TUESDAY, 14 MARCH, 2017

MINISTERIAL STATEMENT

PROTECTION OF HUMAN AND EMPLOYEE RIGHTS IN THE ZAMBIAN LABOUR MARKET

The Minister of Labour and Social Security (Mrs Simukoko): Mr Speaker, I wish to thank you for according me this opportunity to deliver a Ministerial Statement to this august House on the Protection of Human and Employee Rights in the Zambian Labour Market. I wish to begin by assuring this House that my ministry is committed to ensuring that workers' and employers' fundamental rights are guaranteed.

Mr Speaker, the protection of human and employee rights in the Zambian labour market is anchored on the Zambian Constitution as well as other various pieces of legislation relating to employment and labour. It is important to note that the employee rights are also human rights which include the right to employment, fair wages, safety and health, social protection and non-discrimination, among others.

Mr Speaker, the rights of employees in Zambia are drawn from both the Human Rights Charter and the International Labour Organisation (ILO) Charter. The ILO's core mandate is to facilitate the setting and monitoring of international labour standards in the form of conventions, recommendations and codes of practices which set minimum standards and basic labour rights and obligations from member states.

Sir, in the context of the Zambian labour market, the Constitution and other subsidiary laws, including the labour laws, describes the following rights and obligations ensuring the protection of human and employee rights:

(a) protection from forced labour;

(b) protection of freedom of assembly and association;

(c) protection from discrimination;

(d) protection of young persons and children from discrimination;

(e) protection of accrued pension benefits;

(f) right to minimum wages and conditions of employment;

(g) right to occupational safety and health; and

(h) right to social protection and compensation in case of injury at work.

Mr Speaker, in order to enhance compliance of employer obligations and ensure that employees' rights are upheld, as enshrined in the various pieces of legislation, inspections are conducted by competent officials. Routine labour and factory inspections are carried out regularly, countrywide. During such inspections, officials from the ministry also sensitise and educate employers on the provision of the laws in relation to the rights of their employees.

In addition, investigative labour and factory inspections are conducted by ministry officials upon receipt of reports of infringements or abuse of employees' rights. Similarly, the trade unions are required, by their constitutions, to undertake workers' education on their rights and obligations. The main objective of trade unions is collective bargaining and grievance handling.

Mr Speaker, employers are equally encouraged to be involved in worker education. The collective agreements and recognition agreements signed between parties require that both workers and employers take time to explain the meaning of these documents to ensure that all understand their rights and obligations. Worker education used to be mandatory by law but was removed with the expectation that the trade unions would self-regulate in that matter.

However, overtime, it has been observed that not all unions are committing a lot of resources to worker education. I would like to take this opportunity to caution all trade unions that if the trend of poor worker education continues, we shall be left with no option but to legislate the need for

worker education. This we shall do after the necessary consultation with the Tripartite Consultative Labour Council (TCLC).

Mr Speaker, the Government, through the Industrial and Labour Relations Act Cap. 269 of the Laws of Zambia, provides a joint platform for the employers, workers and the Government to dialogue on matters of mutual interest through the TCLC. The Government is aware that there is need to curtail labour brokering in Zambia as it infringes on the full rights of employees. The practice, if not controlled, would mean affected employees having slavery conditions of service.

Mr Speaker, I wish to indicate that in as much as employees have several rights, they also have obligations towards their employers. The law stipulates that 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, great efficiency and productivity. Therefore, continued worker education by the trade unions is core to mitigating industrial unrest in the nation. The Government is aware that grievance handling has not been effective in some cases. This has led to workers rushing to bring disputes, which should have been resolved by the trade unions, to our ministry.

Mr Speaker, in a liberalised economy, conflicting interests are clearly seen between workers and employers. Employers want to maximise their profits while workers seek a fair return for their work. If these interactions between the two groups, with competing interests, are not managed well, it leads to conflicts. Unions are, therefore, key players to avoid conflict and this is why as Government, we want to see effective trade unions because disputes are best resolves at the bargaining table.

Employers are equally important players, who through their Employers Association, also co-operate to see how best they can resolve labour matters and sustain high productivity in their organisations. We wish to encourage workers to join trade unions because they assist to resolve disputes. We equally wish to encourage all employers to join the Zambia Federation of Employers so that a collective voice can help to highlight the best way to regulate labour. On our part as Government, we balance the power between employers and workers through regulation.

It, therefore, calls for trade unions and workers, generally, to be aware of their rights. I wish to emphasise, Sir, that there is need for worker education and also another need for workers to read and familiarise themselves with the law so that they can bargain from a position of knowledge.

Mr Speaker, I wish to reiterate that employers also have an obligation to respect employees' rights while the employees have a duty to their employer to ensure industrial harmony, greater efficiency and high productivity for the development of the country. However, employees are cautioned against resorting to industrial unrest at the expense of social dialogue and respect of the law in resolving disputes.

Mr Speaker, allow me to commend employers for being lenient with employees that have caused industrial unrest in Zambia recently, contrary to law, in various companies and institutions. I wish to emphasise that the law must be upheld by both employers and employees. The goal for the Government is to ensure industrial harmony and high productivity in the nation for sustained economic growth and wealth creation for all its citizens.

I thank you, Sir.

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