

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 50 OF 2023

The Employment Code Act, 2019
(Act No. 3 of 2019)**The Employment Code (Shop Workers Minimum Wages and Conditions of Employment) Order, 2023**

IN EXERCISE of the powers contained in section 106 of the Employment Code Act, 2019, the following Order is made:

1. (1) This Order may be cited as the Employment Code (Shop Workers Minimum Wages and Conditions of Employment) Order, 2023.

Title and
commencement

(2) This Order shall come into operation on 1st January, 2024.

2. (1) This Order shall apply to an employee.

Application

(2) This Order shall not apply to—

(a) a person employed in, or in connection with, the motor trade industry or the petroleum industry;

(b) a person employed in—

(i) a shop for charitable purposes from which no profit is derived;

(ii) the hawking of newspapers;

(iii) the sale of agricultural produce on behalf of a *bona fide* farmer or a *bona fide* market gardener; or

(iv) the hawking of agricultural produce on behalf of a *bona fide* farmer or market gardener;

(c) a person who holds a hawker's licence;

(d) a person employed in—

(i) the reception, storage and treatment of fish, meat, poultry, game, fruit and other perishable foodstuff;

(ii) the delivery of ice to hospitals or nursing institutions during the day or night; or

(iii) the sale of any programmes, catalogues or refreshments in a theatre, concert hall or other place of amusement during a performance;

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- (e) a person in management;
 - (f) an employee whose conditions of service are more favourable than the applicable gross pay in this Order;
 - (g) an employee who is unionised and whose conditions of service are negotiated through the process of collective bargaining in accordance with the Industrial and Labour Relations Act; or
 - (h) an employee in a sector where the Minister has prescribed the minimum wage.

(3) The provisions of this Order shall not be used as the basis for any negotiations in a contract of employment for an employee that is exempt under sub paragraph (2).

Interpretation

3. In this Order, unless the context otherwise requires—

“assistant bicycle assembler” means an employee who—

- (a) assembles perambulators, go-carts, scooters, express wagons, cars or any other similar wheeled vehicles or toys propelled by hand or by foot, where the assembly does not involve the adjustment of precision bearings, chains or built in wheels or the setting and tightening of spokes; or
- (b) under general supervision, assembles bicycles from semi knocked down units or any components parts, where the assembling does not involve truing of bicycle wheels, the final adjustment of precision bearings, chains or built in wheels or the setting and tightening of spokes;

“assistant clerk” means an employee engaged in clerical work who has three years’ experience in such work and whose minimum education qualification is a Grade nine certificate;

“assistant dispatch clerk” means an employee who, under the supervision of, and subject to checking by a dispatch clerk, makes up, packs or dispatches goods received or held in stock for dispatch or who checks or weighs packages and who may mark to address packages;

“bicycle assembler” means an employee who assembles or carries out the following operations:

- (a) truing bicycle wheels or making final adjustments to an assembled bicycle; or
- (b) adjusting precision bearings, chains or built in wheels or setting and tightening spokes;

“check out operator” means an employee engaged in operating a check out point in a shop;

“child” has the meaning assigned to the word in the Constitution;

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“dependant” means a person who is eighteen years old or below, and resides in the home of an employee but does not include the employee’s child;

“dispatch clerk” means an employee who receives goods into, or from, a store warehouse or department for dispatch and makes consignment notes and files dispatch documents;

“employee” means a worker specified in the Schedule, or a worker equivalent to a worker specified in the Schedule, who is employed in a shop or in connection with the business of a shop, and who has entered into, or works under, a contract of employment, whether oral or written and whether express or implied, but does not include an apprentice;

“handy person” means an employee who makes minor repairs or adjustments to machinery, plant or other equipment and makes minor repairs or renovations to, or undertakes maintenance work on, a building owned or occupied by that employee’s employer;

“machine operator” means an employee who operates an accounting machine, comptometer or bookkeeping machine but does not include an employee who operates a duplicating machine, typewriter, addressing machine, cash register, folding machine or calculating machine;

“management” has the meaning assigned to the word in the Industrial and Labour Relations Act;

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“motor vehicle” has the meaning assigned to the words in the Road Traffic Act, 2002;

Act No.11
of 2002

“order person” means an employee engaged in or canvassing orders from persons for the supply to those persons goods for their use or consumption;

“packer” means an employee who breaks down bulk packages, re packs or re bottles goods before they are offered for sale in a shop or prepares or pre packs foodstuff;

“phone” includes a walkie talkie and mobile phone;

“sales assistant” means an employee engaged in attending to customers in a shop but does not completely effect a credit sale or register cash received;

“sales person” means a person employed in a shop to

(a) attend to customers in the shop for the purpose of completely effecting a sale;

(b) display goods; or

(c) keep and control stock;

“shelf packer” means an employee who replenishes stock on display in a shop and is responsible for price marking on goods;

“shop” includes a—

(a) physical or electronic location used for selling goods, merchandise or services; and

(b) hair dresser and barber salon, whether or not the salon is utilised for selling goods or services, or displayed samples;

“supervisor” means an employee charged with oversight responsibilities for the conduct of sales, the safe control of stock and the conduct of business with the public within a demarcated section of a shop or a specified class or classes or merchandise in that shop, and who is placed in full or partial supervisory control of at least three employees in a section of a shop or a specified class or classes or merchandise in the shop;

“tailor” means an employee who is engaged to make up clothes or items from pieces of material for sale in an employer’s shop;

“tailor’s assistant” means an employee who is engaged as an alteration hand or for pressing or ironing articles for sale or display, or both; and

“window dresser” means an employee who is engaged in drawing, painting, making or preparing posters, placards or backgrounds, or set pieces of window, interior or exterior, displays and installing fixtures and arranging displays.

4. The minimum wages and conditions of employment for an employee shall be as set out in the Schedule. Minimum wages and conditions of employment
5. The Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011, is revoked. Revocation of S.I. No. 1 of 2011

SCHEDULE

(Paragraphs 3 and 4)

1. The minimum basic pay to be paid to an employee shall be in accordance with the following categories: Minimum wage
- (a) category I seven Kwacha and fifteen ngwee (K7.15) per hour or one thousand, four hundred and eight seven Kwacha (K1,487.00) per month, for a person engaged in any of the following occupations:
- (i) bailing or wrapping articles and goods, or opening, closing and repairing packages;
 - (ii) delivery vehicle assistant or a general worker, not elsewhere specified;
 - (iii) handy person;
 - (iv) office orderly;
 - (v) cleaner and helper; or
 - (vi) security guard;
- (b) category II eight Kwacha and sixty six ngwee (K8.66) per hour or one thousand, eight hundred and one Kwacha and ninety eight ngwee (K1,801.98) per month, for a person engaged in any of the following occupations:
- (i) operating a mechanically operated passenger or goods lift;
 - (ii) driver of a motor cycle, motor scooter or motorised three wheeled vehicle;
 - (iii) sales assistant;
 - (iv) waiter and bartender;
 - (v) hair dresser and beautician;
 - (vi) ticket clerk and shopkeeper; or
 - (vii) packer;

(c) category III ten Kwacha and nineteen ngwee (K10.19) per hour or two thousand, one hundred and twenty one Kwacha and thirty five ngwee (K 2,121.35) per month, for a person engaged in any of the following occupations:

- (i) assistant bicycle assembler;
- (ii) assistant dispatch clerk;
- (iii) driver of a motor vehicle requiring an ordinary driving licence;
- (iv) shelf packer;
- (v) shoe repairer;
- (vi) tailor's assistant; or
- (vii) window dresser's assistant;

(d) category IV eleven Kwacha and four ngwee (K11.04) per hour or two thousand, two hundred and ninety six Kwacha and eighty nine ngwee (K2,296.89) per month, for a person engaged in any of the following occupations:

- (i) bicycle assembler;
- (ii) check out operator;
- (iii) driver of a motor vehicle requiring a heavy duty or public service vehicle licence;
- (iv) telephone operator;
- (v) phone repairer;
- (vi) typist; or
- (vii) picture framer;

(e) category V twelve Kwacha and eighty nine ngwee (K12.89) per hour or two thousand, six hundred and eighty Kwacha and ninety two ngwee (K2,680.92) per month, for a person engaged in any of the following occupations:

- (i) dispatch clerk;
- (ii) order person;
- (iii) sales person;
- (iv) tailor; or
- (v) upholsterer;

(f) category VI thirteen Kwacha and seventy six ngwee (K13.76) per hour or two thousand, eight hundred and sixty one Kwacha and fifty ngwee (K2,861.50) per month, for a person engaged in any of the following occupations:

- (i) audio visual equipment repairer;
- (ii) machine operator; or
- (iii) watch repairer;

(g) category VII fifteen Kwacha and ten ngwee (K15.10) per hour or three thousand one hundred and forty two Kwacha and twenty six ngwee (K3,142.26) per month, for a person engaged in any of the following occupations:

- (i) supervisor;
- (ii) window dresser;
- (iii) stenographer; or
- (iv) cashier.

2. An employee who is required to work between the hours of 18:00 hours and 06:00 hours shall be paid— Shift differential

(a) an hourly rate of pay in accordance with the employee's category; and

(b) a shift differential at the rate of fifteen percent of the employee's hourly rate of pay for each hour worked between those hours.

3. An employer shall, in the event of the death of an employee, the employee's spouse, registered child or dependant, provide the following in the form of a funeral grant: Funeral Assistance

(a) a standard coffin; and

(b) a cash grant of one thousand, five hundred Kwacha (K1,500.00).

4. An employee whose duty station is beyond a three kilometre radius from the employee's area of residence shall be paid a monthly allowance of two hundred Kwacha (K200.00) for transport expenses, except where the employer provides transport for the employee. Transport allowance

5. An employee shall be entitled to a lunch allowance of one hundred and eighty Kwacha (K180.00) per month, except where the employer provides a wholesome and adequate meal that is provided free of charge. Lunch allowance

- Subsistence allowance 6. (1) An employer shall pay an employee who spends a night away from home to attend to any business of the employer, a subsistence allowance of not less than three hundred and ninety Kwacha (K390.00) per night to cover all expenses.
- (2) An employer shall pay an employee who is required to work outside the Republic, a subsistence allowance of not less than twenty five Dollars (\$25).
- Upset allowance 7. An employee shall, where an employee is required to proceed on permanent transfer to a town where the employee is required to reside and which is not the employee's usual place of residence, be provided with transport to the town, and in addition, shall be paid an upset allowance of one month's full salary.
- Tool allowance 8. An employer who requires an employee to provide that employee's own tools to execute the employer's duties shall pay the employee who provides the tools an allowance of not less than one hundred and fifty Kwacha (K150.00) per month.
- Personal protective equipment 9. An employer shall provide an employee who does any work which is likely to be injurious to the employee with personal protective equipment.
- Housing allowance 10. An employer shall, where the employer does not accommodate an employee, pay the employee housing allowance at the rate of thirty percent of the employee's basic pay.
- Machine allowance 11. An employer who requires a tailor engaged by the employer to provide a tailor's machine to execute the tailor's duties shall pay the tailor who provides a tailor's machine, an allowance at the rate of one hundred and fifty Kwacha (K150.00) per month for a hand machine, treadle or electric machine.
- General provisions 12. (1) On commencement of this Order, the wages or any benefit enjoyed by an employee shall not be reduced or altered adversely as a result of an application of this Order.
- (2) An employee shall, where prior to the commencement of this Order was in receipt of a wage in excess of the minimum wage under any category, retain the wage.
- (3) An employee shall not suffer any reduction in pay on transfer from a lower category to a higher category.
- (4) A part time employee or casual employee shall be paid a wage that is appropriate to the employee's category in the proportion that the hours worked by the employee per month is two hundred and eight hours.

(5) An employer shall, when wages fall due, give an employee a pay statement containing the following details:

- (a) the employer's name and address;
- (b) the employee's name and occupation;
- (c) the number of ordinary hours worked by an employee;
- (d) where applicable, the number of overtime hours worked by the employee;
- (e) an employee's wages before deductions;
- (f) where applicable, the details and amount of deductions made on the wages; and
- (g) the actual amount of wages paid to an employee.

(6) An employer shall retain a copy of each pay statement given to an employee.

LUSAKA

20th November, 2023
[MLSS.64/9/9]

B. M. TAMBATAMBA,
*Minister of Labour
and Social Security*