

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE EMPLOYMENT OF YOUNG PERSONS AND CHILDREN ACT

CHAPTER 274 OF THE LAWS OF ZAMBIA

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THE EMPLOYMENT OF YOUNG PERSONS AND CHILDREN ACT

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CHAPTER 274

EMPLOYMENT OF YOUNG PERSONS AND CHILDREN

An Act to regulate the employment of young persons, and children; and to provide for matters incidental thereto.

[13th April, 1933]

Act No. 10 of 1933
18 of 1936
40 of 1938
49 of 1950
47 of 1963
36 of 1967
14 of 1989
4 of 1991
13 of 1994
Government Notices
233 of 1964
499 of 1964

PART I

PRELIMINARY

1. This Act may be cited as the Employment of Young Persons and Children Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"child" means a person under the age of fourteen years;

"night" means a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning;

"young person" means a person who has ceased to be a child and who is under the age of eighteen years.

(As amended by Act No. 40 of 1938, G.N. 233 of 1964, 36 of 1967 and 4 of 1991)

PART II

EMPLOYMENT OF CHILDREN

3. For the purposes of this Part, "industrial undertaking" includes particularly-

Definition of "industrial undertaking" for the purposes of Part II

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;
- (e) cordwood cutting;

but does not include commercial or agricultural undertakings.

(As amended by Act No. 49 of 1950)

4. (1) No child shall be employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Prohibition of employment of children in industrial undertakings

(2) The provisions of this section shall not apply to work done by children in technical schools or similar institutions, provided that such work is approved and supervised by the Permanent Secretary, Ministry of Education, or some person appointed by him for that purpose.

5. Every person who contravenes the provisions of this Part shall be guilty of an offence and shall be liable on conviction thereof to a fine of six hundred penalty units or to imprisonment for three months, or to both.

Penalties

(As amended by Act No. 13 of 1994)

PART III

EMPLOYMENT OF YOUNG PERSONS

6. For the purposes of this Part, "industrial undertaking" includes particularly-

Definition of "industrial undertaking" for the purposes of Part III

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;
- (e) cordwood cutting;

but does not include commercial or agricultural undertakings.

(As amended by Act No. 49 of 1950)

7. (1) No person shall employ a young person under the age of sixteen years in an industrial undertaking, other than an undertaking in which only members of the same family are employed, unless such young person is either-

Employees under the age of sixteen years

- (a) employed under a contract of apprenticeship entered into under the Apprenticeship Act; or
- (b) in possession of a certificate signed by a Labour Officer authorising such employment.

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(2) Every employer in an industrial undertaking shall keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births, and shall produce the same for inspection when required to do so by a Labour Officer or police officer of or above the rank of Assistant Inspector.

(Act No. 49 of 1950 as amended by Act No. 47 of 1963, G.N. Nos. 233 and 499 of 1964 and No. 36 of 1967)

8. No young person shall be employed at night in any industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Prohibition of employment of young persons in night work

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9. The last preceding section shall not be deemed to prohibit persons over the age of sixteen years being employed during the night in the following industrial undertakings or work which, by reason of the nature of the process, is required to be carried on continuously day and night:

Exception in favour of certain undertakings

- (a) manufacture of iron and steel: processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

10. The provisions of section *eight* shall not apply to night work of young persons between the ages of sixteen and eighteen years in cases of emergency which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of the industrial undertaking.

Exception in cases of emergency

11. Every person who contravenes the provisions of this Part shall be guilty of an offence and shall be liable on conviction thereof to a fine of six hundred penalty units or to imprisonment for three months, or to both.

Penalties

(As amended by Act No. 13 of 1994)

PART IV-REPEALED BY ACT NO. 4 OF 1991

EMPLOYMENT OF WOMEN

12. *Repealed by Act No. 4 of 1991.*

13. *Repealed by Act No. 4 of 1991.*

14. *Repealed by Act No. 4 of 1991.*

15. *Repealed by Act No. 4 of 1991.*

16. *Repealed by Act No. 4 of 1991.*

17. *Repealed by Act No. 4 of 1991.*

PART V

MISCELLANEOUS

17A. (1) Notwithstanding anything in this Act, but subject to subsection (3), a young person shall not be employed on any type of employment or work which, by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of that young person.

Prohibition of employment of young persons in employment or work detrimental to health, safety and morals

(2) The types of employment to which sub-section (3) relates shall be prescribed by the Minister by regulations made under section *twenty* after consultation with the relevant trade unions and the employers' associations.

(3) Notwithstanding sub-sections (1) and (2), the Minister may, in writing, after consultation with the relevant trade unions and employers' associations, authorise the employment of young persons not below the age of sixteen years of age in any type of employment or work prescribed under subsection (2), if satisfied that the health, safety and morals of the young persons are fully protected and that the young persons have received adequate and specific instruction or vocational training in the relevant branch of activity.

(As amended by Act No. 14 of 1989)

18. Any Labour Officer and any police officer of or above the rank of Assistant Inspector shall have power-

Powers of Labour Officers and police officers

- (a) at all reasonable times to enter upon any land or premises of any industrial undertaking affected by the provisions of this Act;
- (b) to examine, either alone or in the presence of any other person as he thinks fit, with respect to any matter under this Act any person affected by the provisions of this Act;
- (c) to exercise such other powers as may be necessary for carrying this Act into effect.

(As amended by Act No. 49 of 1950, 47 of 1963 and G.N. 499 of 1964)

19. If any person wilfully hinders or molests any police officer in the exercise of the powers given to him by the last preceding section, he shall be liable on summary conviction to a fine not exceeding six hundred penalty units.

Penalty

(As amended by Act No. 13 of 1994)

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20. The Minister may, by statutory instrument, make regulations for all or any of the purposes following: Regulations

- (a) prescribing the ages under which young persons shall not be employed in particular trades or occupations;
- (b) generally for carrying into effect the purposes and provisions of this Act.

(As amended by G.N. No. 233 of 1964 and 36 of 1967)