A CRITICAL EXPOSITION OF PART-TIME EMPLOYMENT IN ZAMBIA AND THE CURRENT LABOUR LEGISLATION

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A DISSERTATION SUBMITTED TO THE UNIVERSITY OF ZAMBIA IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF LAWS

THE UNIVERSITY OF ZAMBIA

LUSAKA

2014

DECLARATION

I, Kayula James, do hereby solemnly declare that the work contained in this dissertation has been composed and written by me and that this work is a sheer product of my own ingenuity and effort. I further sincerely declare that this research has not been previously submitted for any academic award, and that all the work from other researchers has been acknowledged.

Signature ……..... Date……..

CERTFICATE OF APPROVAL

This dissertation of KAYULA, JAMES has been approved as fulfilling the partial requirements for the award of the Degree of the Master of laws by the University of Zambia.

Signature…… Date……

ABSTRACT

Time evolution precipitates change in almost every sphere of life and the labour market is not an exception. The evolution of time has bred the phenomenon of part-time employment which appears conceptually and practically today less secure and economically unstable. This is owing to the conceptual fallacy that part-time employment is not envisaged or covered in the current labour legislation. This misconception has exposed part-time workers to grave misery ranging from slave wages to ineligibility to most benefits that their comparable full-time employees are entitled to.

The objective of the study was to investigate the phenomenon of part-time employment in Zambia in view of the current labour legislation. The study primarily focused on establishing whether or not part-time employees are sufficiently protected under the current labour legislation. This is in view of the conspicuous differential or less favourable treatment that part-time employees are subjected to in relation to their comparable full-time employees.

The research employed qualitative research methods. Both primary and secondary data were used. Data was gathered through conducting interviews with academicians in labour matters and Judges from the Industrial Relations Court which is a specialized court in employment matters. Desk based research however, was predominantly the method of data collection in the undertaking.

The main findings of the study are principally two. The first finding is that the interpretation of the term "employee" as used in the Employment Act discloses no discrimination between full-time and part-time employees. Secondly,the phrase "contract of employment" shares an inextricable interface with part-time employment as shown through the navigation of the common law principles. In a nutshell, it has been established that part-time employees are employees within the meaning of the Employment Act and other labourlaws hence entitled to all the benefits that full-time employees enjoy.

The recommendations of the study (taking into account the findings arrived at) are firstly, the indispensable need to mount rigorous sensitization campaigns with a view to changing the conceptual difference between full-time and part-time employees. Secondly, enactment of a distinct piece of legislation to specifically cater for this class of workers is deemed imperative.

Thirdly, increase in funding levels to strategic institutions such as the Ministry of Labour and Social Security, and the National Pension Scheme Authority has been noted as a focal aspect in addressing the challenges attached to part-time employment. Lastly, advocacy from the church and other civil society groups is seen as a key to creating a multifaceted response aimed at redressing this ill.

This piece of work is a dedication to all part-time employees who are yet to see the dawn of a labour market embodied with justice. Employees who long and yearn for the time when human resource shall be appreciated equally without distinction as to status. To you all working as part-time employees, your anguish and pain because of the extreme conditions under which you serve have given birth to this undertaking as a way of bringing to light your toil that goes unappreciated. As hopeless as the situation may look now, take courage in the belief and conviction that this state of affairs can and shall one day be addressed.

ACKNOWLEDGMENTS

My descriptive power falls short of depicting my heartfelt gratitude to my able supervisor, Dr. W.S. Mwenda, whose unwavering hand of guidance has given birth to this piece of work. Her meticulous attention to detail is stunning and worth of admiration. The mark of inspiration that has been cultivated in me throughout the period of supervision is indelible and shall remain a cornerstone of my future aspirations.

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