

MALAWI GOVERNMENT

(Published 14th October, 2021)

Act

No. 16 of 2021

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
7th OCTOBER, 2021

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of s. 46 of Cap. 54:01
3. Amendment of s. 47 of the principal Act
4. Amendment of s. 65 of the principal Act
5. Replacement of s. 66 of the principal Act
6. Replacement of s. 67 of the principal Act
7. Repeal of s. 68 of the principal Act
8. Repeal of s. 70 of the principal Act

An Act to amend the Labour Relations Act

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the Labour Relations (Amendment) Act, 2021. Short title
2. Section 46 of the Labour Relations Act (hereinafter referred to as “the principal Act), is amended by inserting after subsection (3), new subsections (4), (5) and (6) as follows— Amendment
of s. 46 of
Cap 54:01

“(4) An employee shall receive wages for a maximum of three days in a year where he is absent from work due to participation in a strike, whether such absence is consecutive or not, or related to the same subject of the strike or not.

(5) For purposes of this section, “wages” has the meaning ascribed to it under the Employment Act.”

Amendment of
s. 47 of the
principal Act

3. Section 47 of the principal Act is amended by deleting subsections (2) and (3) and replacing them as follows—

“(2) The Minister shall, by notice published in the *Gazette*, publish the list of essential services to which this section applies.

(3) The Minister may make regulations to provide for expeditious resolution of disputes involving employers and employees engaged in essential services and timely implementation of decisions made or awards granted.”.

Amendment of
s. 65 of the
principal Act

4. Section 65(2) of the principal Act is amended by inserting, immediately after the word “law”, the words “and fact”.

Replacement of
s. 66 of the
principal Act

5. Section 66 of the principal Act is repealed and replaced as follows—

“Composition 66. The Industrial Relations Court shall consist of—
(a) a Chairperson; and
(b) such number of Deputy Chairpersons, as the Chief Justice shall appoint, on the recommendation of the Judicial Service Commission.”.

Replacement
of s. 67 of the
principal Act

6. Section 67 of the principal Act is repealed and replaced as follows—

“Sitting and
decision 67.—(1) A matter before the Industrial Relations Court shall be heard and disposed of by the Chairperson or a Deputy Chairperson.

(2) The Industrial Relations Court shall determine matters of law and fact.

(3) A decision of the Industrial Relations Court shall be issued to the parties within twenty-one days of the closing of the final sitting on the matter.”.

Repeal of s. 68
of the principal
Act

7. Section 68 of the principal Act is repealed.

Repeal of s. 70
of the principal
Act

8. Section 70 of the principal Act is repealed.

Passed in Parliament this seventh day of July, two thousand and twenty-one.

FIONA KALEMBA
Clerk of Parliament