

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 23 OF 2008

**The Industrial and Labour Relations Act
(Laws, Volume 15, Cap 269)**

**The Representative Bodies (Elections and Conduct of
Ballot) Regulations, 2008**

IN EXERCISE of the powers contained in section *one hundred and nine* of the Industrial and Labour Relations Act, the following Regulations are hereby made:

1. (1) These Regulations may be cited as the Representative Bodies (Elections and Conduct of Ballot) Regulations, 2008.

Title and
application

(2) These Regulations shall apply to every ballot conducted by a trade union, a congress, a federation of trade unions, association, employers' federation or any other representative body of the members thereof.

2. In these Regulations, unless the context otherwise requires—

Interpretation
Cap. 269

“Act” means the Industrial and Labour Relations Act;

“association” has the meaning assigned to it in the Act;

“Congress” has the meaning assigned to it in the Act;

“election” means the process of choosing office bearers or an executive board for a trade union, a federation of trade unions, a congress of trade unions, an association of employers, a federation of employers or any other representative body by way of casting a secret ballot;

“federation of employers” has the meaning assigned to it in the Act;

“Labour Commissioner” has the meaning assigned to it in the Act;

“proper officer” has the meaning assigned to it in the Act;

and

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P.O. Box 30136, 10101 Lusaka. Price K500 each.*

“representative body” has the meaning assigned to it in the Act.

Labour
Commissioner
to conduct
elections

3. The Labour Commissioner, or such other proper officer as the Labour Commissioner may designate, shall conduct any election of a representative body.

Notification
of election

4. (1) A representative body shall, where the representative body intends to hold any election, not less than fourteen days before the elections are held-

(a) notify the Labour Commissioner or any proper officer in writing, specifying the positions to be filled and the date, time and venue where such elections are to be held; and

(b) furnish the Labour Commissioner or any proper officer with a voter's register together with other particulars concerning such persons as the Labour Commissioner or proper officer may require.

(2) A representative body shall, on the request of the Labour Commissioner or any proper officer, furnish such evidence, by affidavit or otherwise, as the Labour Commissioner or proper officer may require, as to the eligibility to vote of all or any of the persons referred to in paragraph (b) of sub-regulation (1).

Dissolution
of executive
board prior to
election

5. The Labour Commissioner or proper officer shall, before conducting any election, dissolve the executive board of a representative body, to pave way for elections.

Notification
of strike
ballot

6. A representative body shall where the representative body intends to conduct a strike ballot

(a) not less than seventy two hours before the ballot is held, notify the proper officer in writing specifying the matter to be determined and the date and time when the balloting shall take place;

(b) not less than twenty four hours before the ballot is held, furnish the proper officer with a list of the persons who are eligible to vote in the ballot together with such other particulars concerning such persons as the proper officer may require;

(c) on the request of the proper officer, furnish the proper officer with such evidence, by affidavit or otherwise, as the proper officer may require as to the eligibility to vote of all or any of the persons referred to in paragraph (b);

- (d) before the ballot is conducted, give adequate notice of the intention to conduct a strike ballot to its members:

Provided that in the case of a strike ballot or lockout ballot notice shall be given to the members in accordance with section *seventy-eight* of the Act.

7. A proper officer shall, in consultation with a representative body appoint a place or places at which the voting point shall be established. Establishment of voting points
8. A proper officer shall, throughout the period of voting— Supervision of voting points
- (a) supervise every voting point;
- (b) keep order at the voting point; and
- (c) regulate the number of voters to be admitted to the voting point at any one time.
9. A representative body shall, where a proper officer so directs, not less than one hour before the voting is held, provide, to the satisfaction of the proper officer, enclosed voting booths, chairs and tables in such number as may be necessary. Provision of voting booths, etc.
10. A proper officer shall for the purpose of enabling voters to cast their votes for or against the proposal to be determined by the ballot Distinguishing ballot boxes, etc.
- (a) determine the number of ballot boxes to be put in the voting booth;
- (b) ensure that each ballot box is clearly distinguished from the other, by colour or by a mark affixed to it;
- (c) affix a notice at the entrance to each voting booth stating the proposal to be determined by the booth; and
- (d) take such steps as the proper officer may consider necessary to explain to the voters the purpose and method of voting.
11. Each ballot box shall be constructed in such a manner that the balloting tokens can be freely introduced therein but cannot be withdrawn therefrom without unlocking, cutting, opening or breaking the box. Structure of ballot boxes
12. (1) A proper officer shall, immediately before a ballot is held, show each box to— Conditions of ballot boxes
- (a) any representative of a representative body who is present and who has previously made that representative's presence known to the proper officer; and

(b) any other person present at the election.

(2) A proper officer shall ensure that a ballot box is sealed in a manner that it cannot be opened without breaking the seal.

Conduct of
election

13. Every ballot shall be conducted in accordance with the following provisions:

- (a) every voter taking part in a ballot shall present themselves to the proper officer at a voting point during the hours laid down for the taking of the ballot and shall before recording the vote, identify themselves by the production of their membership card or otherwise, as the proper officer may direct;
- (b) a proper officer shall mark off the name or number of each voter on the list provided under paragraph (b) of regulation 4;
- (c) a proper officer shall deliver to the voter a token marked with an official mark in such form as the proper officer may direct and any token not so marked shall be void and shall not be counted;
- (d) the voter shall thereafter conduct the ballot as follows:
 - (i) enter the balloting booth alone;
 - (ii) record the vote by placing the token in the ballot box provided; and
 - (iii) leave the balloting booth without delay.

Sealing of
ballot boxes
after voting

14. (1) A proper officer shall, as soon as practicable after the close of each day of voting at each voting point, seal each ballot box.

(2) A proper officer shall lock all the ballot boxes in such place as the proper officer may provide for the purpose.

Voting at
other voting
points

15. Any person who is eligible to vote at any voting point who, at the time of voting, is at another voting point, may cast that person's vote at that point:

Provided that—

- (a) the person identifies themselves to a proper officer at the voting point where the person wishes to cast the vote;
- (b) the person is in possession of a letter from a responsible officer of the representative body stating that the person is eligible to vote in the ballot; or

- (c) any proper officer at the voting point where the person wishes to cast the vote has been advised by telegram or otherwise in terms similar to those specified under paragraph (b).

16. A representative body may appoint not more than three representatives to attend at the counting of votes after the ballot has been closed.

Representative
at counting
of votes

17. (1) Except in the case of a ballot conducted at more than one voting point, a proper officer at each voting point shall, as soon as practicable after the close of the voting, count the votes and record the result of the ballot in the presence of the representatives of a representative body appointed under regulation 16.

Counting of
votes

(2) The result of the ballot shall be published in such manner as the proper officer may direct.

(3) Where a ballot is conducted at more than one voting point, the ballot figures for all the voting points shall be added together so as to record the total results of the ballot and the result shall be published in such manner as the Labour Commissioner may direct.

R. C. MUKUMA,
*Minister of Labour and
Social Security*

LUSAKA

6th February, 2008

[MLSS/64/9/2]

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