

EMPLOYMENT LAW FAQs – ZAMBIA

Prepared in Accordance with the Employment Code Act No. 3 of 2019

Jurisdiction: Republic of Zambia

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PURPOSE OF THIS GUIDE

This guide answers frequently asked questions on employment rights and obligations in Zambia. It is intended to empower both employees and employers with accurate information in line with the **Employment Code Act No. 3 of 2019**, and related laws.

APPLICABLE LAWS

- **Employment Code Act No. 3 of 2019**
 - **Companies Act No. 10 of 2017**
 - **Industrial and Labour Relations Act, Cap. 269**
 - **Penal Code, Cap. 87**
 - **Occupational Health and Safety Act No. 36 of 2010**
 - **Societies Act, Cap. 119** (for union recognition)
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FREQUENTLY ASKED QUESTIONS (FAQs)

1. What is the minimum wage in Zambia?

As of 2025, the **Minimum Wages and Conditions of Employment (General) Order, 2018** sets the baseline. Rates differ depending on the category (e.g., domestic worker, general worker, shop worker). Employers must not pay below this threshold. Updates may be published by the Ministry of Labour.

2. Can an employer terminate my employment without notice?

Under **Section 48** of the *Employment Code Act*, notice is required unless termination is for gross misconduct. The length of notice depends on your contract, but statutory minimums must be observed (e.g., 24 hours for casuals, 30 days for permanent staff).

3. What benefits am I entitled to upon termination?

Depending on the reason for termination, you may be entitled to:

- Salary up to the termination date
 - Accrued leave days
 - Gratuity or severance pay (under **Section 54**)
 - A **Certificate of Service** (mandatory under **Section 54(6)**)
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4. Am I entitled to paid leave?

Yes. According to **Section 41**, employees are entitled to:

- **Annual Leave** – at least **two days per month** (or 24 days per year)
 - **Sick Leave** – supported by a medical certificate
 - **Maternity Leave** – **14 weeks** (extendable under complications)
 - **Family Responsibility Leave** – **7 days annually**
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5. Can I be dismissed while on leave?

No. The law protects employees from **unfair dismissal during periods of lawful leave** unless justified under gross misconduct. Any such action must comply with **due process** under Section 49 or 50.

6. What is “constructive dismissal”?

If an employer creates unbearable working conditions (e.g., unpaid salaries, harassment), and the employee resigns, this may qualify as **constructive dismissal**, actionable under **unfair dismissal protections** in **Section 51**.

7. Are non-compete clauses enforceable in Zambia?

Non-compete clauses must be **reasonable in duration, geography, and scope**. Overly broad restrictions are likely to be **unenforceable** under Zambian contract law and **Section 54(4)** of the Employment Code Act.

8. Can an employee refuse unlawful instructions?

Yes. Employees have the right to refuse instructions that contravene the law, endanger safety, or violate human rights. Such refusal **should be documented and reported** to a Labour Officer or legal counsel.

9. What is the process for reporting unfair labour practices?

- First, raise the matter internally (e.g., HR or grievance committee)
 - If unresolved, report to the **District Labour Officer**
 - You may escalate to the **Labour Commissioner** or **Industrial Relations Court**
 - You may also seek legal representation
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10. Can casual workers claim benefits or compensation?

Yes. **Casual workers** who work **consistently beyond 6 months** or **more than 30 days in a 90-day window** may qualify as permanent under **Section 28**, gaining access to statutory benefits.

KEY EMPLOYEE RIGHTS UNDER ZAMBIAN LAW

Right

Relevant Law

Right to fair dismissal

Employment Code Act, Section 48–54

Right to leave and holidays

Section 41–44 of the Employment Code Act

Right to wages and minimum pay	Minimum Wages Order + Employment Code Act
Right to union representation	Industrial and Labour Relations Act, Cap. 269
Right to severance benefits	Section 54 of the Employment Code Act
Protection from discrimination	Penal Code + Employment Code Act (Sec. 5, 25)

DISCLAIMER

This document is for **general legal education purposes** and does **not constitute formal legal advice**. For specific cases, please consult a qualified legal practitioner.

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