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**Decent Work for Factory Workers: Analyzing the Health and Safety Provisions
in the Factories Act CAP 441 of Zambia**

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**AN OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF LUSAKA IN
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Declaration

I Shalom Mirriam Marukutira, student number LLB211463241, hereby declare that this dissertation titled “Decent Work for Factory Workers: Analyzing the Health and Safety Provisions in the Factories Act CAP 441 of Zambia” is my original work and has not been submitted to any other university or institution for academic purposes. All sources consulted have been duly acknowledged.

Signed: 

Date: 10/11/25

Supervisor's Recommendation

This is to certify that I have supervised the dissertation entitled “Decent Work for Factory Workers: Analyzing the Health and Safety Provisions in the Factories Act CAP 441 of Zambia” submitted by Shalom Mirriam Marukutira, student number LLB211463241, and I recommend it for submission in partial fulfillment of the requirements for the degree of Bachelor of Laws (LLB) at the University of Lusaka.

Supervisor: Mrs. Kaswalale Kakuwa-Mwauluka

Date: 10/11/25

Dedication

I dedicate this dissertation to myself, Shalom Mirriam Marukutira, for the perseverance, resilience and determination that carried me through every challenge in this academic journey.

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First and foremost, I thank God for giving me wisdom, strength and perseverance to complete this dissertation.

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LIST OF ACRONYMS

OHS	Occupational Health and Safety
ILO	International Labour Organization
HSE	Health and Safety Executive (United Kingdom)
OHS Act	Occupational Health and Safety Act (South Africa)
ZFE	Zambia Federation of Employers
ZCTU	Zambia Congress of Trade Unions
IHR	Industrial Health Regulations
ECZ	Environmental Council of Zambia

LIST OF CASES

Mwamba v Metal Fabricators of Zambia Ltd [1993] ZR 49 (HC)

Fred Kapya Sinkala v Bruce Mining & Others [2013] ZMCA 9 (HC)

James Mataliro v Occupational Health and Safety Institute (Appeal No 106 of 2020) [2022] ZMCA 190 (CA)

Occupational Health and Safety Institute v Chanda (Appeal No 136 of 2021) [2023] ZMCA 184 (CA)

Zambia Breweries Plc v Mumbuna [2018] ZMSC 12

LIST OF STATUTES

Factories Act, Cap 441 (Zambia)

Occupational Health and Safety Act No 36 of 2010 (Zambia)

Employment Code Act No 3 of 2019 (Zambia)

Worker's Compensation Act 1999 (Zambia)

Health and Safety Act 1974 (United Kingdom)

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ABSTRACT

This study evaluated the effectiveness of the Factories Act Cap 441 in safeguarding occupational health and safety for factory workers in Zambia. The research was guided by three objectives to analyse the adequacy of the provisions of the Factories Act Cap 441 relating to workplace safety to compare Zambia's legislative and practical approach to occupational safety with that of South Africa and the United Kingdom and to assess Zambia's alignment with international labour standards relating to occupational health and safety.

The study found the Factories Act provides a foundation for occupational safety but it remains outdated and inadequate in addressing modern industrial hazards. The implementation of the Act is significantly hindered by weak institutional enforcement capacity, inadequate labour inspections, limited worker awareness and minimal employer accountability. The relative assessment showed that South Africa and the United Kingdom employ more proactive safety systems characterised by strong regulatory authorities, mandatory workplace safety committees, worker participation and strict enforcement mechanisms. The research also found that although Zambia has agreed to key International Labour Organization agreements, the actual inclusion and achievement of these standards in routine practice are still lacking.

The study concluded that to achieve better workplace safety in Zambia, it will take more than just new laws and more enforcement of existing laws. It will also take an institutional reform of the entities responsible for workplace safety, increased participation by workers in the dialogue about safety and a good deal of collaboration, both nationally and internationally to ensure that safety is simply a part of work everywhere, all the time that work is done safely. More collaboration and a better safety dialogue among all the partners of the International Labour Organization, including the Zambian government, workers and employers is essential to ensure good workplace safety in Zambia.

GENERAL INTRODUCTION

CHAPTER 1

1.0 Introduction

The protection of workers' rights particularly concerning health and safety forms a fundamental aspect of labour law in any country. In Zambia this protection is principally governed by the Factories Act, Chapter 441 of the Laws of Zambia which outlines safety standards and health measures to safeguard factory workers. The Act aims to prevent workplace accidents, reduce occupational hazards and promote decent working conditions. However, despite the existence of this legal framework the reality for many factory workers remains concerning reports continue to surface about unsafe working conditions, inadequate protective equipment, poor ventilation and limited enforcement of safety protocols in various industrial sectors.¹

The International Labour Organization (ILO) defines “decent work” as work that is productive and delivers fair income, security in the workplace and social protection for families.² Decent work also encompasses working environments free from hazards that may jeopardize the health and life of employees. Zambia, being a member of the ILO is obliged to align its labour legislation with ILO standards such as the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).³ Even though Zambia has agreed to international standards on workplace safety the protections in its factories are still far from sufficient. The rules are not applied properly and enforcement is weak. Research shows that inspections are underfunded and understaffed the laws themselves are outdated and many employers do not follow the safety regulations. As a result workers continue to face

¹ Zambia Statistics Institution, Annual Report Ministry of Labour and Social Security Lusaka 2022

² International Labour Organization, Decent Work: Report of the Director-General ILO Geneva 1999

³ International Labour Organization, Occupational Safety and Health Convention 1981 No 155 ILO Geneva

unsafe conditions despite the country's commitments to international labour obligations.⁴ Factory workers themselves are usually not aware of their legal rights and protections leading to underreporting of violations and a culture of silence. While the Factories Act provides for accident prevention and mandates employer responsibility in ensuring safe working conditions it appears not to have kept pace with the realities of modern industrial operations thereby failing to fully promote decent work as envisioned by both national and international labour standards.⁵

This research seeks to analyze the extent to which the Factories Act CAP 441 promotes decent work for factory workers in Zambia with a focus on its health and safety provisions. The study will examine whether the Act sufficiently protects workers from occupational hazards and whether the enforcement mechanisms under the law are adequate. The research also aims to identify any legislative or administrative gaps and make recommendations for improvement based on comparative best practices and international standards.

1.1 Background of the Study

The concept of decent work as advanced by the International Labour Organization (ILO) encompasses opportunities for work that are productive and deliver a fair income, ensure workplace security and provide social protection for families. In Zambia, this concept is enshrined within the framework of labour laws particularly the Factories Act, Chapter 441 of the Laws of Zambia, which governs occupational health and safety in industrial workplaces. The Factories Act was enacted to provide for the regulation of conditions of employment, safety, health and welfare of workers in factories and other places of work. Factory work by its very nature generally encompasses exposure to hazardous

⁴ International Labour Organization, Promotional Framework for Occupational Safety and Health Convention 2006 No 187 ILO Geneva

⁵T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' 2 *Zambian Journal of Legal Studies* 103 2021

environments, and thus occupational health and safety are of overriding importance. According to the Occupational Health and Safety Institute, the following are some common hazards to which factory workers in Zambia are usually exposed: toxic chemicals, improperly ventilated areas, and improper safety equipment.⁶ Even though the Factories Act provides legal protection for workers, reports of workplace accidents, weak enforcement and outdated regulations suggest that there is a gap between what the law intends and what actually happens in practice. The Act which was first introduced during the colonial era has not kept pace with modern industrial developments or global standards for decent work. While international instruments such as the ILO's Occupational Safety and Health Convention 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention 2006 (No. 187) provide comprehensive guidance on protecting workers⁷ Zambia has not yet fully incorporated these standards into its domestic law.

Many legal scholars have, over the years reviewed the occupational health and safety laws of Zambia and argued that they are not in tune with the changing demands of industrial labour relations.⁸ In particular, the inability to clearly outline enforcement mechanisms, penalties for non-compliance and coverage of emerging risks is a serious weakness to the effectiveness of the Factories Act. .⁹

In light of these challenges, the study examines critically the efficacy of the Factories Act in regard to its promotion of decent work among Zambian factory workers. It will explore whether the Act corresponds with international labour standards, identify legislative and enforcement gaps and assess the extent to which it protects workers' health and safety in practice.

⁶International Labour Organization, Decent Work and the 2030 Agenda for Sustainable Development ILO Geneva 2019

⁷ J P Bellinger, International Humanitarian Law: A Comprehensive Guide Oxford University Press 2009.

⁸M Chanda, Labour Law and Practice in Zambia University of Zambia Press Lusaka 2018

⁹ T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' 2 *Zambian Journal of Legal Studies* 103 2021

1.2 Statement of the Problem

The Factories Act Cap 441 is an important legislation meant to protect the health, safety and welfare of workers in Zambian factories. However, even though the law exists it has major gaps in how it is enforced and in its overall effectiveness which means that many workers are still exposed to workplace hazards. A key issue lies in the ineffective enforcement mechanisms of the Act particularly the limited capacity of the Occupational Health and Safety Institute (Zambia) to monitor compliance across all industries.¹⁰ Although the Act requires factories to follow health and safety rules enforcement remains a major problem. Inspections are inadequate and penalties for breaking the law are weak especially for small and medium sized enterprises which are often not regularly inspected. In addition, the Act does not fully address modern occupational risks in industries like construction and mining leaving workers in these sectors vulnerable.¹¹ This gap in the legislation could expose workers to new and unregulated hazards that were not anticipated when the Act was first drafted. Furthermore, there is a lack of integration between national labor laws and international standards set by the International Labour Organization (ILO) which further undermines the legal protections afforded to workers in Zambia.¹²

This research will investigate the specific gaps in the Factories Act regarding health and safety provisions for workers, particularly in relation to enforcement, inspection, and emerging occupational hazards. It also covers the role of relevant stakeholders, like the Ministry of Labour and Social Security, the Occupational Health and Safety Institute, and employers in implementing measures concerning compliance with legal standards.¹³ Moreover, the research will examine the alignment of the Factories Act with international

¹⁰ Zambia Statistics Institution, Annual Report Ministry of Labour and Social Security Lusaka 2022

¹¹ International Labour Organization, Decent Work: Report of the Director-General ILO Geneva 1999

¹² International Labour Organization, Occupational Safety and Health Convention 1981 No 155 ILO Geneva

¹³ M Chanda, Labour Law and Practice in Zambia University of Zambia Press Lusaka 2018

labour standards and propose recommendations for legal reform to strengthen worker protections.

1.3 Objectives of the Study

The main objective of this research is to critically examine the health and safety provisions under the Factories Act CAP 441 of Zambia, focusing on their adequacy, enforcement and impact on promoting decent work conditions for factory workers in Zambia.

1.3.1 The specific objectives of the study are as follows:

- I. To evaluate the adequacy of health and safety provisions under the Factories Act CAP 441 in addressing the primary risks and hazards faced by factory workers in Zambia.
- II. To assess the effectiveness of enforcement mechanisms provided by the Factories Act CAP 441 in ensuring compliance with occupational health and safety standards in Zambian factories.
- III. To conduct a comparative analysis with international labour standards and best practices, in order to enhance enforcement and worker protection.

1.4 Research Questions

The research questions guide the investigation and help determine the scope of the study. The following research questions will be addressed in this study:

- I. What are the health and safety provisions outlined under the Factories Act CAP 441 of Zambia, and how do they address the key risks and hazards faced by factory workers?

- II. How effective are the enforcement mechanisms established under the Factories Act CAP 441 in ensuring compliance with occupational health and safety regulations in Zambia?
- III. What comparative analysis with international labour standards and best practices can be considered in order to enhance enforcement and worker protection?

1.5 Significance of the Study

This study is important because it addresses gaps in the implementation of the Factories Act Cap 441 of Zambia particularly regarding occupational health and safety. It will provide insights into the adequacy of current legal protection and ways to strengthen them.

The study also enhances to understanding decent work in Zambia assessing how labour laws align with the international Labour Organization's Decent Work Agenda. Its findings may inform policy development to enhance worker's rights advocating for stronger enforcement of existing regulations.

The study has international relevance offering guidance for coordinating Zambia's industrial labour policies with global standards to promote a safe and productive workforce.

1.6 Scope of the study

The geographical area of this research is Zambia. The study focuses on the laws governing occupational health and safety for factory workers specifically the provisions of the Factories Act CAP 441. It examines how these provisions protect workers' rights and ensure safe working conditions. Reference may also be made to international standards such as the ILO guidelines, to draw lessons for improving Zambia's legal framework.

1.7 Literature review

Guy Standing stated that “the rise of precarious work under neoliberal economic systems has undermined the realization of decent work standards especially for factory workers in the Global South.” He notes that the deficiency to insure adequate occupational health and safety is a key symptom of the erosion of decent work ideals in developing economies.¹⁴

Janelle M. Diller and David A. Levy examine the link between labor standards and human rights, underscoring that “decent work is a human right, not simply a binding legal commitment, whose fulfillment requires strong institutional arrangements”¹⁵. As such, their work fits into a wider human rights discussion on health and safety in factories, indicating the considerable lacuna in enforcement that exists within countries such as Zambia.

Philip Alston also criticizes the low level of national implementation of international labour norms by emphasizing how such factors as domestic political will and regulatory capacity determine the outcomes.¹⁶ Philip's observations have resonance in the Zambian context, where the partial application of workplace safety laws reflects institutional weaknesses and inconsistent policy prioritization.

Kerstin Ahlberg, Niklas Bruun, and Jens Lind in their comparative analysis of labour standards in Europe and Africa also argue that although frameworks exist in many African states including Zambia, the enforcement mechanisms remain weak. They note that many factory workers suffer from unsafe conditions despite legal guarantees in part due to low union density and limited worker representation.¹⁷

The research work of **Benedicta Lasi** focused on the occupational health in sub Saharan Africa. Most legal instrument while comprehensive on paper lacks corresponding data

¹⁴ Guy Standing, *The Precerail: The New Dangerous class* (Bloomsbury)

¹⁵ Janelle M Diller and David A Levy, ‘Child Labour, Trade and Investment: Toward the Harmonization of International Law’ 91 *American Journal of International Law* 663 (1999)

¹⁶ Philip Alston, ‘Core Labour Standards and the Transformation of the International Labour Rights Regime’ 15 *European Journal of International Law* 457 (2004)

¹⁷ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law Volume I: Rules* (International Committee of the Red Cross Cambridge University Press 2005)

collection, monitoring and inspection systems necessary to secure effective health and safety outcomes.¹⁸ This supports the claim that stricter enforcement tools, especially for factory settings with many hazards should be implemented in Zambia's Factories Act.

Kevin Bales, in his analysis of forced labour and poor working conditions in the informal sector, demonstrates that factory workers in developing countries often have to tolerate unsafe working conditions because their employers exploit regulatory loopholes and enforcement failures.¹⁹ Though not specifically about Zambia his findings are directly applicable to the structural vulnerabilities observed in Zambian factories.

Marjorie Wood and Richard Freeman discuss the economic and productivity benefits of ensuring decent work environments including safe workplaces. Their analysis suggests that protecting health and safety is not only a legal or ethical necessity but also yields positive business outcomes such as higher worker retention and reduced absenteeism.²⁰

Siyanda Makaula discusses trade union participation in improving occupational health and safety standards in southern Africa. Indeed, union pressure has been strong in country such as South Africa and Botswana where in Zambia, it has been weaker, and employer compliance with legal standards of safety lower.²¹

John Harrington critiques occupational health policy in Africa, arguing that colonial legacies and donor driven approaches have often distorted national priorities²² This critique is particularly germane to Zambia, where post-colonial labour laws, such as the Factories Act, need reforms to reflect contemporary industrial realities and adhere more faithfully to the ILO's Decent Work Agenda.

¹⁸ Yves Sandoz, Christophe Swinarski and Bruno Zimmermann (eds), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Martinus Nijhoff Publishers 1987)

¹⁹ Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press 2004)

²⁰ Ben Saul, *Defending the International Rule of Law: The Role of the United Nations and Non-State Actors in International Conflict* (Routledge 2012)

²¹ Andrew Clapham, *Human Rights in the Private Sphere* (Oxford University Press 2006)

²² Andrea Khalil, *Humanitarian Access in Contemporary Conflict Zones* (Geneva Academy of International Humanitarian Law 2017)

In this context, Michael Quinlan's "The Ten Pathways to Death and Disaster" provides a useful theoretical framework for analyzing workplace fatalities and injuries that have their root in failures of regulation and oversight²³. This helps provide the lens through which the health and safety shortcomings of Zambian factories can be put into perspective, revealing systemic issues that undermine the wellbeing of workers.

In contrast to these existing studies, this research focuses on Zambia's Factories Act, CAP 441, assessing its adequacy in meeting international health and safety benchmarks within the decent work framework. Whereas there is enough literature that has provided theoretical and regional context, country-specific legal analysis has remained a gap within the Zambian context. This study, therefore, seeks to fill that gap by providing a legal and policy-focused analysis of health and safety provisions in the factory sector of Zambia and their compliance level with international standards. It also aims to contribute toward promoting national improvement mechanisms for both enforcement and policy formulation. While several scholars have examined decent work, occupational health and safety, and labour legislation in Africa, there is limited research that specifically focuses on Zambia's Factories Act CAP 441 within the framework of the International Labour Organization's Decent Work Agenda. Most existing literature addresses general occupational safety challenges or broader African labour law contexts, leaving a gap in country-specific legal and policy analysis. Furthermore, there is a lack of sufficient comparative research linking Zambia's legislative framework with international standards and best practices to identify targeted reforms. This study fills that gap through a detailed legal analysis of the health and safety provisions of the Factories Act, CAP 441, assessing their adequacy and enforcement in relation to international benchmarks, and making context-specific recommendations for improvement.

²³ Michael Quinlan, The Ten Pathways to Death and Disaster

1.8 Research methodology

The study will employ a qualitative research design to gain an in depth understanding of the health and safety provisions in the Factories Act CAP 441 of Zambia, focusing on their implementation and impact on factory workers²⁴.

1.8.1 Research Design

A qualitative research design will be used as it allows for the exploration of meanings and interpretations behind laws, behaviors and policies. The study will rely on doctrinal analysis to evaluate existing legal provisions supplemented by case studies and interviews with legal practitioners and factory workers²⁵.

1.8.2 Data Collection Methods

Data will be collected using both primary and secondary sources. Primary data will be gathered through interviews with factory workers, legal experts and industry stakeholders to obtain first hand experiences regarding health and safety provisions and secondary data will be collected through desk research including legal texts, government reports, scholarly articles and law textbooks²⁶.

1.8.3 Sampling Technique

Purposive sampling will be employed to select participants who have direct experience with factory health and safety systems ensuring that the data collected is relevant and focused on the study's objectives²⁷.

²⁴ John W Creswell, Research Design: Qualitative, Quantitative, and Mixed Methods Approaches (4th edn SAGE Publications 2014)

²⁵ David Silverman, Interpreting Qualitative Data: Methods for Analyzing Talk, Text and Interaction (5th edn SAGE Publications 2016), Yvonna S Lincoln and Egon G Guba, The SAGE Handbook of Qualitative Research (SAGE Publications 2017).

²⁶ John W Creswell, Research Design: Qualitative, Quantitative, and Mixed Methods Approaches(5th edn SAGE Publications 2014).

²⁷ Yvonna S Lincoln and Egon G Guba, The SAGE Handbook of Qualitative Research (SAGE Publications 2017).

1.8.4 Data Analysis

Thematic analysis will be used to identify patterns and trends in the data collected from interviews and legal documents. This will provide insight into how the Factories Act CAP 441 addresses or fails to address, the safety and health needs of factory workers²⁸.

1.8.5 Justification of the Methodology

This approach looks at the Factories Act Cap 441 from two angles, the law itself and how it is applied in real life by combining legal analysis with evidence gathered from interviews and case studies the study provides a full understanding of both the rules on paper and their practical implementation. In doing so, it addresses gaps in existing research about how workplace health and safety laws actually operate in Zambian factories²⁹.

1.9 Ethical Considerations

This research will comply with the ethical requirements of the University of Lusaka. Permission to carry out the study will be obtained from the university and informed consent will be sought from all participants. Confidentiality and anonymity will be maintained throughout and all data will be used strictly for academic purposes. All sources used will be acknowledged appropriately using the Oxford referencing style.

²⁸ Michael Quinlan, *The Ten Pathways to Death and Disaster*.

²⁹ Ben Saul, *Defending the International Rule of Law: The Role of the United Nations and Non-State Actors in International Conflict* Routledge (2012)

CHAPTER 2

ANALYSIS OF THE OCCUPATIONAL HEALTH AND SAFETY PROVISIONS UNDER THE FACTORIES ACT CAP 441 OF ZAMBIA

2.0 Introduction

Occupational health and safety in factories is essential for safeguarding the workforce and promoting productive industrial environments. This chapter critically examines the health and safety provisions contained in the Factories Act Cap 441 of the Laws of Zambia assessing whether they adequately address the main risks and hazards encountered by factory workers in Zambia. The discussion begins with the historical development of the Act and its role in the broader occupational health and safety legal framework of the country. It then analyses the core provisions of the Act, evaluates enforcement mechanisms, identifies gaps and challenges and compares the framework with international best practice. The aim is to provide a detailed legal analysis that will support recommendations for strengthening the protection of workers in factory environments.³⁰

2.1 Overview and Scope of the Factories Act Cap 441

The Act applies to premises classified as factories, which include locations where goods are produced, processed or adapted for sale, either manually or mechanically. It mainly covers registered factories employing specified numbers of workers, leaving informal

³⁰ Factories Act, Cap 441 (Zambia) (Revised Edition 2020) accessed via Zambia Legal Information Institute <https://zambialii.org/node/7009> 12 August 2025; Occupational Health and Safety Act No 36 of 2010 (Zambia) accessed via Zambia Legal Information Institute <https://zambialii.org/node/8685> 12 August 2025; Employment Code Act No 3 of 2019 (Zambia) accessed via Zambia Legal Information Institute <https://zambialii.org/node/10562> 12 August 2025.

workplaces, small workshops and homebased enterprises outside its statutory scope. It imposes duties on factory occupiers to ensure machinery safety, maintain sanitary conditions, provide welfare facilities and report workplace accidents³¹. The hazards regulated under the Act include mechanical risks from machinery, fire safety concerns, pressure systems such as steam boilers and vessels, and environmental conditions like ventilation and lighting. However, it contains limited provisions dealing with chemical, biological, ergonomic and psychosocial hazards, reflecting the era in which it was enacted³².

2.2 Key Health and Safety Provisions

2.2.1 Machinery Safety

The Act requires that every dangerous part of machinery be securely guarded and that guards must not be removed while machinery is in motion. It sets construction, maintenance and inspection requirements for classes of machinery such as prime movers, transmission machinery and selfacting machines. While these provisions effectively address classical risks such as entanglement or amputation they do not cover modern automated systems or repetitive strain injuries. Although these safeguards are important they reflect a legal framework designed for an earlier period of industrialisation. Modern factories in Zambia are increasingly using automated and computerised machinery which presents hazards not contemplated by the statute³³ for example robotic arms and conveyor belt systems can cause accidents that are not prevented by the traditional guarding requirements of the Act. The absence of provisions dealing with automation means that workers are insufficiently protected against newer forms of mechanical risk.

³¹ Factories Act, Cap 441 (Zambia), sections 2, 3, 4.

³² Factories Act, Cap 441 (Zambia), sections 13, 18, 20–23, 41–45.

³³ Robert J LaDou and Donald K Bettinger, 'The Historical Development of Factory Legislation' (1973) 24 International Labour Review 287.

Furthermore, the Act does not address ergonomic hazards such as repetitive strain injuries, back problems or musculoskeletal disorders caused by long hours of repetitive tasks.³⁴ These health issues have become more prominent in contemporary industrial employment but remain invisible in the legislation. The limitation demonstrates how the Factories Act has failed to evolve alongside changes in the workplace leaving significant categories of risks unregulated. The inadequacy of the machinery provisions reveals why workplace injuries remain common in Zambian factories despite the presence of safety laws.³⁵ While the Act establishes a strong foundation for preventing certain traditional accidents it no longer provides comprehensive protection. Without reform to reflect modern industrial conditions and international standards, its contribution to securing safe and decent work will remain limited.

2.2.2 Hazardous Substances and Personal Protective Equipment

The Act provides for adequate ventilation and lighting in workplaces where hazardous substances are present to minimise exposure to harmful dusts, fumes and vapours. Where hazards cannot be eliminated employers are expected to provide personal protective equipment although the Act does not set out detailed technical standards or maintenance requirements for such equipment. Although the law acknowledges the risks of exposure to toxic substances it is not specific enough and does not guarantee the same level of protection in all workplaces. Many factories provide workers with personal protective equipment that is either inadequate or of poor quality. Since the Act does not set strict standards for the quality or upkeep of this equipment following the rules often becomes a matter of formality rather than real protection for workers.³⁶ The absence of detailed

³⁴ Michael Quinlan, *The Ten Pathways to Death and Disaster* (Federation Press, Sydney 2014) 45–47.

³⁵ T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103.

³⁶ Benedicta Lasi, 'Occupational Health in Sub-Saharan Africa' (2018) 6 *African Journal of Labour Studies* 92.

benchmarks undermines worker safety and allows employers to cut costs at the expense of employees' health. The Act also does not regulate long term chemical exposure or require health surveillance for workers who are consistently in contact with hazardous substances.³⁷ In sectors such as textiles, construction materials and food processing, Zambian factory workers are often exposed to harmful chemicals without adequate monitoring. This gap highlights the law's failure to provide comprehensive protection against occupational diseases, which can be as harmful as physical accidents. The weakness of these provisions reflects one of the major challenges the gap between statutory requirements and real workplace practices.³⁸ Without updated regulations on chemical safety and mandatory employer accountability for protective equipment the law falls short of securing safe working environments in line with decent work standards.

2.2.3 Fire Safety Measures

Factory occupiers must maintain sufficient fire prevention equipment, clearly marked escape routes and alarms. The Act requires factories to carry out fire drills but it does not mandate detailed fire risk assessments or ongoing emergency response training. As a result, the protections it provides are basic and mainly reactive rather than preventive. While having fire extinguishers and escape routes is important the lack of a legal requirement for regular fire risk assessments means that many workplaces remain vulnerable to accidents that could have been avoided.³⁹ In modern industrial settings, fires often result from electrical faults, flammable chemicals or poor storage practices. Without comprehensive statutory duties addressing these risks, the law leaves significant safety gaps. In practice enforcement of fire safety provisions has been inconsistent. Smaller and medium sized factories in particular often lack functional fire alarms or conduct fire drills

³⁷Robert J LaDou, 'Occupational and Environmental Health: Recognising and Preventing Disease and Injury' (3rd edn, Little, Brown and Company 1994) 221–224.

³⁸T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103

³⁹Paul Kasonde, 'Review of the Factories Act Cap 441' (2020) 15 *Zambia Law Journal* 4.

irregularly.⁴⁰The fines and penalties under the Act are too low to make employers take them seriously so many treat them as just another business expense instead of a deterrent. This illustrates the broader weaknesses in the enforcement system discussed earlier. As a result, the fire safety rules in the Act are outdated and fall short when compared to international standards and best practices.⁴¹ They fail to ensure proactive emergency planning and worker training both of which are necessary to reduce casualties and property loss in the event of a fire. Without reform the Act cannot guarantee that Zambian factory workers are adequately protected against fire hazards.

2.2.4 Environmental Standards

The Act mandates cleanliness, proper ventilation to remove fumes and impurities and adequate lighting for safe working. The Act requires factories to provide basic hygiene facilities, like proper toilets and safe drinking water. However, it does not include modern environmental protections, such as limits on workplace noise or monitoring of indoor air quality. While it sets minimum standards for hygiene, the Act does not address many of the environmental hazards that workers face today. In modern factories, employees are often exposed to excessive noise, chemical residues, and poor air quality, none of which are adequately regulated under the law.⁴² Long term exposure to these hazards is associated with hearing loss, respiratory problems and other chronic health conditions yet the law does not compel employers to implement protective measures. In many Zambian factories, sanitary facilities and clean drinking water are often poorly maintained, particularly in small and medium enterprises.⁴³ While the law requires such amenities it

⁴⁰ Benedicta Lasi, 'Occupational Health in Sub-Saharan Africa' (2018) 6 African Journal of Labour Studies 92.

⁴¹ International Labour Organization, Occupational Safety and Health Convention, 1981 (No 155) (ILO, Geneva, no date).

⁴² Robert J LaDou and Donald K Bettinger, 'The Historical Development of Factory Legislation' (1973) 24 International Labour Review 287.

⁴³ T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 Zambian Journal of Legal Studies 103.

does not establish inspection standards rigorous enough to guarantee compliance. This situation highlights how weak enforcement undermines the statutory protections established by the Factories Act, allowing unsafe working conditions to continue. The Act's failure to cover modern environmental risks shows that the statutory framework is outdated.⁴⁴ by concentrating mainly on basic hygiene and ventilation, the law does not provide the full range of protections needed to safeguard workers' health and well-being in contemporary factories. To ensure that workers are truly safe and treated with dignity, the statutory standards need to be strengthened and brought in line with international best practices.

2.2.5 Worker Training and Information

The Act implies that workers should be instructed in safe working methods but does not contain explicit provisions requiring structured occupational health and safety training programmes or worker participation in safety decision making. This omission is significant because safety training is one of the most effective ways to prevent accidents. Workers who are not adequately trained may mishandle machinery, ignore protective equipment or fail to respond appropriately in emergencies.⁴⁵ In many Zambian factories especially small scale enterprises, training is minimal or non-existent. This leaves workers dependent on informal guidance from supervisors which often fails to prepare them for actual risks in the workplace. Furthermore, the Act does not promote worker involvement in health and safety governance such as safety committees or consultation mechanisms.⁴⁶ The Factories Act takes a top down approach that largely ignores the workers who face the greatest risks on a daily basis. International labour standards on the other hand stress that worker

⁴⁴ International Labour Organization, Decent Work: Report of the Director-General (ILO, Geneva 1999).

⁴⁵ Benedicta Lasi, 'Occupational Health in Sub-Saharan Africa' (2018) 6 African Journal of Labour Studies 92.

⁴⁶ Siyanda Makaula, 'The Role of Trade Unions in Promoting Occupational Health and Safety Standards in Southern Africa' (2017) 12 Journal of African Labour Studies 55.

participation is essential for effective health and safety management⁴⁷. The lack of such provisions in Zambia's laws highlights a broader weakness, domestic legislation has not been updated to meet modern standards of decent work. Without mandatory training and active participation from workers the Factories Act leaves a significant gap in protecting workers from occupational hazards. As a result workers remain exposed not only to physical risks but also to preventable accidents arising from lack of knowledge and awareness.

2.3 Addressing Occupational Risks and Hazards

The Act provides a strong legal basis for managing mechanical hazards through machinery guarding and maintenance requirements. However, its treatment of chemical, biological, ergonomic and psychosocial risks is minimal. Fire safety measures are basic and the absence of mandatory worker safety training limits proactive hazard prevention. The imbalance in hazard coverage reflects the historical context in which the Act was drafted. It was designed to address the risks of an earlier industrial era machinery accidents, poor ventilation and unsanitary conditions while overlooking emerging threats such as chemical exposure, repetitive strain injuries and stress related illnesses.⁴⁸ This narrow focus leaves many categories of risk unregulated, exposing workers to preventable harm. In practice factory workers in Zambia continue to face unsafe working environments. Reports of accidents caused by outdated machinery, poorly managed chemical substances and weak fire safety arrangements remain common.⁴⁹ These incidents demonstrate that while the Act identifies certain hazards, it does not provide a comprehensive framework capable of addressing the realities of modern industrial employment. International best practice shows that occupational health and safety laws must adopt a holistic approach covering both

⁴⁷ International Labour Organization, Promotional Framework for Occupational Safety and Health Convention, 2006 (No 187) (ILO, Geneva, no date).

⁴⁸ T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103.

⁴⁹ Paul Kasonde, 'Review of the Factories Act Cap 441' (2020) 15 *Zambia Law Journal* 4.

physical and psychosocial hazards, while encouraging preventive strategies.⁵⁰ The failure of the Zambian framework to achieve this balance reinforces the problem of inadequacy and outdated standards. Without reform the law cannot deliver decent work or ensure the protection of factory workers from the full range of occupational risks.

2.4 Enforcement Framework and Compliance

Enforcement relies on inspections, registration of factories and sanctions for non compliance. The penalties available include fines and imprisonment for serious violations. However, inspector numbers are low, inspection coverage is inconsistent and fines are too small to deter large companies from repeated breaches. The gap between law and practice is most visible in enforcement. While the Act empowers inspectors to prosecute breaches, resource limitations make it difficult to monitor compliance effectively across Zambia's many factories.⁵¹ As a result smaller enterprises often escape oversight while larger companies may choose to ignore safety standards knowing that sanctions are minimal. This lack of deterrence undermines the credibility of the legal framework and allows hazardous practices to persist. Moreover, enforcement tends to be reactive rather than preventive. Inspections often occur after accidents have been reported rather than as part of a continuous monitoring process.⁵² This approach fails to address risks before they materialise leaving workers exposed to harm. It also contradicts international labour standards which emphasise prevention as a key element of occupational safety and health.⁵³ The weakness of enforcement mechanisms highlights the inadequacy of the Factories Act in ensuring compliance. Even well drafted provisions cannot achieve their objectives if they are not supported by effective inspection and meaningful sanctions.

⁵⁰ Benedicta Lasi, 'Occupational Health in Sub-Saharan Africa' (2018) 6 African Journal of Labour Studies 92.

⁵¹ Robert J LaDou and Donald K Bettinger, 'The Historical Development of Factory Legislation' (1973) 24 International Labour Review 287.

⁵² T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 Zambian Journal of Legal Studies 103.

⁵³ International Labour Organization, Decent Work: Report of the Director-General (ILO, Geneva 1999).

Strengthening the inspectorate and revising penalties are therefore critical steps towards improving compliance and ensuring that the law achieves its protective purpose.

2.5 Gaps and Challenges in the Factories Act Cap 441

The main weaknesses include outdated language, limited hazard coverage, vague standards that hinder enforcement, low penalties and lack of formal mechanisms for worker involvement in safety matters. Overlaps with the Occupational Health and Safety Act 2010 can cause confusion and worker awareness of rights remains low.⁵⁴ These challenges reveal that the Act, while once a cornerstone of industrial safety has not been modernised to meet the realities of contemporary factory work. Its outdated terminology and limited hazard scope reflect a legal framework designed for an earlier era of industrialisation.⁵⁵ The lack of provisions on ergonomic, chemical and psychosocial hazards demonstrates the law's failure to address the risks most prevalent in today's workplaces. Enforcement weaknesses further compound these legislative gaps. Penalties are too lenient to deter violations and inspectors are too few to monitor compliance effectively. This makes the law ineffective in practice as employers often ignore safety requirements without fear of significant consequences. The overlap between the Factories Act and the Occupational Health and Safety Act 2010 has also created uncertainty with some employers exploiting the lack of clarity to evade compliance.⁵⁶ Finally, the absence of mechanisms for worker participation in safety management reflects a missed opportunity to strengthen enforcement through collaboration. International best practice shows that worker committees and participation rights are essential for effective health and safety systems. Without such reforms the Factories Act will remain inadequate, leaving Zambian factory workers vulnerable to unsafe conditions.

⁵⁴ Paul Kasonde, 'Review of the Factories Act Cap 441' (2020) 15 Zambia Law Journal 4.

⁵⁵ T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 Zambian Journal of Legal Studies 103.

⁵⁶ International Labour Organization, Occupational Safety and Health Convention, 1981 (No 155) (ILO, Geneva).

2.6 Conclusion

The Factories Act Cap 441 remains the primary legislation regulating occupational health and safety in Zambia's factories. Its provisions on machinery guarding, ventilation, fire safety and sanitation offer a basic framework intended to protect workers from traditional industrial hazards. However, the analysis in this chapter has shown that these provisions are limited in scope, outdated and inadequately enforced. The Act still focuses largely on risks that were common in older industries such as getting caught in machinery or poor ventilation while providing very little protection against modern hazards like automation risks, chemical exposure, ergonomic injuries and work related stress. These gaps are worsened by weak enforcement: there are too few inspectors penalties are too low to deter non-compliance and inspections tend to be reactive rather than preventive. As a result, many workers continue to face unsafe conditions despite the existence of legal protections. The Act also does little to encourage workers' participation in safety management and does not fully align domestic standards with international labour obligations including ILO Conventions No. 155 and No. 187. Additionally, overlap with the Occupational Health and Safety Act of 2010 creates ambiguities that some employers can exploit further reducing the law's effectiveness. In summary, although the Factories Act provides a crucial foundation it falls short of guaranteeing decent work conditions for factory employees in Zambia. Significant reforms are necessary to modernize its provisions, enhance enforcement and incorporate international best practices. Only through such improvements can the law progress from a broad framework to a robust instrument for protecting health and safety in today's workplaces.

CHAPTER 3

ASSESSING THE EFFECTIVENESS OF ENFORCEMENT OF HEALTH AND SAFETY PROVISIONS UNDER THE FACTORIES ACT CAP 441 OF ZAMBIA

3.0 Introduction

The effectiveness of occupational health and safety regulation depends not only on the content of the law but also on the strength of its enforcement. A statute may contain comprehensive provisions but if compliance is not actively monitored and breaches are not punished such provisions remain largely symbolic. In Zambia the Factories Act Cap 441 assigns enforcement responsibilities to labour inspectors and related institutions, empowering them to inspect workplaces, issue notices and prosecute non compliant employers. On paper these mechanisms should ensure that factories operate in a manner that safeguards workers' health and safety. Yet despite the existence of this enforcement framework the reality in Zambia shows persistent occupational accidents, unsafe machinery, inadequate ventilation and continued exposure of workers to chemical and ergonomic hazards. There is a gap between what the Factories Act promises and the reality in Zambian workplaces which raises concerns about how well the law is actually enforced. Experts in international labour law often point out that the true measure of a law's effectiveness lies not in how it is written but in how it is applied in practice. This chapter therefore examines how the health and safety provisions under the Factories Act Cap 441 are implemented on the ground. It looks at the powers given to inspectors, the institutions that support these powers and the challenges that make enforcement difficult. It also considers the role of the courts in handling workplace safety disputes, reviews available data on enforcement outcomes in factories and draws lessons from international standards and the experiences of other countries. The ultimate aim is to determine whether Zambia's

enforcement framework has genuinely protected factory workers or if weaknesses in the system have left them exposed to the very risks the law is intended to prevent.

3.1 Statutory Enforcement Powers and Instruments

The Factories Act Cap 441 grants inspectors an extensive array of powers aimed at ensuring adherence to health and safety regulations within factories. These powers encompass the right to access premises, inspect machinery, review records and interview workers regarding their working conditions⁵⁷ such provisions reflect the recognition that proactive oversight is essential for preventing accidents rather than merely responding after harm has occurred.

In addition to inspection powers the Act allows inspectors to issue prohibition and improvement notices. Prohibition notices are designed to halt the use of machinery or processes that present an imminent danger while improvement notices require employers to rectify unsafe conditions within a specified period.⁵⁸ These mechanisms were intended to ensure that workplaces remain continuously compliant and that dangerous conditions are addressed promptly. Employers are also placed under statutory duties to maintain machinery in safe condition, provide protective clothing and equipment where necessary and report serious accidents to the Ministry of Labour. Failure to comply attracts sanctions including fines or imprisonment. However, the penalties prescribed under the Act have become outdated and are often too low to deter non-compliance. Scholars have pointed out that it can be cheaper for some employers to risk paying a fine than to invest in proper safety equipment.⁵⁹ As a result the deterrent effect of the enforcement regime has been significantly weakened.

⁵⁷ Factories Act, Cap 441 (Zambia) ss 64–70.

⁵⁸ Factories Act, Cap 441 (Zambia) s 72.

⁵⁹ Paul Kasonde, 'Review of the Factories Act Cap 441' (2020) 15 Zambia Law Journal 4.

In general, although the Act grants inspectors extensive authority and establishes responsibilities for employers the practical impact of these measures has been weakened by outdated penalties and a reactive enforcement strategy. As a result, the legal framework while sufficient in theory has not consistently resulted in real protection for factory workers.

3.2 Institutional Framework for Enforcement

The implementation of health and safety regulations under the Factories Act depends on several institutions each assigned specific responsibilities. At the centre is the Ministry of Labour and Social Security which supervises the inspectorate responsible for monitoring compliance. Inspectors appointed under the Act carry out inspections, issue notices and recommend prosecutions in cases of persistent non compliance. This statutory framework reflects the recognition that the state must play a direct role in protecting factory workers from hazardous conditions.⁶⁰

Supporting this system are other specialised institutions, the Occupational Health and Safety Institute provides technical expertise through research, laboratory testing and training on workplace hazards. The Workers' Compensation Fund Control Board complements enforcement by offering financial redress for workers who are injured or made ill due to unsafe conditions.⁶¹ These institutions are intended to operate together ensuring that enforcement is not only punitive but also preventive and remedial. In practice, however the institutional framework faces serious challenges. Insufficient funding limits the ability of inspectors to conduct regular factory visits while shortages of trained personnel reduce the inspectorate's capacity to cover the growing number of industrial establishments across Zambia.⁶² Moreover, coordination between the Ministry and other agencies is often weak resulting in fragmented enforcement. The institutional weakness was examined by the Court of Appeal in *Occupational Health and Safety Institute v Chanda*, which emphasised the need for proper coordination among enforcement bodies

⁶⁰Factories Act, Cap 441 (Zambia) s 10.

⁶¹Workers' Compensation Act No 10 of 1999 (Zambia).

⁶²International Labour Organization, Zambia Country Profile on Occupational Safety and Health (ILO, Geneva 2019).

and adequate resourcing of the inspectorate to realise the objectives of occupational safety legislation.⁶³ This has left many breaches undetected and allowed hazardous working conditions to persist undermining the effectiveness of the legal framework.

3.3 Gaps in Capacity and Practice

Although the Factories Act provides a legal framework for enforcement several persistent gaps have limited its effectiveness in practice. A primary weakness lies in the shortage of inspectors. The International Labour Organization has observed that Zambia falls below the recommended ratio of one inspector per 10,000 workers making it impossible for the inspectorate to conduct regular or risk based inspections.⁶⁴ This indicates that inspections are frequently reactive initiated solely following accidents or complaints instead of being proactive.

An additional difficulty is the insufficient training and technical knowledge among inspectors. A significant number of inspectors lack the proper preparation to manage complex occupational hazards like exposure to dangerous chemicals, hearing loss caused by noise or ergonomic risks stemming from repetitive tasks. This deficiency in specialized expertise compromises the quality of inspections and diminishes the reliability of enforcement measures. Furthermore, enforcement is further impaired by corruption and unofficial dealings between inspectors and employers. Reports suggest that some employers have been able to avoid penalties or obtain favourable inspection outcomes through unofficial arrangements.⁶⁵ Such practices erode trust in the system and leave workers vulnerable to ongoing unsafe conditions. Concerns arose in *Fred Kapya Sinkala v Bruce Mining and others*, the High court held that an employer who failed to provide

⁶³ Occupational Health and Safety Institute v Chanda (Appeal No 136/2021) [2023] ZMCA 184 (Court of Appeal of Zambia)

⁶⁴ International Labour Organization, Zambia Country Profile on Occupational Safety and Health (ILO, Geneva 2019).

⁶⁵ Michael Quinlan, *The Ten Pathways to Death and Disaster* (Federation Press, Sydney 2014).

adequate protective gear and competent supervision breached the duty of care owed to workers highlighting how inadequate enforcement can perpetuate unsafe practices.⁶⁶

Finally, low awareness among workers further hampers enforcement. Many workers do not know their rights under the Act nor do they feel empowered to report unsafe practices. Trade unions have sought to fill this gap by educating members and advocating for safer workplaces but their reach is limited particularly in small and medium enterprises where violations are most common.⁶⁷ Collectively, these gaps show that the enforcement framework is weakened not only by inherent flaws in the legislation but also by practical limitations in capacity, resources and accountability.

3.4 Judicial Response and Illustrative Cases

The judiciary serves a supportive function in enforcing occupational health and safety regulations by interpreting legal provisions and ensuring employers are held responsible when negligence causes harm. Although litigation is not the primary enforcement tool under the Factories Act it provides an avenue for workers to seek redress when administrative mechanisms fail.

In *Mwamba v Metal Fabricators of Zambia Ltd*, the High Court held an employer liable for injuries sustained by a worker who had been exposed to defective machinery.⁶⁸ The Court emphasised that employers have a duty of care that goes beyond compliance with statutory requirements extending to ensuring that machinery and work systems are reasonably safe. This ruling demonstrates the judiciary's readiness to assign liability when employers do not implement sufficient safety measures thereby strengthening legal responsibilities. However, despite these decisions, Zambia's judicial enforcement encounters substantial challenges. The expense and duration of litigation deter many injured employees from filing

⁶⁶ Fred Kapya Sinkala v Bruce Mining & Others (HK 547 of 2002) [2013] ZMHC 9

⁶⁷ Siyanda Makaula, 'The Role of Trade Unions in Promoting Occupational Health and Safety Standards in Southern Africa' (2017) 12 *Journal of African Labour Studies* 55.

⁶⁸ *Mwamba v Metal Fabricators of Zambia Ltd* [1993] ZR 49 (HC).

claims. Furthermore, workers frequently lack knowledge of their rights or cannot obtain legal counsel making it hard to confront employers legally. Such obstacles reduce the deterrent impact of court enforcement leaving statutory processes as the main yet frequently ineffective method for ensuring adherence. In *James Mataliro v Occupational Health and Safety Institute*, the High Court addressed the limits of the institute's enforcement mandate confirming that regulatory authorities must act within statutory powers while ensuring the effective protection of employees' health and safety.⁶⁹

Nonetheless, the courts remain an important backstop where administrative enforcement proves inadequate. By recognising common law duties of care alongside statutory provisions, the judiciary has contributed to shaping employer obligations and underscored the principle that workplace safety is a legal as well as a moral imperative.

3.5 Enforcement Outcomes in Practice

The ultimate test of any enforcement framework lies in its outcomes for workers on the ground. In Zambia, available evidence indicates that despite statutory powers and institutional mechanisms enforcement has not sufficiently reduced workplace hazards in factories. Reports from the Ministry of Labour and academic studies continue to highlight recurring patterns of accidents involving unguarded machinery, poor ventilation, excessive noise and exposure to hazardous chemicals.⁷⁰

Workplace injuries remain frequent particularly in the manufacturing and mining related sectors with many cases going unreported. Where injuries are reported, compensation is often delayed or inadequate reflecting weaknesses in both employer compliance and

⁶⁹ *James Mataliro v Occupational Health and Safety Institute* (Appeal No 106 of 2020) [2022] ZMCA 190 <https://zambia.org/akn/zm/judgment/zmcz/2022/190>

⁷⁰ International Labour Organization, *Zambia Country Profile on Occupational Safety and Health* (ILO, Geneva 2019).

institutional oversight.⁷¹ The persistence of such hazards suggests that enforcement efforts are largely reactive and inconsistent rather than preventive and sustained.

A further outcome of weak enforcement is the continued reliance on outdated equipment in many factories, employers are seldom compelled to upgrade machinery or adopt modern safety technologies since penalties for noncompliance are low and inspections irregular.⁷² This undermines the purpose of the Factories Act which is to ensure continuous improvement in occupational safety standards. In practice, therefore the outcomes of enforcement reveal a significant gap between the statutory promise of safe workplaces and the daily realities faced by workers. This gap not only exposes workers to avoidable harm but also undermines the broader goal of promoting decent work in Zambia's industrial sector.

3.6 Comparative Benchmarks and International Standards

Enforcement of occupational safety legislation in Zambia cannot be fully understood without situating it within a broader comparative and international framework. The International Labour Organization (ILO) has developed a series of conventions notably Convention No. 155 on Occupational Safety and Health and Convention No. 187 on the Promotional Framework for Occupational Safety and Health which emphasise preventive inspection, adequate resourcing of inspectorates and meaningful participation of workers in health and safety management.⁷³ Zambia has ratified these conventions but the level of compliance remains limited particularly in relation to inspector capacity and proactive monitoring.

A comparison with South Africa demonstrates the potential benefits of a stronger enforcement regime. Under the Occupational Health and Safety Act 1993 inspectors are

⁷¹Workers' Compensation Fund Control Board, Annual Report 2020 (WCFCB, Lusaka 2021).

⁷²T Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103.

⁷³International Labour Organization, Convention No 155 on Occupational Safety and Health (adopted 22 June 1981, entered into force 11 August 1983).

empowered not only to issue prohibition notices but also to impose administrative fines for non compliance.⁷⁴ This system allows for swift responses to violations and reduces reliance on lengthy prosecutions. South Africa also invests significantly in inspector training and has established specialist units for high risk sectors such as mining and construction.

The United Kingdom provides another benchmark through its Health and Safety at Work Act 1974, which grants inspectors extensive powers of entry, investigation and enforcement. The UK's Health and Safety Executive (HSE) adopt a risk based approach ensuring that resources are concentrated on industries with the highest risks.⁷⁵ Importantly, penalties in the UK are regularly updated to maintain deterrent value with unlimited fines available for serious breaches.

In contrast, Zambia's enforcement framework is insufficiently resourced, reactive in approach and characterized by penalties that are largely outdated. Although laws are generally in place to meet international standards they are not adequately implemented. Effective enforcement of labor laws, the ILO points out requires an appropriate funding mechanism that supports an adequate number of well trained labor inspectors and proactive inspection strategies. Ensuring compliance also demands penalties that are strong enough to deter violations, which also applied in Zambia's case.

3.7 Conclusion

The enforcement of health and safety provisions under the Factories Act Cap 441 demonstrates the tension between legislative design and practical implementation. On paper the Act grants inspectors wide powers, establishes institutional frameworks and places duties on employers to maintain safe workplaces. However, in practice enforcement

⁷⁴Occupational Health and Safety Act 1993 (South Africa).

⁷⁵Health and Safety at Work Act 1974 (United Kingdom).

has been weakened by outdated penalties, limited inspector capacity, corruption and low worker awareness.

Judicial intervention although sometimes successful remains constrained by the high expenses of legal proceedings and obstacles to access. Institutional frameworks face challenges as well due to limited resources and poor coordination leading to enforcement that is inconsistent and mostly reactive. The consequences of this inadequate enforcement are visible in the ongoing occurrence of accidents, unsafe equipment and avoidable injuries in Zambia's factories.

In comparison with international labor standards and examples from countries like South Africa and the United Kingdom it is apparent that Zambia's enforcement system is underperforming. Other nations highlight the benefits of proactive inspections, well funded inspectorates and sufficiently strong penalties to discourage violations.

In summary, while the Factories Act sets a legal groundwork for enforcement its ability to safeguard workers has been weakened by systemic flaws. Closing the gap between legislation and its implementation will necessitate reforms focused on reinforcing the inspectorate, revising penalties, and adopting preventive measures consistent with international norms.

CHAPTER 4

EVALUATION OF THE EFFECTIVENESS OF THE FACTORIES ACT CAP 441 IN SAFEGUARDING OCCUPATIONAL HEALTH SAFETY FOR FACTORY WORKERS IN ZAMBIA: A COMPARATIVE AND INTERNATIONAL PERSPECTIVE

4.0 Introduction

This chapter takes a close look at how well the Factories Act Cap 441, part of Zambia's laws, is doing at promoting decent work. While earlier parts of the chapters dug into the legal stuff and how things get enforced, this part takes a deeper look to see if the Act really does its job in making sure factory workers have safe, respectful and fair work conditions. The chapter looks at global and national standards to see how well the Act matches up with Zambia's promise to fair work as the International Labour Organization (ILO) suggests.

In Zambia, the idea of decent work has become an important part of labour laws and fairness in society. It represents a balance between making work productive, keeping workers safe and respecting their dignity as human beings.⁷⁶ To be effective, legislation such as the Factories Act must accomplish more than just setting standards. It must also result in actual improvement in the areas of workers' safety, welfare and equality. This chapter will therefore, evaluate whether the provisions of the Act are adequate to ensure compliance, to manage risks and to promote the rights of workers within the context of the Zambian industrial sector.

⁷⁶ International Labour Organization (Report), Decent Work and the 2030 Agenda for Sustainable Development (ILO, Geneva 2019).

4.1 Understanding Decent Work and the Standard of Effectiveness

The concept of decent work was introduced by the International Labour Organization in 1999 as part of its global agenda to promote employment, social protection, rights at work and social dialogue⁷⁷. The ILO views decent work as work that is productive, delivers a fair income, ensures security in the workplace and guarantees equality of opportunity and treatment⁷⁸. This framework establishes the benchmark against which national labour laws such as Zambia's Factories Act can be measured for adequacy and effectiveness.

In the Zambian context the right to safe and dignified work is grounded in constitutional principles. Article 8 of the Constitution of Zambia identifies human dignity, social justice and equality as core national values⁷⁹. These principles imply that every worker deserves conditions that safeguard their health, protect their rights and enhance their welfare. Therefore the Factories Act is not just an administrative statute it embodies the constitutional obligation of the State to protect workers from exploitation and unsafe environments.

For legislation to be adequate it must comprehensively address all aspects of occupational safety and health for it to be effective it must translate those provisions into practice through consistent enforcement and compliance⁸⁰. A law that exists without meaningful implementation cannot be said to promote decent work no matter how well drafted it may appear. Hence evaluating the Factories Act's adequacy and effectiveness requires assessing both its substantive content and its practical outcomes within Zambia's industrial sector.

⁷⁷ International Labour Organization (Report), Decent Work: Report of the Director-General (ILO, Geneva 1999).

⁷⁸ International Labour Organization (Convention), Occupational Safety and Health Convention, 1981 (No 155) (adopted 22 June 1981, entered into force 11 August 1983).⁷⁸

⁷⁹ The Constitution of Zambia (Amendment) Act No 2 of 2016, art 8.

⁸⁰ M Chanda (Book), Labour Law and Practice in Zambia (University of Zambia Press, Lusaka 2018) 92.

4.2 Evaluation of the Factories Act in Practice

The Factories Act Cap 441 of the Laws of Zambia was enacted to protect workers from occupational hazards and ensure that factories operate under safe and humane conditions. However, the level of compliance and enforcement has not always matched the Act's intentions. Many workplaces continue to experience unsafe conditions, weak supervision and inconsistent application of safety rules. This reality raises the question of whether the Act in its current form can be considered adequate and effective in promoting decent work.

One major limitation is that the Act was originally designed for an industrial environment that existed decades ago and has not been comprehensively updated to match modern technological and labour developments⁸¹ for example, while it outlines duties of occupiers and provisions for machinery safety it does not sufficiently cover emerging workplace risks such as exposure to chemicals, ergonomic hazards or mental health concerns. This gap reflects a lack of responsiveness to the evolving nature of work and production systems.

In addition, penalties under the Act remain relatively low which undermines its deterrent effect, employers who breach safety requirements often find it cheaper to pay fines than to implement lasting safety improvements⁸². Consequently, the enforcement mechanism while present in law fails in practice to create the behavioural change needed to protect workers effectively.

The effectiveness of the Act also depends on the capacity of government inspectors to monitor compliance. The Ministry of Labour and Social Security which oversees factory inspections, faces chronic understaffing, inadequate resources and logistical constraints⁸³ as a result many factories operate for long periods without inspection making it difficult to identify and correct violations early. This lack of oversight directly affects the

⁸¹T Mweetwa (Journal Article), 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103.

⁸²M Chanda (Book), *Labour Law and Practice in Zambia* (University of Zambia Press, Lusaka 2018) 88.

⁸³Paul Kasonde (Journal Article), 'Review of the Factories Act Cap 441' (2020) 15 *Zambia Law Journal* 4.

implementation of occupational safety standards and compromises the objectives of the Act.

Cases such as *Zambia Breweries v Mumbuna* and *Mwamba v Metal Fabricators of Zambia*⁸⁴ reveal recurring patterns of occupational negligence indicating that even where the law is clear enforcement remains weak. In both cases employees suffered injuries due to unsafe working environments yet the penalties imposed on employers were minimal. These outcomes reflect a structural problem in translating legal principles into tangible worker protection.

Despite these weaknesses the Factories Act still serves as a critical framework for workplace safety. It has helped shape administrative practices and established legal accountability for factory owners. However, the true test of its adequacy lies not in the presence of legal provisions but in their consistent and fair application. The evidence from Zambia's industrial sector suggests that while the Act is foundational it remains only partially effective in securing the full realization of decent work.

4.3 Adequacy in Light of Constitutional and International Obligations

The adequacy of the Factories Act Cap 441 cannot be fully appreciated without assessing it against Zambia's constitutional and international labour obligations. While the Act provides a domestic framework for workplace safety and health, Zambia's commitment to decent work is also derived from broader legal instruments such as the Constitution of Zambia and International Labour Organization (ILO) Conventions, particularly Conventions No. 155 on Occupational Safety and Health and No. 187 on the Promotional Framework for Occupational Safety and Health.

⁸⁴*Zambia Breweries Plc v Mumbuna* [2018] ZMSC 12. And *Mwamba v Metal Fabricators of Zambia Ltd* [2016] ZMSC 41.

Under Article 23 of the Constitution all persons are entitled to equal protection under the law, and Article 8 identifies human dignity, equity and social justice as core national values⁸⁵. These provisions establish that decent and safe working conditions are not merely administrative expectations but constitutional imperatives. The Factories Act therefore must be assessed on how well it protects workers from unsafe environments and promotes equality in the workplace.

However, a review of the Act's substantive provisions reveals notable deficiencies when compared with these constitutional standards. While the Act regulates the registration of factories and prescribes minimum safety requirements it does not fully address the participatory rights of workers in health and safety matters for instance it lacks explicit provisions requiring employers to establish safety committees or to consult workers on occupational risks⁸⁶. This absence weakens the participatory and democratic dimension of workplace governance which is central to the decent work agenda.

From an international law perspective, Zambia is a party to ILO Convention No. 155 which requires member states to develop a coherent national policy on occupational safety and health. Although the Factories Act partially implements this obligation it falls short of the Convention's expectations of a comprehensive, preventive and continually improving system⁸⁷. The Act also does not align fully with ILO Convention No. 187 which emphasizes proactive engagement and promotion of occupational safety culture at all levels of employment.

Moreover, Zambia's Employment Code Act No. 3 of 2019 has modernized several labour standards yet it operates separately from the Factories Act. The absence of full

⁸⁵ The Constitution of Zambia (Amendment) Act No 2 of 2016, arts 8 and 23.

⁸⁶ M Chanda (Book), Labour Law and Practice in Zambia (University of Zambia Press, Lusaka 2018) 94.

⁸⁷ International Labour Organization (Convention), Occupational Safety and Health Convention, 1981 (No 155) (adopted 22 June 1981, entered into force 11 August 1983).

harmonization between these instruments creates overlap and confusion in enforcement reducing the overall coherence of Zambia's labour protection framework⁸⁸.

While the Factories Act lays a legislative foundation for workplace safety its adequacy remains questionable when measured against Zambia's constitutional commitments and international obligations. To meet these higher standards the Act requires modernization both in its scope and its approach to reflect current labour realities and Zambia's international human rights commitment

4.4 Socio-Economic and Human Rights Implications

The adequacy and effectiveness of the Factories Act Cap 441 have implications that go beyond statutory compliance, they directly affect the social and economic wellbeing of workers and the fulfilment of Zambia's human rights obligations. Decent work is not only a labour law concern but also a component of social justice and economic development. When laws governing occupational safety and health are weakly enforced the result is a cycle of poverty, workplace injury and inequality that undermines both productivity and human dignity⁸⁹.

Unsafe working conditions reduce national productivity by increasing absenteeism, medical costs and staff turnover. Workers who suffer injuries or chronic illnesses often lose income or employment pushing households into deeper poverty. In Zambia's manufacturing and processing industries such losses translate into reduced efficiency and competitiveness limiting the country's capacity to industrialise sustainably. The inadequacy of the Factories Act in ensuring effective protection has a direct bearing on Zambia's

⁸⁸ Employment Code Act No 3 of 2019 (Zambia), s 15.

⁸⁹Robert J LaDou and Donald K Bettinger (Journal Article), 'The Historical Development of Factory Legislation' (1973) 24 International Labour Review 287.

broader development agenda and the attainment of Sustainable Development Goal 8 which seeks to promote inclusive and decent work⁹⁰.

From a human rights standpoint poor enforcement of health and safety provisions infringes on the right to life, human dignity and fair labour practices as recognised under Articles 8 and 23 of the Constitution of Zambia. The African Charter on Human and Peoples' Rights to which Zambia is a party equally obliges states to guarantee safe and satisfactory working conditions⁹¹. Failure to ensure effective occupational safety mechanisms amounts not only to administrative weakness but also to a violation of fundamental rights.

Furthermore, the absence of meaningful worker participation in safety decision making limits empowerment and accountability within workplaces. When employees cannot freely report unsafe practices without fear of retaliation, the culture of safety deteriorates and legal protection becomes merely theoretical. This highlights the link between democratic participation, human rights and workplace safety elements that form the heart of the ILO's Decent Work Agenda⁹².

Ultimately, inadequate protection for factory workers weakens the social fabric by fostering inequality between employers and employees. It also places a burden on the public health system through preventable workplace injuries. Therefore, strengthening the Factories Act is not simply a legal necessity but a socio economic and moral imperative aimed at safeguarding both national productivity and human dignity.

This concern is not unique to Zambia and similar challenges have been addressed in other jurisdictions through stronger adherence to international labour standards, in aligning Zambia's occupational health and safety framework with global labour standards it is

⁹⁰International Labour Organization (Report), Decent Work and the 2030 Agenda for Sustainable Development (ILO, Geneva 2019).

⁹¹African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) art 15.

⁹² International Labour Organization (Report), Decent Work: Report of the Director-General (ILO, Geneva 1999).

important to reference the international obligations Zambia has undertaken under the International Labour Organization (ILO). The ILO Convention No. 155 on Occupational Safety and Health requires State parties to adopt coherent national policies ensuring the highest level of protection for workers in relation to workplace hazards⁹³, while Zambia has domesticated aspects of this Convention through the Factories Act and the Occupational Health and Safety Act the level of enforcement and practical implementation remains significantly weaker compared to international expectations. This gap is largely influenced by insufficient inspection capacity, limited employer compliance and lack of worker awareness regarding their rights to a safe working environment.⁹⁴

A comparison with South Africa demonstrates a more robust approach to occupational safety oversight. South Africa's Occupational Health and Safety Act 1993 is supported by an integrated national inspection authority and sector specific regulations that ensure proactive monitoring and compliance mechanisms⁹⁵. Additionally, workplace safety committees are mandatory in most industrial sectors ensuring worker representation and shared responsibility between employers and employees. This model reflects a layered enforcement approach that Zambia may adopt to enhance practical application and reduce workplace injuries particularly in high-risk factory operations⁹⁶.

Similarly, the United Kingdom's Health and Safety at Work Act 1974 provides an instructive example of how statutory duties and strict enforcement can dramatically reduce workplace fatalities. The UK's Health and Safety Executive (HSE) operates with clear penalties, inspection powers and public reporting mechanisms that promote transparency and

⁹³International Labour Organization, Occupational Safety and Health Convention, 1981 (No 155), adopted 22 June 1981, entered into force 11 August 1983.

⁹⁴ T. Mweetwa, 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 103.

⁹⁵Occupational Health and Safety Act 1993 (South Africa).

⁹⁶South African Department of Labour, "Guidelines on Workplace Safety Committees" (Pretoria, 2018).

accountability⁹⁷. Zambia's framework by contrast remains predominantly reactive rather than preventative responding to accidents after they occur rather than systematically identifying risks in advance. Strengthening Zambia's safety systems would therefore require adopting a preventive safety culture, establishing mandatory joint workplace safety committees, and empowering labour inspectors with greater resourcing and authority ⁹⁸.

4.5 Critical Assessment and Need for Reform

An assessment of the Factories Act Cap 441 reveals that while it has provided a foundation for occupational safety and health regulation in Zambia it remains inadequate in meeting the full spectrum of decent work standards. The Act's major strength lies in its formal recognition of employer responsibility for workplace safety and its establishment of inspection mechanisms. However, these provisions have been weakened by outdated language, low penalties and insufficient institutional support for enforcement.

The Act's framework reflects a reactive rather than preventive approach to occupational safety. It focuses primarily on compliance after accidents occur rather than establishing proactive systems for risk identification and mitigation⁹⁹. In contrast, modern occupational safety laws such as those in the United Kingdom and South Africa emphasise continuous monitoring worker participation and preventive training programmes for instance the UK's Health and Safety at Work Act 1974 adopts a goal setting approach that encourages employers to assess risks systematically and tailor preventive measures¹⁰⁰. A similar

⁹⁷ Health and Safety at Work Act 1974 (United Kingdom).

⁹⁸ UK Health and Safety Executive (HSE), "Managing Health and Safety in Manufacturing" (HSE Guidance Report, London 2020).

⁹⁹ T Mweetwa (Journal Article), 'A Critical Review of Zambia's Occupational Health and Safety Framework' (2021) 2 *Zambian Journal of Legal Studies* 109.

¹⁰⁰ Health and Safety at Work Act 1974 (United Kingdom) s 2.

principle is found in South Africa's Occupational Health and Safety Act 85 of 1993, which mandates worker participation through safety committees and regular consultation¹⁰¹.

Zambia's Factories Act lacks this forward looking orientation. Its limited coverage of small and informal workplaces further reduces its relevance in today's labour market where many workers operate outside formally registered factories. Reform is therefore necessary to extend protection to all categories of workers exposed to industrial hazards regardless of the formality of their employment.

Additionally, penalties for violations under the current Act remain low compared to the potential harm caused by non compliance. Increasing the fines and providing for criminal liability in cases of gross negligence would significantly strengthen deterrence. The law should also incorporate mandatory safety audits and public reporting of workplace accidents to enhance transparency and accountability.

Institutional reform is equally critical. The capacity of factory inspectors must be improved through better funding, training and logistical support. Without an adequately resourced enforcement agency even the most comprehensive legislation will fail in practice¹⁰². Integrating the Factories Act with the Employment Code Act and the Occupational Health and Safety Act would eliminate duplication and promote a unified system of labour protection.

Reform should not be limited to legislation alone a national culture of occupational safety must be cultivated through education, awareness campaigns and social dialogue between employers, workers and government authorities only through such a holistic approach can

¹⁰¹ Occupational Health and Safety Act 85 of 1993 (South Africa) s 19.

¹⁰² Paul Kasonde (Journal Article), 'Review of the Factories Act Cap 441' (2020) 15 Zambia Law Journal 4.

Zambia fulfil its obligations under the Constitution and international conventions while promoting decent work and sustainable industrial growth.

4.6 Conclusion

This chapter examined how effective the Factories Act Cap 441 is in promoting decent working conditions for Zambian workers. The findings show that even though the Act provides an important legal foundation for workplace safety and health it's not very effective because some parts of it are old, enforcement is weak and it doesn't fully match current international labour standards. It's clear that dangerous workplaces, light fines, and shaky checks show the Act hasn't fully made sure decent jobs

From a constitutional perspective, Zambia upholds human dignity, social justice and equality as fundamental national values all inherently linked to the right to safe and dignified employment. Despite that, the way the Factories Act is being enforced doesn't really bring those good values to life in real-world situations. When workers aren't really getting involved, when we don't take steps to prevent problems, and when our organizations aren't working together well, it makes it tough to follow through on the International Labour Organization's goals for decent work and Zambia's responsibilities on the world stage. Clearly, ensuring factory workers have decent working conditions goes far beyond simply having laws on paper. To make working conditions better Zambia needs to update its laws where needed, improve the institutions that make sure those laws are followed and get everyone employers, workers and the government involved in keeping workplaces safe. From countries like the UK and South Africa we learn that good safety systems need constant improvement, teamwork and strict enforcement to keep workers truly protected.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter brings together the main findings of the research and highlights both the practical and legal measures that could improve the protection of factory workers in Zambia. The research sought to evaluate the extent to which the Factories Act CAP 441 safeguards occupational health and safety for factory workers to compare Zambian practice with selected comparative jurisdictions and to assess Zambia's conformity with international labour standards. Having examined the substantive provisions of the Act, the realities of enforcement, comparative jurisdictional models and international instruments the chapter sets out an integrated assessment of what works what does not and what must change if the statutory promise of safe and decent work is to be realised in practice.

5.1 General conclusions and key findings

The important conclusion from the study is that the existence of legislation is necessary but not sufficient for ensuring safety at work. Zambia's Factories Act CAP 441 is indispensable because it provides the legal framework. As it currently is, along with the available institutional backing, it fails to afford protection consistently to workers in the factories. The Act contains basic safety provisions relating to machinery maintenance, cleanliness, ventilation, and employer liability. However, these are often vague, without adequate specification, and were drafted before the era of modern factories employing chemical processes, automation, and high-speed production. This non-congruence

between the legislation and the actual work environment is partly explained by the fact that the law has become outdated.

The weaknesses in Zambia's enforcement system are particularly concerning. Labour inspections are meant to turn legal requirements into real, on the ground practice yet in reality the inspectorate faces numerous challenges. There are too few inspectors many of whom lack adequate training. Transportation is often insufficient and the data systems for tracking compliance are weak. As a result inspections are rare usually triggered by complaints rather than being systematic or risk based. When inspections do occur fines tend to be low, and enforcement is inconsistent. This creates a regulatory environment where compliance depends less on the law itself and more on whether employers choose to cooperate. The big problem is that workers don't have enough power or involvement when it comes to safety at work. Most workers don't know what their rights are and in many cases they don't have proper systems that allow them to help identify or manage safety issues. Even when safety committees exist they don't work well or are taken seriously. Because of this hazards are not noticed early, people are not held responsible and a strong culture of prevention fails to grow. Finally, although Zambia has ratified core ILO conventions including those on occupational safety there remains a considerable gap between these formal commitments and what actually happens in practice. International standards figure prominently in many policy discussions but are never consistently applied at the day to day level.

5.2 Specific findings in relation to the research objectives

5.2.1 ANALYSIS OF THE OCCUPATIONAL HEALTH AND SAFETY PROVISIONS UNDER THE FACTORIES ACT CAP 441 OF ZAMBIA

The initial focus of our analysis was on the effectiveness of the Factories Act. The Act provides a legal framework that sets out the responsibilities of employers and defines the role of inspectors. Yet, it falls short of addressing modern regulatory needs, it does not require employers to carry out formal risk assessments, establish detailed safety management systems or implement specific controls for hazards such as chemical exposure, ergonomic issues or psychosocial risks, some parts of the Act are not clearly written so people can interpret them in different ways. Because of that it becomes hard to enforce the law properly. The Act does provide a foundation for workplace safety but it needs to be updated to include clearer and more specific rules that can be put into real action.

5.2.2 ASSESSING THE EFFECTIVENESS OF ENFORCEMENT OF HEALTH AND SAFETY PROVISIONS UNDER THE FACTORIES ACT CAP 441 OF ZAMBIA

The second objective of the study was to compare Zambia's arrangements with those of South Africa and the United Kingdom. Interestingly, the main difference is not in the strength of the law on paper but in the institutional frameworks that support enforcement. In South Africa the system requires workplace safety committees and relies on a model of shared responsibility while in the United Kingdom an independent regulator holds significant investigative, prosecutorial and preventive powers. Both the UK and South Africa have strong laws and effective institutions that focus on preventing workplace

accidents before they happen, from comparing them with Zambia we can learn that modern safety systems work best when they focus on prevention, do regular inspections based on risk, involve workers in safety efforts and have serious penalties for those who break the rules. Zambia's main goal should be to strengthen how the system actually works, instead of just repeating the same laws.

5.2.3 Evaluation of the Effectiveness of the Factories Act Cap 441 in Safeguarding Occupational Health Safety for Factory Workers in Zambia: A Comparative and International Perspective

The third objective was conformity to international labour standards, wherein Zambia ratified instruments including ILO Convention No. 155. While this does indicate formal commitment, it still remains incomplete for full integration of these obligations within national operations. These practices request preventive measures, federal safety legislation, social communication, and stiff inspection programs. Great coordination among government departments as well as trade unions and employer organizations is therefore required to achieve this. Merely ratification cannot translate policy into practice in absence of coherent local implementation plans along with proper resource allocation

5.3 Broader implications

These results have major implications for us all. When workplaces are not safe the negative effects spill over into businesses, families and society at large. Illness and Injuries on the job not only lower productivity but also place a heavier burden on healthcare systems and create financial instability for those affected. When safety standards are unpredictable and not properly enforced it undermines public confidence in labor regulations and can lead to unfair competition where some employers benefit by cutting corners on safety.

On the other hand, workplace safety is an investment that pays for everyone: it boosts productivity, retains workers, and reduces medical costs. Ultimately, we have to start considering occupational safety no longer as simply a checkmark to satisfy the requirements in law but also as part of sustainable development and social equity. And taking safety seriously is just not good practice; it's necessary to build a healthier and more stable future for all

5.4 Recommendations

What will bring this Act from being merely words on paper to a real force for saving lives is a comprehensive approach that updates the law, invests in the institutions, and changes workplace culture.

First, we must revise the Factories Act to include clear regulations that outline what the employer must do to keep his workers safe, specific duties regarding risk assessments, standards concerning the handling of chemicals machinery to be properly safeguarded, limits on exposure to harmful substances and implementation of ergonomic practices. We should also make it clear what powers the inspectors have and how they are to conduct risk-based inspections, and similarly what reporting from employers is required.

We need to develop the labor inspectorate as a strong public service one that is committed to a stable budget that enables recruitment and training of inspectors, transportation and equipment and one that develops digital systems for reporting incidents and planning inspections. It should be based on targeted inspection of high risk enterprises but still with

the element of surprise. Making the results of inspections public with proportionate sanctions will help to build trust among the public and the willingness to comply.

We also need to rebalance workplace governance to put workers at the center of approaches to safety. The law must ensure that health and safety committees are established in larger factories with appropriate objectives, training and protection for worker representatives. Worker involvement is not just a formality the participation of workers is crucial in relation to identifying risks early, holding local line management to account, and driving continuous improvement.

We also have to make sure employers are held accountable through incident reporting, investigation of issues and corrective actions. Serious negligence should come with administrative and criminal penalties. A transparent national system for reporting injuries and illnesses will help us analyze data better and direct interventions to where they're most needed. We also need a national training and awareness campaign, this needs to be a tripartite approach through training for inspectors, managers and workers, along with work with unions, employer groups and international organizations. Zambia can benefit from the experience of the ILO and other organizations that promote safe working conditions. Reforms should be supported by a well structured plan that sets clear goals, assigns duties and tracks progress. Changing the law alone will not be enough there must be a properly funded program with specific targets and time frames to make workplaces truly safe.

5.5 Closing reflection

This research highlights that having a safe working environment is not a privilege but a basic right that upholds human dignity. Zambia has in place the necessary laws to keep workers safe, but it is all about providing the political will and putting money where its mouth is towards the implementation of those laws. Strengthening the Factories Act CAP 441, investing in enforcement capacity, empowering workers, and integrating international standards into domestic practice are not abstract reforms-they are very concrete steps which will save lives, protect families, and contribute to an economy that is more just and productive. Industrialization should be matched by a commitment that the expansion of the economy will not be at the cost of wellbeing and dignity. Ensuring that every worker goes back home safely is what a fair workplace does.

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