



International
Labour
Organization



ZAMBIA- Extract SADC Labour Migration Stocktaking Report

SADC Labour Migration Policies and Governance: Brief summaries of key elements of Labour Migration Policies¹; Specific provisions pertaining to the employment of foreign workers²; and, Applicable requirements and procedures for obtaining work permits³.

Zambia	
Type of permit	Short-term work permit: initially 3 months and can be extended up to 6 months Employment permit (long-term work permit)
Application requirements	Requirements for a new application Covering letter from employer addressed to the Director General of Immigration; Employment contract or Letter of offer; Police clearance from country of residence; Curriculum Vitae;

¹Available information indicates that only 5 SADC Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have a National Labour Migration Policy, with Mauritius formulating a Migration and Development Policy and Malawi having reached the stage of publishing a Situational Analysis report in preparation for the drafting of its NLMP.

²The authors express their gratitude to Ms Zoe Isaacs for the permission to reproduce the information pertaining to the employment of foreign nationals found in the SADC Labour Law Guide that is maintained by the SADC Private Sector Forum (SPSF) and available at <https://www.sadclabourlawguide.spsf.org/bw/>

³Information regarding requirements and processes for obtaining work permits was primarily sourced from official government websites and from <https://www.globalization-partners.com/globalpedia/> No information was available for Comoros.

	<p>Registration certificate from the relevant professional body in Zambia (where required);</p> <p>Certified copy of qualifications (academic, professional);</p> <p>Copy of marriage and birth certificates (where available);</p> <p>Certified copy of valid passport (bio data & last endorsement stamp for Zambia);</p> <p>Certified Certificate of Share Capital and List of Directors;</p> <p>Copy of succession plan which shall include an understudy training program to be conducted by the foreign national to transfer knowledge and/or skills to the Zambian worker;</p> <p>A copy of the Certificate of Incorporation;</p> <p>In the case of Construction, Mining Sector, ICT, Engineering and other project based engagements, a covering letter specifying the project on which the expatriate would be employed, copy of letter of award specifying completion date and value of project must be submitted;</p> <p>Original Press advertisements which have appeared in two leading newspapers in A5 size. Name of Newspaper and date of advert should be clearly visible on the press advert and outcome of selection exercise must also be submitted;</p> <p>One recent passport size photographs; and</p> <p>Prescribed fee.</p> <p>Requirements for renewal /extension</p> <p>Covering letter to the Director General of Immigration from concerned employer;</p> <p>Extended contract;</p> <p>Certified copy of valid passport (bio data & last endorsement stamp for Zambia); and Prescribed fee.</p>
<p>Duration of permit</p>	<p>Long term Employment permit: 6 months and more and can be extended for maximum of 10 years</p> <p>Short-term work permit: initially 3 months and can be extended up to 6 months</p>
<p>Employment of Foreign Nationals</p>	<p>The Immigration and Deportation Act 18 of 2010 provides the prescribed requirements, procedures and forms specified for the issuance of an employment permit to the foreigner. Generally, all employees including foreign nationals enjoy protection of the labour laws. In order to work in Zambia, an employee must be in possession of a valid work permit. The application must be made to</p>

	<p>the Director General of Immigration who may consult with the Ministry of Labour to ascertain whether the skills possessed by the applicant are already available in the country. According to the Immigration Act and Deportation Act, any person who is not a citizen cannot enter Zambia unless that person is in possession of a valid temporary residence permit, residence permit or a valid border pass. An application must be made to the Director General of Immigration in consultation with the Ministry responsible for Labour, in the prescribed manner for an employment permit. The Director General of Immigration must ensure that the applicant for employment is not a prohibited immigrant, which is anyone who belongs to a class set out in the second schedule. The prospective employer must first ensure that there are no locals available to fill the position before hiring a foreign national. The employer must furnish in support of the application the prospective employee's relevant qualifications; their curriculum vitae; the employment offer with terms and conditions offered; details of the prospective employer; and a comprehensive application form. Generally, an employer must ensure that they have a skills transfer program in place for the position that the foreign national will occupy.</p> <p>There are two types of work permits, a short-term work visa which is only valid for a maximum period of 3 months and an employment permit valid for a maximum period of 24 months. The work permits can be extended for a maximum period of 5 years from the date of issuance. The application for an employment permit must be made outside of the country and the applicant must wait till the issue of the permit before traveling to Zambia. The processing time for the permit varies between 1-6 weeks.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Labour Commissioner and his officers are responsible for administering the labour laws and ensuring compliance through inspection and investigations. They are also usually the primary method of dispute resolution in both individual and collective disputes. For individual disputes, Labour Officers serve as informal mediators under the Employment Act. For collective disputes, the Labour Commissioner plays an extra-legal dispute resolution role as he has no legal role but a significant practical one.</p> <p>The Industrial Relations Division of the High Court of Zambia in accordance with the Industrial and Labour Relations Act has exclusive jurisdiction to hear and determine any industrial relations matters. Industrial relations matters include issues relating to: inquiries, award and decisions in collective disputes; interpretation of the terms of award, collective agreements and recognition agreements; general inquiries into, and adjudication on, any matters affecting</p>

rights, obligations and privileges of employees, employers and their representative bodies. The Court shall not consider a complaint or application unless it is presented to it within 90 days of the occurrence of the event which gave rise to the complaint or application. The Court may extend the ninety-day period for three months after the date on which the applicant has exhausted the administrative channels available to them. The Court is not bound by the rules of evidence in civil and criminal proceedings but the main objective of the Court is to do substantial justice between the parties before it. Any award, declaration, decision or judgment of the Court is binding on the parties. The court may summon witnesses, call for the production and inspection of books, documents records and other things. This includes the power of the court to examine witnesses. Any party can appeal the decision of the Court on any point of law or any point of mixed law and fact to the Court of Appeal. Appeals on findings of fact are not permitted.

The Employment Review Tribunal the Minister may appoint three members one of whom shall be designated by the Minister as the chairman of the Tribunal. The tribunal is only applicable during a period when a declaration of a state of emergency under the Zambian Constitution is in force. Their powers extend to hearing and determining review applications in employment disputes. The decision of the tribunal on any application reviewed under the state of emergency shall be binding and final.

The Tripartite Consultative Labour Council is a statutory council which will be comprised of members representing trade unions, employers and Government as the Minister may determine, being not less than 21 in total. The council is chaired by the Minister; its function is to advise the Government on all issues relating to labour matters, manpower, development and utilization. The body plays a purely advisory role and the Government is not legally bound by the decisions of the council.