



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGISLATION AND INTERNATIONAL AGREEMENTS

ON THE

**RATIFICATION OF THE SOUTHERN AFRICAN DEVELOPMENT
COMMUNITY PROTOCOL ON EMPLOYMENT AND LABOUR**

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

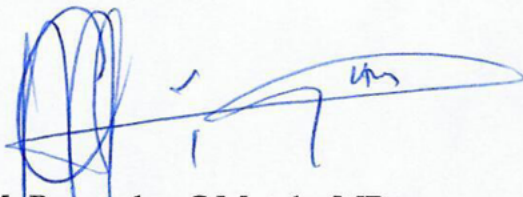
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FOREWORD

Honourable Madam Speaker, the Committee on Legislation and International Agreements has the honour to present its Report on the consideration of the Southern African Development Protocol on Employment and Labour for the Fifth Session of the Thirteenth National Assembly. The Committee is mandated to consider any matter referred to it by the House or by the Speaker, as per Standing Order 204 (v) of the National Assembly Standing Orders, 2024.

In order to acquaint itself with the ramifications of ratifying the Protocol, the Committee sought both written and oral submissions from different stakeholders. The list of stakeholders is attached hereto as Appendix II. The Report is in two parts. Part I is a summary of submissions from stakeholders, while Part III contains observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee also wishes to thank you, for affording it the opportunity to scrutinise the Southern African Development Community Protocol on Employment and Labour. Further, appreciation is extended to the Clerk of the National Assembly for the support and guidance rendered throughout the Committee's deliberations.

A handwritten signature in blue ink, consisting of a large, stylized initial 'M' followed by a long, horizontal stroke that tapers to the right.

Mr Remember C Mutale, MP
CHAIRPERSON

April, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Remember C Mutale, MP (Chairperson); Mr Charles Abel Mulenga, (Vice-Chairperson); Mr Chonde Saka, MP; Mr Francis Kapyanga, MP; Rev. Given Katuta, MP; Mr Wesley Kolala, MP; Mr Kenny Siachisumo, MP; Mr Menyani Zulu, MP; Mr Sipho Hlazo, MP; and Mr Phillimon Twasa, MP.

2.0 BACKGROUND TO THE SOUTHERN AFRICAN DEVELOPMENT (SADC) PROTOCOL ON EMPLOYMENT AND LABOUR

The Southern African Development Community (SADC) Protocol on Employment and Labour is founded on a well-established framework of international and regional labour and human rights instruments that collectively affirm the importance of decent work, social protection and labour rights to sustainable development. At the global level, the United Nations 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 8, calls upon States to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, including migrant and vulnerable workers. Similarly, the United Nations Universal Declaration of Human Rights recognises, under Article 23 the right to work, just and favourable conditions of work, protection against unemployment and to form and join trade unions, while Article 25 affirms the right to social security in circumstances such as unemployment, sickness and disability.

Further, the 1998 Declaration of the International Labour Organisation on Fundamental Principles and Rights at Work affirms that all Member-States, by virtue of their membership alone, are obliged to respect, promote and realise in good faith the core principles of freedom of association and collective bargaining, the elimination of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in employment and occupation.

At Continental level, the African Union Agenda 2063, particularly Aspiration 1 of “The Africa We Want,” envisions a prosperous Africa based on inclusive growth and sustainable development, with priority placed on decent work, social protection and improved standards of living, including for persons with disabilities. Further, the African Union Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa underscores the importance of ratification and domestication of international labour standards, effective labour migration governance, social security portability for migrant workers, strengthened labour market institutions and operational tripartite consultation mechanisms.

Regionally, the SADC Common Agenda as articulated in Articles 4, 5 and 5A of the Treaty establishing SADC (1992, as amended), commits Member-States to develop policies aimed at the progressive elimination of obstacles to the free movement of capital, labour, goods, services and persons within the region. The SADC Protocol on Employment and Labour was adopted in 2014, to strengthen regional cooperation in promoting decent work, social protection, and fair labour practices. The protocol reflects the region’s collective commitment to promoting decent work, social protection and fair labour practices.

From a Zambian legal and policy perspective, ratification of the Protocol is consistent with national development priorities as set out in the Eighth National Development Plan (2022–2026), themed “Socio-economic Transformation for Improved Livelihoods,” which prioritises employment creation, economic diversification, skills development and enhanced productivity to address youth unemployment and poverty.

Therefore, the ratification of the SADC Protocol on Employment and Labour will be in harmony with the various international and regional instruments to which Zambia is already a State-Party.

3.0 THE OBJECTIVES OF THE SOUTHERN AFRICAN DEVELOPMENT (SADC) PROTOCOL ON EMPLOYMENT AND LABOUR

3.1 Objectives

The Committee was informed that the objectives of the Protocol were as set out hereunder.

- (a) Establishing a strategic regional co-operation framework on employment and labour related matters so as to facilitate the achievement of decent work.
- (b) Promoting inclusive, full and productive employment, including self-employment, in particular for the vulnerable groups especially youth, women, persons with disabilities and migrant workers.
- (c) Promoting sustainable enterprises and enhancing labour productivity.
- (d) Facilitating the adoption of minimum labour standards and the realisation of fundamental principles and rights at work in the Region.
- (e) Promoting equality of treatment and non-discrimination as well as elimination of violence and harassment in the workplace.
- (f) Promoting access to social security and facilitating extension of coverage to all workers, including those working in the informal economy.
- (g) Promoting tripartism and social dialogue for better labour market institutions.
- (h) Promoting the establishment and effective functioning of labour market institutions.
- (i) Establishing a responsive labour migration governance system, considering the regional migration context and the capacities of the State Parties.
- (j) Promoting the development of institutional capacities, including on measures to address transformations in the world of work, driven by technological innovations, demographic shifts, environmental and climate change and organisation.

4.0 SALIENT PROVISIONS OF THE PROTOCOL

Set out hereunder, are the salient provisions of the protocol.

i. Article 1: Definitions

The Article defines various terms used in the Protocol for ease of reference.

ii Article 3: Principles

The Article outlines principles for State Parties to observe when implementing the protocol such as respect for fundamental human rights related to employment and labour in international and regional legal instruments. It also outlines respect for core and governance conventions of the International Labour Organisation.

iii Article 4: Fundamental Labour Guarantees

This Article requires State Parties to implement policies and legislative measures that uphold fundamental labour rights regarding right to collective bargaining, right to organise, elimination of forced or compulsory labour in all forms, and eradication of child labour.

iv Article 5: Employment Promotion

The Article requires Member States to prioritise employment creation in economic and social policies to reduce poverty and improve living conditions, create an enabling

environment for productive and sustainable enterprises that generate jobs, use fiscal and monetary policies to maximise employment in national budgets. It further requires Member-States to ensure access to employment and skills development with a focus on youth, women and persons with disabilities.

v. Article 6: Freedom of Association and Collective Bargaining

The provision requires Member States to enact policies and legislation ensuring that employers and workers have the right to form and join organisations of their choice, employers' organisations or workers' organisations can organise and conclude collective bargaining agreements. Further, that the labour dispute resolution machinery should be autonomous, accessible, efficient and subject to tripartite consultation, while also protecting the right to collective action in the event of a dispute remaining unresolved.

vi. Article 7: Equal Treatment

The Article requires State Parties to adopt policies and legislation to ensure that every worker is accorded equal treatment and equal protection. In this regard, it prohibits discrimination based on race, religion, colour, sex, gender, pregnancy, marital status, ethnic or nation extraction, social origin, political opinion, age, disability or HIV and AIDs status. In this regard, Member States are required to implement special measures designed to meet specific needs for persons.

vii. Article 8: Protection of Children and Young Persons

The Article outlines protection of children and young persons and requires Member States to put in place policies, legislation and strategies to prohibit child labour and eradicate the worst form of child labour.

viii. Article 9: Forced or Compulsory Labour

The Article requires Member States to implement policies and legislative measures to ensure the prevention and eradication of all forms of forced or compulsory labour. Further, it requires Member States to ensure that authorities do not prosecute or impose penalties on victims for unlawful activities.

ix. Article 10: Occupational Safety and Health

The provision requires Member States to take all practicable steps to achieve a safe and healthy working environment through national occupation safety and health systems and programmes that prevent occupational accidents and diseases for every worker, including the self-employed. It also requires Member States to ensure safety and health measures cover both informal and formal workplaces.

x. Article 11: Basic Conditions of Employment

The provision requires Member States to establish policies, legislation and mechanisms that determine equitable basic working conditions covering minimum salaries, wages, pension, severance benefits or gratuities, prescribed working hours and minimum daily rest periods, weekly rest periods, paid annual, sick, compassionate and maternity leave. It also requires Member States to ensure that the minimum conditions are included in collective bargaining agreements.

xi. Article 12: Social Security

The Article outlines obligations for State Parties to ensure that national laws provide adequate social protection and access to social security benefits for all workers, using available resources. Further, the provision urges Member States to ensure progressive improvement on social protection systems by coordinating and harmonising schemes

and programmes and set basic social security levels for workers with access to essential healthcare, maternity benefits and basic income security. The Article also requires Member-States to enhance social security access for informal workers.

xii. Article 13: Active Labour Market Policies

The Article requires Member States to set up policies for training, skills development, employment services and employment-oriented incentives and investments programmes. The Member States are further required to ensure that they provide preferential employment opportunities for youth, women, persons with disabilities and other nationality defined vulnerable groups. Additionally, the Member States are required to formulate, adopt and implement national and regional policies and strategies to enhance productivity.

xiii. Article 14: Decent Work and Informal Economy

The Article requires Member States to take national measures to promote the transition of workers and enterprise from the informal economy, while respecting worker's fundamental rights and ensuring income security and social dialogue. The Article further requires Member States to promote creation and preservation of decent jobs in the formal economy and adopt integrated strategies that align with macroeconomic, employment and social protection policies to facilitate this transition and improve resilience

xiv. Article 15: Labour Market Resilience

The provision requires Member States to put in place measures to respond to disruptions such as climate change, pandemics and technology with consultation, recovery, employer support, and reintegration.

xv. Article 16: Maternity Protection and Entitlements

The Article requires Member States to ensure maternity protection, including paid maternity leave as a basic right in terms of national legislation.

xvi. Article 17: Persons with Disabilities

The Article requires Member States to take measures with respect to persons with disabilities.

xvii. Article 18: Migrant Workers

This provision requires Member States to formulate and implement labour migration policies and legislation to enhance labour migration governance and regulatory systems in order to safeguard the welfare and rights of migrant workers and their families.

xviii. Article 19: Labour Market Information Systems

The Article requires Member States to put in place measures to strengthen national Labour Market Information Systems (LMIS), harmonise data, and establish regional mechanisms.

xix. Article 20 to 34: Administrative Provisions

These Articles are administrative as they set out how the Protocol will be managed, monitored, and operationalised.

5.0 SUBMISSIONS AND CONCERNS FROM STAKEHOLDERS

The Committee was informed that before an international agreement could be ratified, there was need to consider whether or not the agreement was in the best interest of

Zambia, as provided for in *Section 3 of the Ratification of International Agreements Act, No. 34 of 2016*. In doing so, the Committee considered the object of the international agreement; whether or not the existing legislation adequately addressed the object of the international agreement; the impact of implementing any measure specified in the international agreement; and any legislative measures that were required to give effect to the international agreement.

Article 4: Fundamental Labour Guarantees

The Committee was informed that Zambia was currently aligned with these provisions. The *Constitution, Chapter One of the Laws of Zambia* recognises fundamental human rights including the right to association in Article 21 and protection against slavery or forced labour in Article 14.

Further, the Committee learnt that the *Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia* provides for the formation of trade unions and employer's representative organisations including matters related to dispute resolution in employment matters.

In addition, the Committee was informed that the *Employment Code Act, No.3 of 2019*, which governs employment relations in Zambia, and specifically Section 8, prohibits forced labour.

Therefore, Zambia's legal framework already aligns with provisions of the Protocol in relation to promulgation of appropriate policy and legislative measures to realise the fundamental principles and rights at work and to create a conducive environment.

Article 5: Employment Promotion

The Committee was informed that Article 5 of the SADC Protocol on Employment and Labour, which requires State Parties to place employment creation as a central objective of economic and social policy and to adopt pro-employment fiscal, monetary and sectoral measures, is consistent with Zambia's existing national development framework. This was reflected in the Eighth National Development Plan (2022–2026), themed "Socio-economic Transformation for Improved Livelihoods," which expressly prioritises job creation through economic diversification in agriculture, tourism, mining and manufacturing.

Stakeholders submitted that Article 5 was, therefore, progressive in that it will reinforce Zambia's existing policy trajectory. In this regard, ratification will strengthen Zambia's regional commitment to employment centred development, align domestic policy with regional standards, and support the attainment of the Vision 2030, without necessitating legislative amendment.

Article 6: Freedom of Association and Collective Bargaining

The Committee was informed that Zambia's legislation was currently aligned with the provisions of Article 6 of the Protocol. The *Constitution, Chapter One of the Laws of Zambia* guarantees freedom of association in Article 21 and the *Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia* in Part VII and VIII regulates trade union formation and activities. The same Act recognises employer organisations in Part III, IV and V and their operations.

Article 7: Equal treatment

The Committee was informed that Zambia had incorporated the principles of Article 7 of the Protocol into the national labour legislation. The *Constitution, Chapter One of the Laws of Zambia* in Article 23 proscribes discrimination. Further, Section 95 of the

Employment Code Act, No. 3 of 2019, prohibits discrimination against an employee or a prospective employee, while Section 96 penalises cases of discrimination.

Therefore, Zambia's policies and legislation already align with the equal treatment provision in the Protocol.

Article 8: Protection of Children and Young Persons

Stakeholders submitted that Zambia's current legal framework, particularly the *Employment Code Act, No. 3 of 2019*, and the *Children's Code Act, No. 12 of 2022*, already provide for the prohibition of economic exploitation, hazardous work and employment of children under the age of fifteen, subject to limited statutory exceptions under prescribed conditions. The *Employment Code Act, No. 3 of 2019*, further criminalises unlawful child employment and provides for substantial penalties, including imprisonment, which is consistent with the Protocol's requirement for deterrent sanctions.

Stakeholders submitted that the only area requiring careful consideration was the Protocol's provision allowing, in limited circumstances, a minimum age of fourteen for economies and educational systems that were insufficiently developed. As Zambia's domestic law sets the minimum age at fifteen, ratification would not necessitate lowering existing standards and should be interpreted consistently with the principle of non-regression in child protection.

Similarly, *Section 14 of the Defence Act, Chapter 106 of the laws of Zambia*, prohibits the enlisting of an eighteen-year-old without the consent of the person's parent or guardian.

All in all, stakeholders submitted that Article 8 was progressive as it reinforced Zambia's current statutory protections and international obligations under the United Nations Convention on the Rights of a Child (CRC) and the African Charter on the Rights and Welfare of the Child to which Zambia was a signatory. Ratification would, therefore, strengthen regional cooperation and enforcement efforts without requiring substantial amendments to existing national legislation.

Article 9: Forced or Compulsory Labour

Stakeholders submitted that Zambia's legal framework aligns with Article 9 on forced and compulsory labour through the various provisions. Article 24 of the *Constitution, Chapter One of the Laws of Zambia*, prohibits forced labour, ensuring protection against involuntary work.

Further, Section 8 of the *Employment Code Act, No. 3 of 2019*, criminalises forced labour and imposes penalties on employers engaging in such practices. *The Penal Code, Chapter 87 of the Laws of Zambia*, particularly Section 263 imposes stiff penalties on perpetrators of forced labour. In the same vein, the *Anti-Human Trafficking Act, No. 11 of 2008 of the Laws of Zambia*, expands the definition of forced or compulsory labour to include trafficking-related exploitation.

Stakeholders, however, recommended that the *Employment Code Act, No. 3 of 2019*, be reviewed to provide for victim compensation and protection from prosecution as provided in the Protocol.

Article 10: Occupational Health and Safety

The Committee was informed that Zambia's legislation aligns with Article 10 on occupational safety and health. The *Occupational Health and Safety Act, No. 16 of 2025*, provides for specific provisions that mandate the establishment of health and safety

committees at workplaces to promote collaboration between employers and employees. *Section 30 of the Occupational Health and Safety Act, No. 16 of 2025*, mandates employers to ensure the health, safety and welfare of employees at the work place including providing a safe working environment. The Act also provides for adequate training and personal protective equipment. The Act further provides for the worker's rights to information on workplace hazards and remedial procedures. Furthermore, the Act mandates the authorised officers to shut down workplaces that pose an immediate danger and penalises non-compliance.

In addition, *the Worker's Compensation Act, Chapter 271 of the Laws of Zambia*, covers a wide range of compensation for work-related injuries, occupational diseases and death of employees. In Part 5, the Act also makes provision for lump-sum or pension payments for permanent incapacity, funeral grants and survivor benefits for dependants.

Article 11: Basic conditions of Employment

The Committee was informed that the *Employment Code Act, No. 3 of 2019*, provided for annual, sick, compassionate, maternity and paternity leave. It also provided repatriation benefits, protection against dismissal related to maternity, nursing breaks, paid public holidays, and minimum employment benefits.

The Act further empowers the Minister to regulate minimum conditions and allows collective agreements to provide more favourable terms, which is consistent with the Protocol's requirement that basic conditions are incorporated into collective bargaining arrangements.

In this regard, Zambia's framework meets the minimum standards found under Article 11. Therefore, ratification of the Protocol would reinforce Zambia's existing labour protections.

Article 12: Social Security

Stakeholders submitted that Zambia's national laws aligned with Article 12 of the Protocol. The *Employment Code Act, No. 3 of 2019*, provided for adequate social protection and access to social security benefits for all workers. Further, the country had established the National Pension Scheme Authority (NAPSA) to coordinate and harmonise social security schemes. The *National Pension Scheme Act, No. 40 of 1996*, provided for the payment of pension benefits at retirement, invalidity, and death, which was consistent with the objectives set out in the Protocol.

Further, stakeholders submitted that the extension of social security benefits to informal workers, domestic workers, migrant workers, and agricultural workers under Article 12 (3) of the Protocol was progressive as it strengthened the social welfare framework for these often-excluded categories of workers. In relation to Zambia, the Committee was informed that in 2019, the National Pension Scheme Authority ("NAPSA") extended its coverage to the informal economy through the issuance of Statutory Instrument No. 72- the *National Pension Scheme (Informal Sector) (Membership and Benefits) Regulations of 2019*, thereby ensuring comprehensive coverage and protection for informal and migrant workers.

Furthermore, the Committee was informed that in line with Article 12(4), which encouraged State Parties to cooperate on social security through multilateral and bilateral arrangements to ensure portability of accrued social security entitlements, it was reported that Zambian Pension Fund Schemes collaborated with regional and international organisations to facilitate social security benefits.

Stakeholders submitted, however, that Zambia's legal framework did not provide portability of accrued social security entitlements across the SADC countries. Article 12 (4) of the SADC Protocol is, therefore, progressive as it will enable migrant workers to continue saving under a pension scheme by transferring their benefits from one country to the other. In this regard, there is a need for the Zambian legislation to be reviewed to provide for portability of accrued social security entitlements.

That notwithstanding, stakeholders submitted the progress made in the social security sector, such as the National Health Insurance Scheme (NHIS), which was designed to ensure access to healthcare, although it faced structural inefficiencies and underfunding, threatening its sustainability. In the same vein, the Workers' Compensation Fund Control Board (WCFCB), which addressed workplace injuries had limited reach and responsiveness in the face of growing occupational hazards. In this regard, there is a need to recapitalise the NHIS and expand WCFCB to enhance presence.

Article 13: Active Labour Market Policies

Stakeholders submitted that Zambia's legal framework aligned with the requirements of Article 13 on active labour market policies. The *Employment Code Act, No. 3 of 2019*, provided for skills development through Section 65 of the Act. Further, Part III of the Act provides for unfair termination of contracts of employment under section 36. Section 37 explicitly prohibits termination of employment without a valid reason and Section 38 provides for remedies for unfair dismissal. These provisions protect employees from arbitrary dismissal and also give the employees' rights to challenge dismissals through the Labour Commissioner.

The Committee was informed, however, that due to resource constraints, full execution of training and incentive programmes was limited by budgetary and administrative resources, thereby affecting full implementation of Article 13.

Article 14: Decent Work and the Informal Economy

The Committee was informed that Zambia's legal framework aligned with the requirements of Article 14 of the Protocol and the Eighth National Development Plan. Therefore, ratification of the Protocol would expand access to income security, social protection and avenues for social dialogue and ensure that informal workers were not left outside the protective ambit of labour law.

Article 15: Labour Market Resilience

Stakeholders submitted that Zambia's legal framework aligned with the requirements of the Protocol through various provisions in the *Employment Code Act, No. 3 of 2019*. Section 12 of the Act gives the Labour Commissioner authority to request information from employers and institutions, including data on employment conditions and disruptions. Section 65 requires measures to be taken to adopt employment policies that promote resilience including measures for worker-welfare and adaptation to disruptions.

On the other hand, Section 66 provides for skills development levy and funds collected under this are partly used to support training and re-skilling of workers, which becomes critical during disruptions like pandemics or climate -related shocks. Section 97 also ensures income security and social protection ensuring workers are cushioned during emergencies.

Furthermore, the Committee was informed that Zambia had progressed with green financing, including green bonds and regulatory frameworks such as the Forest (Carbon Stock Management) Regulations of 2021, which helped address climate related market disruptions and promoted green jobs and environmental sustainability as part of its broader resilience objectives.

In the same vein, the Committee was informed that the National Climate Change Policy of 2016, supported adaptation and resilience of building measures to climate change as one of its guiding principles. Furthermore, the Zambian National Budget has seen increased allocation for social protection and human capital development, which helps cushion labour market shocks. Large budgetary allocations for social cash transfer and cash for work programmes help workers and families manage economic disruptions. Therefore, the Article was aligned with current national policy direction and did not impose inconsistent obligations.

Therefore, ratification would strengthen Zambia's commitment to forward looking labour market governance and resilience.

Article 16: Maternity Protection and Entitlements

Stakeholders submitted that Article 16 was progressive as it called for maternity protection to all female workers in both the formal and informal economy, including paid maternity leave of at least 14 weeks, and encouraged State Parties to consider paternity leave. This is in tandem with the legislation in Zambia, which provides for maternity leave under Section 41 of the *Employment Code Act, No. 3 of 2019*. The provision of maternity benefits is extended to women undertaking work in the informal sector who currently are contributing to the National Pension Scheme Informal Sector sub scheme.

Additionally, unlike other African countries, men in Zambia are entitled to paternity leave as provided in Section 46 of the *Employment Code Act, No.3 of 2019*. By this provision, male employees who have completed at least 12 months of continuous service with an employer are eligible for five consecutive days of paid paternity; leave is to be taken within seven days of the child's birth. In this regard, ratifying the Protocol is, therefore, progressive as it will ensure that Zambian men working in other SADC countries enjoy paternity leave benefits comparable to those obtainable in Zambia.

Article 17: Persons with Disabilities

The Committee was informed that Zambia's legislation was aligned with the requirement that Member States take measures with respect to persons with disabilities. Section 6 of the *Employment Code Act, No. 3 of 2019* requires employers to ensure non-discrimination against persons with disabilities in recruitment, training, promotion and employment conditions. It also ensures that the employers provide for reasonable accommodation in the workplace to enable persons with disabilities to perform their duties.

Stakeholders further submitted that the governing framework, *the Persons with Disabilities Act, No. 6 of 2012*, aligned with Article 17 of the SADC Protocol through its strong prohibition of discrimination. The Zambia Agency for Persons with Disabilities (ZAPD), established under the same Act, is mandated to collaborate with institutions to reserve a percentage of positions in both the public and private sectors for persons with disabilities. In order to strengthen systemic support, ZAPD has through its Strategic Plan (2023–2026), shifted its focus toward coordinating services and regulating the disability sector, rather than direct provision of services.

In the same vein, Zambia in 2025 launched, the National Policy on Persons with Disabilities and Disability Mainstreaming Guidelines. The policy and guidelines aim at promoting non-discrimination, equal opportunities, and full participation in society. Their principles are consistent with the *Persons with Disabilities Act, No. 6 of 2012*, the *Convention on the Rights of Persons with Disabilities (CRPD)*, and the UN Sustainable Development Goals (SDGs), further reinforcing Zambia's commitment to inclusive

labour-market reforms. Further, a draft statutory instrument for the employment of persons with disabilities in public and private institutions is pending issuance.

Stakeholders submitted that the *National Pension Scheme Act, No. 40 of 1996*, provided for the payment of invalidity benefits to disabled members where the said disability was categorised as permanent.

In this regard, ratifying the Protocol is progressive as it is in conformity with Zambia's national legislation and policies on persons with disabilities.

Article 18: Migrant Workers

Stakeholders submitted that Article 18 required SADC Member States to safeguard the rights and welfare of migrant workers and their families, offering improved protection for Zambians working abroad. This is significant given the high number of Zambians engaged in cross-border employment who are often vulnerable to exploitation and poor working conditions. The Article also promotes ethical recruitment by strengthening regulations, licensing, and monitoring of private recruitment agencies, thereby reducing illegal recruitment and human-trafficking risks.

In the same vein, Article 18 enhances migration laws in Zambia by aligning with Part 8 of the *Employment Code Act, No. 3 of 2019*, which mandates licensing of recruitment agencies.

Further, the Ministry of Labour and Social Security in 2023, launched the National Labour Migration Strategy 2024-2028 to effectively regulate and protect labour migration.

Additionally, Article 18 enhances regional cooperation through improved data sharing and coordination, supporting Zambia's development of a data-driven labour-migration system to better track skills needs, curb irregular migration, and strengthen national planning. If ratified, it would significantly advance Zambia's efforts in safeguarding the safety and wellbeing of migrant workers.

Article 19: Labour Market Information Systems

With regard the requirement for Member States to put in place measures strengthening national Labour Management Information Systems, harmonising data, and establishing regional mechanisms, the Committee was informed that Zambia had launched the *Labour Market Information System (LMIS)* platform and a *National Action Plan (2023–2027)*, to strengthen LMIS and skills anticipation systems. The LMIS is a digital platform designed to bridge gaps between skills supply and demand, guide evidence-based employment policies and provide Zambian citizens with reliable information on job trends, in-demand skills and career pathways.

Furthermore, the platform aims at addressing longstanding challenges of fragmented and outdated labour market data, which have contributed to skills mismatches and inefficient workforce planning. The LMIS seeks to enable the Government to design targeted training programmes, improve employability and strengthen economic planning.

Therefore, the provision was in conformity with steps that Zambia had already undertaken in strengthening its labour market information systems.

Article 22: Financial Provisions

Stakeholders submitted that Article 22 provided the financing mechanisms for regional projects and programmes under the Protocol. This includes contributions by State Parties

and grants or donations received from the private sector, multilateral financial institutions, international organisations and cooperating partners, provided that such financing conforms with the objectives of the Protocol. In effect, the Article does not place the entire financial burden of implementation on Member States alone; rather, it creates a broader financing framework that allows mobilisation of both domestic and external resources for employment and labour programmes.

The Committee was informed that this provision was important for Zambia because it had the potential to financially empower the State rather than merely impose an additional obligation. Further, it was submitted that this was in conformity with the 8NDP's implementation framework, which contemplated support from external partners, including multilateral actors, for delivery of national development objectives.

In that context, Article 22 is beneficial because it opens an additional regional legal avenue through which Zambia may leverage partner support, grant financing, and institutional cooperation for labour-related reforms and programmes.

5.1 Positive Ramifications of Ratifying the Agreement

The Committee was informed that ratification of the Protocol will have a positive impact on Zambia's national interests as set out hereunder.

5.1.1 Strengthening Social Security Coverage

The Protocol promotes access to social security and the extension of coverage to all workers, including those in the informal economy. This has potential to encourage policy reforms that broaden pension coverage beyond the formal sector, increase contribution base for pension funds, thereby strengthening long-term sustainability and thereby reduce old-age poverty and dependency on public welfare.

For Zambia, where informal employment remains significant, this is a transformative opportunity to expand contributory pension schemes.

5.1.2 Portability of Pension Benefits

The Protocol provides for cooperation in social security matters and facilitates preservation and portability of accrued social security entitlements across Member States. This will enable cross-border portability of pension benefits for migrant workers within SADC, protect Zambian workers employed in other SADC countries, attract regional labour mobility without pension loss risk and enhances confidence in contributory pension systems. This is particularly relevant given labour migration within Southern Africa.

5.1.3 Affirming Zambia's Commitment to Giving Effect to International Labour Standards

Although Zambia is yet to ratify the Protocol on Employment and Labour, the country's legal framework already aligns closely with the core provisions of the Protocol. Ratifying the protocol would serve to codify Zambia's existing commitments under international law, thereby strengthening Zambia's stance on labour laws. This would also enhance worker's rights, safety and welfare, leading to better working conditions and social protection.

Furthermore, ratification would strengthen Zambia's position in the SADC region and the United Nations, as this will demonstrate Zambia's commitment to support and promote decent work, social justice and human rights, while aligning with the international labour standards.

5.1.4 Reduced Restrictions on Labour Movement

Member States will benefit from the reduction of restrictions on the movement of labour, enabling easier access to jobs and skills across borders. This will encourage skills exchange and filling skills shortages in specific regions.

5.1.5 Information and Data Sharing

Member States will have to develop better mechanisms for collecting and sharing data on labour markets. This will help in identifying employment trends and addressing skills mismatches.

5.1.6 Strengthen Institutional Capacity and Social Dialogue

The Protocol strengthens the capacity of the Tripartite Consultative Labour Council by providing access to regional tools, labour market information systems, and best practices in social dialogue. This collaboration between the Government, the Zambia Federations of Employers (ZFE), and the Zambia Congress of Trade Unions (ZCTU) ensures that policy-making is both data-driven and inclusive.

5.1.7 Potential Implementation Challenges

The Committee was informed that the successful implementation and ratification of the SADC Protocol on Employment and Labour faced several structural and operational hurdles. While the Protocol offers a robust framework for regional integration, Zambia must address the underlisted country-specific perspectives to ensure meaningful compliance.

i) Financial Constraints and Economic Resilience

The Ministry of Labour and Social Security (MLSS) is a government-funded entity that relies on Treasury allocations. The financial constraints limit the Ministry's ability to meet the growing demands of labour inspections and the expansion of the Government Service Bus (GSB) for digital labour services. This further affects the enforcement of various aspects of labour legislation across the country.

ii) Institutional Capacity and Labour Inspectorate Readiness

Stakeholders submitted that a critical constraint to implementing the SADC Protocol, particularly Article 10 on Occupational Safety and Health, was the limited human resource capacity within Ministry of Labour and Social Security. The Ministry currently deploys 178 labour inspectors across 116 districts, averaging roughly one inspector per district, with inspection efforts prioritised in industrialised provinces such as Lusaka, Copperbelt, Central, Southern, and North-Western. While this deployment reflects variations in industrial concentration, it underscores ongoing challenges in achieving consistent national inspection coverage.

In addition to staffing limitations, oversight reports note inadequate inspection vehicles and logistical resources, particularly in rural and peri-urban areas. These constraints reduce inspection frequency, weaken deterrence effects, and limit the Ministry's ability to conduct routine and follow-up inspections or respond promptly to reported violations, including statutory minimum wage non-compliance.

This capacity gap is particularly acute when attempting to monitor the "Decent Work" standards in the informal economy, where most workers currently lack access to traditional dispute resolution or safety oversight.

iii) Delays in Legal and Regulatory Alignment

The Committee was informed that the evolving landscape of the regional labour market required quick responses in the adjustment of legal and regulatory frameworks.

While Zambia has made strides with the *Employment Code Act, No. 3 of 2019*, and other pieces of legislation, subsequent reforms such as the comprehensive National Pension Scheme (Amendment) Bill and the revision of the National Productivity Policy, have faced lengthy consultative and legislative processes. This slow pace of legislative adjustment, coupled with the need to harmonise "outdated laws" with modern SADC standards, limits the ability of oversight authorities to keep up with international best practices.

Consequently, such delays could impede Zambia's effective implementation of the Protocol and its ability to meet evolving regional recognition standards for migrant workers and social security portability.

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee notes that majority of the witnesses who appeared before it supported the proposal to ratify the Southern African Protocol on Employment and Labour.

The Committee also supports the decision that the Republic of Zambia ratifies the Protocol. However, in supporting the ratification, the Committee makes the observations and recommendations set out below.

(i) Aligning Institutional and Administrative Frameworks

The Committee observes that the Protocol seeks to enhance regional standards for decent work, portability of social security entitlements and promote fair and consistent labour practices across borders in the SADC region.

In this regard, the Committee recommends that the Executive undertakes institutional and administrative reforms so as to conform to the regional standards.

(ii) Strong Collaboration between Ministry of Labour and Social Security with the National Pension Scheme Authority (NAPSA) and the Zambia Qualifications Authority

The Committee observes that the focus of the Protocol is on portability of social security, decent work and recognition of skills, which encourages the Ministry of Labour and Social Security to take the lead.

The Committee, urges the Executive to put in place legislation to ensure portability of social security and administrative measures to enhance decent work and recognition of skills.

The Committee further urges close collaboration between the Ministry of Labour, the National Pension Scheme Authority, Zambia Qualifications Authority and all relevant stakeholders for effective implementation.

(iii) Legislative Alignment

The Committee observes that, while Zambia has made strides with regard domestication of international and regional standards through the *Employment Code Act, No. 3 of 2019* and aligns with provisions of the Protocol, further legislative, institutional and administrative reforms are needed.

In this regard, the Committee recommends that the Government should fast-track the review of the *Employment Code Act, No.3 of 2019* and associated regulations to ensure full alignment with the Protocol's provisions on social security portability in Article 12 and market resilience in Article 15 as well as victim compensation and protection from prosecution as provided for in Article 9 (4) of the Protocol.

(iv) Institutional Capacity Building

The Committee observes, with concern, the low-level budgetary allocation and limited human resource capacity within Ministry of Labour and Social Security, which impedes implementation and enforcement of programmes.

In this regard, the Committee recommends that the Government should prioritise the allocation of financial and human resources to the Labour Inspectorate and Occupational Safety and Health departments to ensure the effective enforcement of the Protocol's standards across both the formal and informal sectors.

(v) Strengthening Social Dialogue

The Committee observes that the Protocol provides access to regional tools, labour market information systems, and best practices in social dialogue.

In this regard, the Committee recommends that the Tripartite Consultative Labour Council should be utilised as the primary engine for implementing the Protocol, ensuring that workers and employers' organisations are actively involved in the transition toward a harmonised regional labour market.

(vi) Re-capitalise the National Health Insurance Scheme and Expand the Workers' Compensation Board Fund

The Committee observes that notwithstanding the progress that has been made in the social security sector, the National Health Insurance Scheme (NHIS), which is designed to ensure access to healthcare, faces structural inefficiencies and underfunding, threatening its sustainability. In the same vein, the Workers' Compensation Fund Control Board (WCFCB), which addresses workplace injuries, has limited reach and responsiveness in the face of growing occupational hazards.

In this regard, the Committee recommends for the re-capitalisation of the National Health Insurance Scheme and extension of operations of the Workers' Compensation Fund Control Board to enhance its effectiveness and presence.

7.0 CONCLUSION

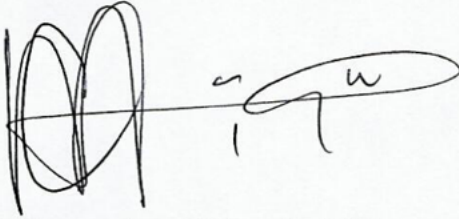
The SADC Protocol on Employment and Labour presents substantial strategic benefits for Zambia's pension industry. While primarily a labour instrument, its emphasis on social security expansion, formalisation, portability, governance, and minimum employment standards directly enhances pension sustainability, inclusivity, and long-term financial stability.

For Zambia, whose pension sector is undergoing reform and expansion, the Protocol provides a regional legal framework that supports sustainable growth, compliance enforcement, and broader social protection coverage.

Further the ratification of the Protocol does not only align with Zambia's national labour policy and development objectives under the Eighth National Development Plan (8NDP), but also offers a strategic platform to strengthen the country's presence in the

regional economic landscape, foster international labour mobility, and support the aspirations of Zambian professionals seeking opportunities within the SADC bloc.

We have the honour to be, Madam, the Committee on Legislation and International Agreements.

A handwritten signature in black ink, consisting of several loops and a horizontal line, followed by a stylized 'w'.

Mr Remember C Mutale, MP
CHAIRPERSON

April, 2026
LUSAKA

APPENDIX I-National Assembly Officials

Mr Charles Haambote, Director, Social Committees
Mrs Chitalu K Mumba, Deputy Director, Social Committees
Ms Chitalu Mulenga, Senior Committee Clerk (FC-2)
Mr Timothy C Lumba, Committee Clerk
Ms Ruth Nambule, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II-List of Witnesses

Federation of Free Trade Unions of Zambia
National Pension Scheme Authority
Public Service Pension Fund
Ministry of Labour and Social Security
Ministry of Finance and National Planning
Ministry of Justice
University of Zambia
Zambia Chamber of Commerce and Industry
Zambia Congress of Trade Unions
Zambia Institute for Policy Analysis and Research
Zambia national Pensioners Association