodge the said ..... in the prison of ..... together with this warrant, in which prison the aforesaid order shall be carried into execution according to law and for this the present warrant shall be a sufficient authority to all whom it may concern.

Date ..... at ..... the ..... day of ....., 20.....

Signature.....

Chairman/Deputy Chairman,
Industrial Relations Court

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 24

INDUSTRIAL RELATIONS COURT

WARRANT TO APPREHEND DEFAULTING WITNESS (Rule 51)

(\*)Application/Appeal/Complaint/Reference No. .... of 20.....

..... }
Versus
..... }

WHEREAS ..... was commanded to attend in person before this Court at ..... day of ....., 20 ....., and subsequent days, to testify or to produce a book, document, record or other thing in the above cause; he has failed to attend or has failed to remain in attendance until duly excused by this Court and no sufficient reason for such failure seems to exist.

NOW THEREFORE You are hereby commanded in the name of the President to apprehend and to bring and have the said ..... before this Court at ..... on the ..... day of ....., 20..... Issued at ..... the ..... day of ....., 20.....

(Signature)..... Chairman, Industrial Relations Court

\*Delete whichever is not applicable

REPUBLIC OF ZAMBIA

IRC 25

INDUSTRIAL RELATIONS COURT

WARRANT TO DETAIN IN CUSTODY (Rule 52)

(\*)Application/Appeal/Complaint/Reference No. ....of 20.....

..... }
Versus
..... }

To each and all Police Officers in Zambia, the Officers of this Court, the Superintendent/Officer in Charge of the Government Prison at .....

WHEREAS..... of ..... had been summoned under section one hundred and four of the Industrial Relations Act, 1971, and—

- (a) has refused to be sworn or affirmed as a witness; or
(b) having been sworn or affirmed, has refused to answer fully and satisfactorily the question he was lawfully required to answer; or
(c) has refused or failed to produce a book, document, record or other thing; and has not excused such refusal or failure to the satisfaction of this Court.

NOW THEREFORE YOU, the said Police Officers and the Officers of Court, are hereby commanded to convey the said ..... to the said prison and there deliver the said.....to the Superintendent/Officer in Charge thereof together with this warrant; and you, the Superintendent/Officer in Charge of the said prison are hereby commanded to receive the said ..... into your custody and unless he/she sooner consents to do what is required of him/her until the ..... day of ....., 20....., and on that day to convey him/her at ..... hours before this Court to be further dealt with according to law, unless you, the said Superintendent/Officer in Charge, shall be otherwise ordered in the meantime.

Date ..... at ..... the ..... day of ....., 20..... (Signature).....

Chairman, Industrial Relations Court

\*Delete whichever is not applicable

Industrial Relations Court Rules

[SUBSIDIARY]

REPUBLIC OF ZAMBIA

IRC 26

INDUSTRIAL RELATIONS COURT

AFFIDAVIT (GENERAL FORM)

(Rule 65)

(\*)Application/Appeal/Complaint/Reference No. .... of 20.....

..... }

Versus

..... }

I, ....., make oath and say as follows (herein set out, in numbered paragraphs, the facts deposed to): .....

.....  
.....  
.....

Sworn by the said .....

.....

on the ..... day of .....

....., 20.....

Before me:

}  
.....  
}

.....  
Commissioner for Oaths

\*Delete whichever is not applicable

PART F

REPUBLIC OF ZAMBIA

IRC 27

INDUSTRIAL RELATIONS COURT

AUTHORITY TO REPRESENT

(Rule 57)

\*Application/Appeal/Complaint or Reference No. .... of 20.....

I/We .....

have appointed Mr. .... to appear

for me/us in the above matter. The address of the appointee Mr. ....

is .....

Dated at ..... this ..... day of ....., 20.....

Signed .....

\*Delete whichever is not applicable

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 28

INDUSTRIAL RELATIONS COURT

APPLICATION TO THE REGISTRAR (GENERAL FORM)

(Rule 77)

(Address).....

.....

.....

To:

THE REGISTRAR
INDUSTRIAL RELATIONS COURT
P.O. BOX 4009
LUSAKA

Dear Sir,

Application
Subject—Appeal No. .... of 20.....
Complaint
Reference
.....

Be pleased to supply the undersigned with a certified copy of .....
in the above matter.

Dated this ..... day of ....., 20.....

Yours faithfully,

Signature .....

(This form may be adopted with suitable alterations in making application
under rule 77)

REPUBLIC OF ZAMBIA

IRC 29

INDUSTRIAL RELATIONS COURT

NOTICE (GENERAL FORM)

(Rule 53)

Reference No. ...., 20.....

} Claimant(s)

Versus

} Respondents(s)

PLEASE TAKE NOTICE that you are hereby required to file.....
..... in the above matter on or before the
..... day of ....., 20.....

By order of the Chairman.

Registrar,
Industrial Relations Court

*Industrial Relations Court Rules*  
REPUBLIC OF ZAMBIA

[SUBSIDIARY]

IRC 30

INDUSTRIAL RELATIONS COURT

SUMMONS TO A WITNESS  
(Subpoena ad Testificandum)  
(Rule 53)

\*Application/Appeal/Complaint/Reference No. ...., 20.....  
(General Title)

To: .....

You are commanded in the President's name to attend before the Industrial Relations Court at ..... on the ..... day of ....., 20....., at ..... hours and so from day to day until the above cause is tried, to give evidence on behalf of.....

WITNESS THE HONOURABLE .....  
*Chairman of Industrial Relations Court*

Dated the ..... day of ..... in the year of Our Lord One Thousand Nine Hundred and .....

\*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA

IRC 31

INDUSTRIAL RELATIONS COURT

SUBPOENA DUCE TECUM  
(Rule 53)

\*Application/Appeal/Complaint/Reference No. .... of 20.....

To: .....

You are commanded in the President's name to attend before the Industrial Relations Court at ..... on the ..... day of ....., 20....., at ..... hours and so from day to day until the above cause is tried, to give evidence on behalf of ..... and to produce at the time and place aforesaid .....

WITNESS the Honourable.....  
*Chairman of the Industrial Relations Court*

Dated the ..... day of ..... in the year of Our Lord One Thousand Nine Hundred and .....

\*Delete whichever is inapplicable

[SUBSIDIARY]

Industrial Relations Court Rules

REPUBLIC OF ZAMBIA

IRC 32

INDUSTRIAL RELATIONS COURT

NOTICE OF HEARING  
(Rule 53)

\*Application/Appeal/Complaint/Reference No. ...., 20.....  
BETWEEN

..... }  
and  
..... }

TAKE NOTICE that the above cause will be heard and determined by the Industrial Relations Court at ..... on the ..... day of ....., 20....., at ..... hours.

Dated the ..... day of ....., 20.....  
Any interlocutory application in the above cause may be made on or before the ..... day of ....., 20.....

.....  
Registrar  
Industrial Relations Court

\*Delete whichever is inapplicable

REPUBLIC OF ZAMBIA

IRC 33

INDUSTRIAL RELATIONS COURT

ORDER OF COSTS  
(Rule 53)

\*Application/Appeal/Complaint/Reference No. .... of 20.....

..... }  
versus  
..... }

The Court doth hereby order that the abovenamed ..... shall pay to the abovenamed ..... the sum of K..... in respect of the costs in the above matter.

Dated this ..... day of ....., 20.....

Registrar,  
Industrial Relations Court

\*Delete whichever is inapplicable

Industrial Relations Court Rules

[SUBSIDIARY]

REPUBLIC OF ZAMBIA

IRC 34

INDUSTRIAL RELATIONS COURT

ORDER (GENERAL FORM)
(Rule 53)

\*Application/Appeal/Complaint/Reference No. .... of 20.....

..... } .....

Versus

..... } .....

UPON HEARING ..... and

UPON READING the affidavit(s) of

IT IS HEREBY ORDERED BY THE COURT THAT

Dated this ..... day of ....., 20.....

Registrar

Industrial Relations Court

\*Delete whichever is inapplicable

PART G
(Rule 81)

Table with 2 columns: Description of legal actions and Fee Units. Includes items like 'On sealing any order of the Court', 'On filing an application to set aside a writ of fifa', etc.

(As amended by S.I. No. 34 of 1996)

SECTION 112—THE REPRESENTATIVE BODY (REGISTRATION AND  
PRESCRIBED FORMS) REGULATIONS

[SUBSIDIARY]

Statutory  
Instrument  
73 of 1994  
55 of 1999  
79 of 2003*Regulations by the Minister*

1. These Regulations may be cited as the Representative Body (Registration and Prescribed Forms) Regulations. Title
2. In these Regulations, unless the context otherwise requires— Interpretation  
“representative body” means a trade union, a federation of trade unions, an employers’ organisation and a federation of employers’ organisations or any other representative body registered under the Act.  
*(As amended by S.I. No. 55 of 1999)*
3. An application for registration as a representative body, shall be in Form 1 set out in the Schedule. Registration as representative
- 3A. Subject to the provisions of the Act, a certificate of registration shall be issued upon payment of a registration fee of— Payment of registration fee  
(a) two thousand seven hundred and seventy-eight fee units in the case of a trade union;  
(b) two thousand seven hundred and seventy-eight fee units in the case of an employers’ organisation; or  
(c) eleven thousand one hundred and twelve fee units in the case of a federation of employers’ organisation.  
*(As amended by S.I. No. 71 of 2003)*
4. An employee engaged or employed in an essential service as provided for under section *one hundred and seven* of the Industrial and Labour Relations Act, shall be issued with an essential service certificate by his employer in Form 7 set out in the Schedule. Essential service certificate
5. The forms set out in the Schedule to these Regulations are hereby prescribed for the purpose mentioned in each form. Prescribed forms

Form 1

## SCHEDULE

Prescribed Forms  
*(Regulation 3)*THE INDUSTRIAL AND LABOUR RELATIONS ACT  
Cap. 269**The Representative Body (Registration and Prescribed Forms) Regulations**

## APPLICATION FOR REGISTRATION OF REPRESENTATIVE BODY

1. This application is made by—  
(a) not less than fifty supporting employees in the case of a trade union;  
(b) in the case of an employers’ organisation not less than five members or such lesser number as the Commissioner may accept;  
(c) in the case of a federation of trade unions or a federation of employers’ organisations, not less than two registered trade unions or registered employers organisations, respectively.

**[SUBSIDIARY]** *Representative Body (Registration and Prescribed Forms) Regulations*

2. The representative body shall be registered in the name of.....  
 .....  
 .....  
 as set out in rule No. ....  
 of the constitution of the representative body.
3. To the best of our belief, there is no other existing representative body registered in the name identical to or so nearly resembles the names of this representative body, so as to cause confusion to its members and the public at large.
4. The representative body was established on the .....  
 day of ..... in the year.....by  
 a resolution of the general meeting of the said representative body and an authenticated copy of such a resolution is hereby attached to this application.
5. The registered office of the representative body to which all communications and notices may be addressed is at .....  
 .....  
 as set out in rule No. .... of the constitution  
 of the representative body.
6. The objects for which the representative body is established, and the class or classes or category or categories of employees or employers as the case may be which the representative body shall represent is set out in rule No. ....  
 ..... of the constitution of the representative body.
7. The provision for the organisational structure of the representative body, the mode of appointment and removal of officers responsible for the administration of the representative body and the powers and duties of such officers are set out in rule No. .... of the constitution of the representative body.
8. The purpose to which the funds of the representative body may be applied are set out in rule No. .... of the constitution of the representative body.
9. The provision for the payment of subscriptions and fees by the members and the methods of collection thereof are set out in rule No. .... of the constitution of the representative body.
10. The provision for the vesting and safe custody of the funds and property of the representative body, and the banking and investment of the funds, maintenance, inspection and periodical auditing of its accounts and other financial records are set out in rule No. .... of the constitution of the representative body.
11. The provisions for disqualification of a member from voting on any matter concerning the representative body or from election or appointment to any office in the representative body of an office holder who has the function of dealing with the funds or to any office in the representative body or its organs are set out in rule No. .... of the constitution of the representative body.
12. The provision for election of officers within six months after registration of the representative body, and thereafter at regular intervals of not more than four years are set out in rule No. .... of the constitution of the representative body.
13. The provision for ensuring that all categories of members of the representative body are adequately and effectively represented on all the organs of the representative body are provided for in rule No. .... of the constitution of the representative body.
14. The provision for the manner of dissolving the representative body are set out in rule No.....of the constitution of the representative body.

Representative Body (Registration and Prescribed Forms) Regulations [SUBSIDIARY]

15. The provision for ensuring the secrecy of any ballot regarding the taking of decisions—

- (a) for the election of delegates, trustees or other officers;
(b) affiliation or disaffiliation to national or international organisations;
(c) on any proposal to dissolve the representative body or to reconstitute it so as to split it into two or more representative bodies;
(d) on any proposal to amalgamate it with one or more representative bodies, are set out in rule No.....of the constitution of the representative body.

16. The procedure for amending or altering the constitution of the representative body is provided for in rule No. .... of the constitution of the representative body.

17. The provision for safe-guarding the rights of individual members to a reasonable opportunity to vote in all matters concerning the representative body or to stand for any position in the representative body are set out in rule No. .... of the constitution of the representative body.

18. Accompanying this application are two copies of the constitution authenticated by duly authorised officers of the representative body.

19. The names and titles of officers of the representative body (including trustees) are as follows—

Table with 3 columns: Name, Address, Designation. Rows (a) through (k) with dotted lines for input.

20. We, the undersigned, have been duly authorised by the representative body to make this application on its behalf. (The number required to make this application should be as indicated in paragraph 1).

Table with 4 columns: Name, Employer, Address, Signature. Rows 2 through 13.

THE INDUSTRIAL AND LABOUR RELATIONS ACT  
(Cap. 269)

**The Representative Body (Registration and Prescribed Forms) Regulations**  
(Regulation 5)

CERTIFICATE OF REGISTRATION

No. ....

IT IS HEREBY CERTIFIED THAT the.....

.....  
.....

whose registered office is situated at.....

has been duly registered under the Industrial and Labour Relations Act, 1993, as  
a representative body for.....

.....  
.....

this ..... day of ....., the year .....

Signed: .....

Name:.....

*Commissioner*

THE INDUSTRIAL AND LABOUR RELATIONS ACT  
(Cap. 269)

**The Representative Body (Registration and Prescribed Forms) Regulations**  
(Regulation 5)

APPLICATION FOR REGISTRATION OF ALTERATION OR ADDITION TO THE REPRESENTATIVE  
BODY'S CONSTITUTION

Name of Representative Body.....

Certificate of Registration No. ....

Registration office situated at .....

1. This application for the registration or alteration or addition to the constitution  
of the above named representative body is made by—

- (a) seven members in case of trade union; or
- (b) four members in case of employer's association, whose names are sub-  
scribed at the foot hereof including the executive officers.

2. The applicants have been duly authorised to make this application on behalf  
of the said representative body, such authority consisting of a resolution passed  
at a general meeting held on the ..... day of .....  
in the year .....

3. With this application are sent—

- (a) a copy of the resolution or other authority authorising the alteration or  
addition to the constitution and signed by each of the applicants  
with their name and designation against each signature;

Representative Body (Registration and Prescribed Forms) Regulations [SUBSIDIARY]

(b) two copies of the previous registered constitution amended or underlined in red showing where and in what manner alterations or addition have been made.

4. We, the persons whose names, signatures and designations are subscribed at the foot hereof, have made this application on behalf of the said representative body satisfied that the rules of the constitution were duly complied with.

Table with 3 columns: Name, Signature, Designation. Rows 1-7.

Form 4

THE INDUSTRIAL AND LABOUR RELATIONS ACT (Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations, 1994 (Regulation 5)

REQUEST TO CANCEL CERTIFICATE OF REGISTRATION

Name of the Registration Body .....

Certificate of Registration No. ....

To: THE COMMISSIONER

1. The above-named representative body desires that its certificate of registration under the Industrial and Labour Relations Act, 1993 may be cancelled on the following grounds:

(State reasons for desiring cancellation of the certificate of registration) .....

2. (1) The request is duly made following a general meeting on ... day of ... 20... during which it was resolved as follows: "that the trustees be authorised to request the commissioner to cancel the certificate of registration of this representative body"

(2) If not at the general meeting, state in what manner the request has been determined:.....

3. This request is made on behalf of the representative body accordingly.

Table with 3 columns: Name, Designation, Signature. Rows 1-7.

Note: Seven officers are required in case of trade unions whilst four officers are required for employers' associations.

Registered Office .....

Name and address to which communications are to be sent .....

Form 5

THE INDUSTRIAL AND LABOUR RELATIONS ACT

The Representative Body (Registration and Prescribed Forms) Regulations (Regulation 5)

To: The Commissioner P.O. Box 32186 Lusaka
I/We (name and address of employer)
carrying on the business of
at
and employing
do hereby apply for registration as an employer under section sixty-three of the Act.
Dated the
Signature
Designation:

Form 6

THE INDUSTRIAL AND LABOUR RELATIONS ACT (Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations (Regulation 5)

CERTIFICATE OF REGISTRATION

IT IS HEREBY CERTIFIED that (name and address of employer)
carrying on the business of
is registered as an employer under section sixty-three of the Act.
Dated the
Signature:
Name:

Commissioner

Form 7

THE INDUSTRIAL AND LABOUR RELATIONS ACT (Cap. 269)

The Representative Body (Registration and Prescribed Forms) Regulations (Regulation 5)

ESSENTIAL SERVICE CERTIFICATE

Name and address of employer
Name of employee:
Employee's National Registration Card No.
Capacity in which employed
This is to certify that the employee mentioned herein is employed in an essential service (specify it here)
Dated this
Signed:
Name:
Signed:
Name:

(Employee)

(Employer)

Note: This certificate must be prepared in duplicate and one copy to be handed to the employee and the other copy to be retained by the employer.

SECTION 96—THE INDUSTRIAL RELATIONS COURT (ARBITRATION AND  
MEDIATION PROCEDURE) RULESStatutory  
Instrument  
26 of 2002*Rules by the Chairman*

## PART I

## PRELIMINARY

1. These Rules may be cited as the Industrial Relations Court (Arbitration and Mediation Procedure) Rules. Short Title
2. In these Rules unless the context otherwise requires— Interpreta-  
tion  
Cap 269
  - “ Act ” means the Industrial and Labour Relations Act;
  - “ arbitration ” means a process by which parties to a dispute present their cases by the use of evidence to a neutral third party called arbitrator, who renders a decision which is binding on the parties and enforceable;
  - “ Court ” means the Industrial Relations Court established under section *ninety-six*, of the Act;
  - “ Judge ” means the Chairman or the Deputy Chairman of the Court;
  - “ mediation ” means a process by which a neutral third party called a mediator assists parties to a dispute reach a voluntary settlement of their differences through a binding and enforceable agreement;
  - “ mediation officer ” means the Registrar or Deputy Registrar of the Court or any officer of the Court authorised by the Chairman to perform the functions of the Registrar;
  - “ party ” means an applicant, complainant or respondent to a suit;
  - “ Registrar ” means the Registrar or Deputy Registrar of the Court and includes any Officer of the Court authorised by the Chairman to perform the functions of the Registrar; and
  - “ suit ” means an action, legal proceedings or other original proceedings before the Court between parties commenced by Notice of Complaint or any such other manner as may be provided for by or under the Rules of the Court.

## PART II

## REFERENCE TO ARBITRATION

- |  |  |
|--|--|
| Application for reference to arbitration                     | 3. Where parties to a suit are of the opinion that the matter in issue in the suit should be referred to an arbitrator for final resolution, they may apply to the Court, at any time before final judgment, for an order of reference to arbitration.   |
| Court to grant order for reference                           | 4. Where the parties apply for order of reference under Rule 3, the Court may grant the order for reference stating the number of arbitrators.   |
| Parties to nominate arbitrators                              | 5. (1) The arbitrators shall be nominated by the parties in such manner as the parties may agree.<br><br>(2) Where the parties—<br><br>(a) fail to agree on the nomination of arbitrators; or<br><br>(b) nominate an arbitrator who refuses to accept the nomination;<br><br>the parties may ask the Court to appoint arbitrators in the matter. |
| Court to refer matter to arbitrators                         | 6. The Court or Judge shall, by an order under the seal of the Court, refer to the arbitrators, the matter in issue in the suit which requires determination.  |
| Order of reference to direct compliance with Arbitration Act | 7. The order of reference to arbitration made under Rule 4 shall provide for—<br><br>(a) the conduct of arbitration;<br><br>(b) a party to apply or have recourse to the Court with regard to arbitration;<br><br>(c) Court assistance with regard to arbitration where required;  |
| Cap. 40  | in accordance with the Arbitration Act.  |
| Court to appoint arbitrator                                  | 8. Where the Court or a Judge makes an order for reference to arbitration and—<br><br>(a) the arbitrator dies; or<br><br>(b) refuses to act; or<br><br>(c) becomes incapable of acting;<br><br>the Court or Judge shall appoint another arbitrator in place of the person so dying or refusing to act or becoming incapable of acting.           |

9. Where a party in a matter for arbitration questions the mandate, impartiality or jurisdiction of an arbitrator, the issue shall be resolved in accordance with the Arbitration Act.

Question of arbitrator's mandate or impartiality to be settled under Arbitration Cap. 40

10. (1) Where the Court or Judge makes an order of reference to arbitration, the Court or Judge may order the costs of the suit to be in arbitration or reserve them to the discretion of the arbitrator or make such other order as the Court or a Judge may consider necessary.

Judge to order costs of suit

(2) The costs, fees and expenses of the parties to arbitration shall be administered in accordance with the Arbitration Act.

Cap. 40

11. (1) An award made by an arbitrator pursuant to an order of reference to arbitration shall be binding and enforceable and shall not be liable to be set aside except as provided for under the Arbitration Act.

Cap. 40

(2) An award made pursuant to an order of reference to arbitration shall be registered and enforced in accordance with the Arbitration Act.

Cap. 40

### PART III

#### REFERENCE TO MEDIATION

12. (1) The Court or a Judge may refer any action to mediation at any stage of proceedings except where—

Court to refer action to mediator at any stage of proceedings

(a) the case involves an injunction; or

(b) the Court or a Judge considers a case unsuitable for reference to mediation.

(2) An order for reference to mediation shall be as set out in Form 1 of the First Schedule to these Rules.

13. (1) A mediation officer shall keep a list of mediators who have been trained and certified to act in this capacity.

Mediation officer to keep list of mediators

(2) The mediators to be listed under sub-rule (1) shall be those currently approved or certified by the Chief Justice in respect of High Court proceedings under the Rules of the High Court.

**[SUBSIDIARY]***Industrial Relations (Arbitration and Mediation Procedure) Rules*

- Mediation officer to handover to mediator record of suit, action or legal proceedings
14. (1) Where a mediator is appointed in respect of a matter, the mediation officer shall handover to the mediator the record of the suit, action or legal proceedings.
- (2) Upon receipt of the record of the suit, action or legal proceedings under sub-rule (1), the mediator shall acknowledge such receipt in writing.
- Mediator to inform parties about time, date and venue of mediation
15. (1) The mediator shall, soon after collecting the record under Rule 14, contact the parties to the action and state the time, date and place of the mediation.
- (2) The mediator shall, within ninety days from the date of collection of the suit, action or legal proceedings in respect of which the mediator has been appointed, complete the process of mediation.
- Party to appear in person or with legal practitioner
16. (1) A party to mediation shall appear in person and where represented, with their legal practitioner.
- (2) Where the party to mediation is not a natural person, an officer or director of sufficient rank to settle the matter shall attend and where represented with the legal practitioner.
- Mediator to read out to parties statement of understanding
17. At the commencement of mediation, the mediator shall read out to the parties, and their advocates where necessary, the statement of understanding contained in Form 2 set out in the First Schedule which the mediator shall request the parties to sign.
- Mediator not required to keep record of mediation
18. (1) The mediator shall not keep a record of the mediation.
- (2) Where the mediator prepares any document during proceedings and the mediation fails, the mediator shall destroy such document in the presence of both parties at the end of the mediation.
- Statement made in mediation are confidential and privileged
19. Any statement made during mediation is confidential and privileged and may not be used as evidence in any matter.
- Mediator not to communicate with trial judge
20. A mediator may not communicate with any trial Judge in relation to any matter which is subject of mediation.

21. (1) Where a mediation fails, the mediator shall within ten days after the close of mediation proceedings return the record referred to in Rule 14 to the mediation officer and submit a report as in Form 3 set out in the First Schedule. Mediator to return record to mediation officer with report
- (2) The mediation officer shall, not more than seven days after receipt of the report under sub-rule (1), submit the record to the Court or a Judge.
- (3) Where the Court or a Judge receives a report under sub-rule (2) the Court or a Judge shall, within fourteen days of such receipt, summon the parties for purposes of fixing the date of hearing for the pending action or application.
22. (1) Where mediation ends in a settlement, the parties and the mediator shall sign the mediation settlement document set out in Form 4 of the First Schedule. Mediation settlement
- (2) The mediation settlement referred to in sub-rule (1) shall be registered and sealed by the Court.
- (3) A mediation settlement sealed and registered by the Court shall have the force and effect of a judgment, order or any decision of the Court or Judge and shall be enforced in the like manner.
23. Every mediator shall at the close of mediation return to the Court or Judge the record of proceedings and shall submit the mediator's report as set out in Form 5 of the First Schedule. Mediator to return record of proceedings
24. (1) Where a party fails to comply with the order of reference to arbitration under these Rules, the Court or Judge shall—
- (a) make a default judgment or an appropriate order against that party if that party is a respondent; or
- (b) strike out or dismiss the case where the party is the applicant or complainant. Failure to comply with order of reference to arbitration judgement or other order
- (2) For the purpose of this rule non-compliance shall include—
- (a) failure to attend a scheduled mediation hearing; or
- (b) legal representative's attendance of a mediation hearing without full instructions or authority from the party.
25. Where the Court or Judge makes an order or Judgment under rule 24 the Court or Judge may not set aside such decision unless sufficient cause is shown on application duly made by a party to the Court or Judge. Court not to set aside judgement or order except on sufficient cause

## [SUBSIDIARY]

*Industrial Relations (Arbitration and Mediation Procedure) Rules*

Mediator  
may  
postpone or  
adjourn  
mediation  
hearing

26. (1) A mediator may postpone or adjourn a mediation hearing at any stage if considerations of justice so demand or if that postponement or adjournment is likely to facilitate a possible settlement.

(2) A postponement or adjournment of a matter under this rule shall be granted by a mediator only within the ninety days period prescribed under rule 15.

(3) Where on the request of the mediator after expiry of the ninety day period the Court or a Judge is of opinion that the chances of settlement are still feasible, the Court or a Judge may grant a further period as may be thought reasonable by the mediator.

No appeal  
against  
mediated  
settlement

27. No appeal shall lie against a mediated settlement.

Parties to  
pay media-  
tion fee

28. (1) There shall be paid to the mediator in equal proportion by the parties to the suit a mediation fee at each sitting.

(2) The fee referred to in sub-rule (1) shall be as set out in the Second Schedule to these Rules.

Failure to pay  
mediation fee

29. Where a party fails to pay a mediation fee—

- (a) that party shall be barred from taking any further proceedings in the matter until payment of that fee; or
- (b) and judgment has been entered against that party, execution will be levied against that party by the Court to recover the fee on behalf of the mediator.

FIRST SCHEDULE  
(Rule 12,17, 21, 22 and 23)

REPUBLIC OF ZAMBIA

**Industrial Relations Court  
(Arbitration and Mediation Procedure ) Rules**

Form 1

IN THE INDUSTRIAL RELATIONS COURT Complainant/Application No....

HOLDEN AT

BETWEEN:

COMPLAINANT/APPLICANT

*and*

RESPONDENT

---

ORDER FOR MEDIATION (RULE 12)

---

This case has been scheduled for mediation which shall take place within 14 days of receipt of this order. The mediator will be  
And the mediation shall take place at an appointed place which the mediator will communicate to ALL THE PARTIES and their advocates are hereby ORDERED to appear. Unless an agreement disposing of this case is filed with the Court in advance of this date, the mediation will occur as scheduled.

The Court ORDERS full compliance with the following:

1. All parties who must approve a settlement and at least one advocate, must appear at the mediation. If the settlement must be approved by someone other than a party to the suit, that person should be present during the scheduled mediation. Institutional parties must have an individual with the authority to settle the case present at the mediation pursuant to Rule 16 of the industrial Relations Court (Arbitration and Mediation Procedure) Rules, 2002.

2. Each party or advocate must bring to the mediation (a) if damages are requested, an outline of how they have been or should be calculated (including, if appropriate, the time period and rates of interest), and (b) relevant documentation, such as appraisals, receipts and records.

3. All proceedings at the mediation, including any statement made or document prepared by any party, advocate, or other participants are confidential and will not be disclosed to the trial judge or affect the case if it is not settled at this time . No party shall be bound by anything said or done at the mediation unless a settlement is reached. If a settlement is reached, the agreement will be put in writing and will be binding upon all parties to the agreement.

4. In the event that a complainant or applicant and, if represented, the complainant's or applicant's advocate does not appear at the mediation, the Court may strike out or dismiss the case. In the event that a respondent and, if represented, the respondent's advocate does not appear at the mediation, the court may enter a default judgment against the respondent.

5. The mediator's fee as prescribed should be paid at the commencement of the sitting.

This ORDER is entered, this.....day of.....20.....

.....

*Judges/Registrar*

REPUBLIC OF ZAMBIA

**Industrial Relations Court  
(Arbitration and Mediation Procedure) Rules**

Form 2

IN THE INDUSTRIAL RELATIONS COURT Complaint/Application No:.....

HOLDEN AT

BETWEEN:

COMPLAINANT/APPLICANT

and

RESPONDENT

STATEMENT OF UNDERSTANDING: THE ROLE OF THE MEDIATOR—(RULE 7)

My name is.....I have been assigned to mediate your case. I will serve as neutral party to help you resolve your dispute. I will not act as an advocate for any party.

No party shall be bound by anything said or done in the mediation unless a settlement is reached and is in writing.

Any statements made during the mediation are confidential and privileged and may not be used as evidence in any matter.

I as mediator in this matter may not be called upon to testify to what transpired in the mediation.

Please sign below to acknowledge that you have read and/or understand this statement.

.....  
Complaint (s)/ Applicant (s) Respondent (s)

.....  
Complaint's Advocate Respondent's Advocate

.....  
*Mediator*

REPUBLIC OF ZAMBIA

**Industrial Relations Court  
(Arbitration and Mediation Procedure) Rules**

Form 3

IN THE INDUSTRIAL RELATIONS COURT Complaint/Application No:.....

HOLDEN

BETWEEN:

COMPLAINANT/APPLICANT

and

RESPONDENT

MEDIATOR'S REPORT-(RULE 21)

To: THE MEDIATION OFFICER

I,.....having been designated as mediator in this action and having conducted mediation between the parties, do hereby report that the parties have failed to reach a settlement. In terms of the above rule, you are required within 7 days of your receiving this report to remit the record herewith to the Court or Judge.

Dated the.....day of.....20.....

.....  
*Mediator's Signature*



[SUBSIDIARY] Industrial Relations (Arbitration and Mediation Procedure) Rules

2. Case Disposition

- Settled before mediation
- Mediated and *fully* settled
- Mediated and *partially* settled
- Mediated and not settled
- Not mediated
- There are chances for settlement of this matter. I request for extension of my mandate to continue with the mediation...

3. Check reasons why the case was not mediated (check all that apply)

- Non-appearance of one or more parties
- Non-appearance of one or more advocates
- Advocate without settlement authority
- Other:

4. Mediator's Fees

- The fees were paid
- The fees were not paid by

Dated the            day of            2.....

SIGNED:.....  
*Mediator*

REPUBLIC OF ZAMBIA

**Industrial Relations Court  
(Arbitration and Mediation Procedure) Rules**

SECOND SCHEDULE  
(Rule 28)

MEDIATION FEE

The mediator's fee shall be as follows:

1. Three Hundred Thousand Kwacha at each sitting during the mediation process.
2. The practitioners, in every case referred to mediation shall collect from their respective clients their half share of the Three Hundred Thousand Kwacha (K300,000.00) and pay the same over to the mediator at the commencement of the sitting.

