

# Zambia's OHS revolution: what employers need to know about the 2025 Occupational Health and Safety Act

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The Zambian Occupational Health and Safety Act 16 of 2025 (2025 OHSA) received Presidential assent on 23 December 2025 and came into operation on 30 December 2025. It repealed its predecessor, the Zambian Occupational Health and Safety Act 36 of 2010 (2010 OHSA). The 2025 OHSA seeks to continue the existence of the Occupational Health and Safety Institute (OHSI), redefine its functions, reconstitute the Board of the Institute (the Board), introduce health and safety committees at workplaces, and regulate health and safety at workplaces.

This article sets out the material changes introduced by the 2025 OHSA, and highlights the key issues that occupational health and safety (OHS) officers and employers need to know.

## Application of the OHSA

The 2010 OHSA was primarily focused on the mining industry, leaving workers in other industries without adequate protection. The application of the 2025 OHSA now extends to all workplaces. It expressly excludes the Defence Force, National Security Services, and the Civil Service.

## The OHSI and the Board

The OHSI was established in 1945 and continues to exist in terms of section 4(1) of the 2025 OHSA. Its functions have been expanded to include facilitating health risk assessments, occupational hygiene surveys, collaborating with scientific bodies, and advising the Minister.

The Board now includes an OHS expert and trade union and employer representatives from the most representative organisations, respectively. Notably, the Board no longer sets standards, as this function now vests in the OHSI.

## Health and safety committees

Section 9 introduces a strict 30-day deadline for establishing a health and safety committee. The clock starts from the day that the employer first employs 10 or more employees. The 2010 OHSA imposed no deadline. Compliance is mandatory and failure to comply exposes an employer to enforcement action.

The 2025 OHSA also removes the committee's power to independently 'resolve' risk matters. Committees may now only investigate and make recommendations to the employer. This materially limits the committee's decision-making authority.

## Mandatory health and safety policy

Section 14 requires an employer to prepare a health and safety policy. The policy must describe the organisation and arrangements for implementing and reviewing the policy. Employers must also display the policy in a prominent place, signed by the Chief Executive Officer (CEO) or an equivalent officer, and disseminate it to all employees.

Under the 2010 OHSA, a policy was only required when directed by the Director. The 2025 OHSA makes it mandatory for all employers, without exception.

## Employer's duty to report employee ill-health

The 2025 OHSA introduces an entirely new duty on employers to notify the Institute regarding employee ill-health and occupational absences.

In terms of section 15(1), an employer must report, in a prescribed manner and form, any employee ill-health or absence from work for occupational health reasons. This enables the Institute to identify whether there is a link between the incidents of ill-health or absences and potential workplace health hazards.

This is an entirely new and proactive reporting duty. Employers should implement internal procedures to monitor and report employee ill-health and workplace-related absences in the prescribed format.

## Duties of persons in control of workplace or plant

Under section 19 of the 2010 OHSA, employers and persons with management or control of a workplace were required to take measures to ensure that the workplace, its means of access, and any plant or substance in use were safe and did not pose a risk to the health and safety of those using them. A breach of these obligations could result in a penalty of up to 700 000 penalty units, seven years' imprisonment, or both. The 2025 OHSA does not retain this provision. Employers should be aware of the resulting gap and consider whether contractual or other mechanisms are needed to preserve accountability for those exercising management or control over workplaces.

## Duties of designers, manufacturers, suppliers, and importers

The 2025 OHSA introduces expanded duties on a broader range of parties in the supply chain. Two aspects merit particular attention:

- First, duties imposed on suppliers now also apply to ostensible suppliers, i.e. intermediaries who facilitate supply between a supplier and an end-user. The 2025 OHSA reverses the 2010 position in that duties now fall squarely on the ostensible (intermediary) supplier rather than the effective (original) supplier. This significantly increases liability for intermediaries who may previously have considered themselves outside the regulatory net.
- Second, section 20 requires any person who designs, constructs, manufactures, supplies, or imports an article, device, item, or substance to comply with standards set by the Zambia Bureau of Standards, the Zambia Compulsory Standards Agency, or other relevant body. The 2025 OHSA adds the Zambia Compulsory Standards Agency as an additional standards body.

### Codified risk assessment framework

Section 23 introduces a mandatory biennial risk assessment obligation for employers with 10 or more employees. The 2010 OHS Act had no equivalent duty. Each assessment must identify workplace hazards; assess the risks they pose, and implement control measures to reduce employee exposure. Risk assessments must be conducted every two years and/or sooner if there is a change in the work process, an accident occurs, or the Institute requests a risk assessment. The completed risk assessment must be submitted to the Institute for approval and associated fees are payable. Employers should factor both into their planning and budgeting.

### Comprehensive medical examination certificate regime

The 2025 OHS Act introduces an entirely new and detailed medical examination certificate regime, which did not exist in the 2010 OHS Act as a standalone regime.

Section 24 prohibits employment without a medical examination certificate issued by the Institute, where the Institute has determined that the workplace presents a significant risk of exposure to a workplace hazard.

Section 25 establishes four formal types of medical examinations: pre-placement, in-employment, exit, and post-employment medical examinations, as well as any other examinations the Institute may determine.

- **Pre-placement:** before engaging a prospective employee, the employer must present them to the Institute for a pre-placement medical examination on payment of a prescribed fee.
- **In-employment:** within 30 days of the approval of the employer's risk assessment report, employees must be presented to the Institute for an in-employment medical examination. Thereafter, examinations must take place on an annual basis, unless the degree of risk to health and safety of employees in the workplace requires them to be conducted more frequently.
- **Exit examination:** within 30 days of an employee's termination or retirement, employees must be presented to the Institute for an exit medical examination on payment of a prescribed fee.
- **Post-employment examination:** one year after leaving employment, a person must present themselves to the Institute for a post-employment medical examination on payment of a prescribed fee. This is a rare feature in regional OHS legislation.

To support the new regime, the Zambian Government recently revised and gazetted medical examination fees under Statutory Instrument No. 70 of 2025. This was the first major revision of such fees since 2003, and is intended to strengthen the Institute's capacity to deliver occupational health services.

### Enforcement: suspension and closure of workplaces

Under section 27 of the 2010 OHS Act, an authorised officer who had reasonable grounds to believe that a contravention was likely to cause death or bodily harm could order closure of the workplace. Where there was no immediate danger, the officer could permit work to continue under restrictions and require the employer to remedy the contravention.

The 2025 OHS Act introduces a graduated enforcement framework. Section 39 addresses the suspension of workplace activities, while section 40 deals with closure of the workplace. This graduated

approach gives the Institute and its authorised officers more proportionate enforcement tools. The 2025 OHS Act also introduces new enforcement provisions, including arrest without warrant under section 38 and administrative penalties in terms of section 48, in addition to criminal prosecution.

- **Arrest without warrant:** the 2025 OHS Act introduces a new express power of arrest without warrant, exercisable by law enforcement officers.
- **Suspension of workplace activities:** the 2025 OHS Act restructures the closure/suspension power. It is now vested in the Institute rather than individual officers and includes a 14-day show-cause procedure before suspension. However, suspension is now accompanied by mandatory newspaper publication, which poses significant reputational risk for employers.
- **Immediate workplace closure:** the 2025 OHS Act retains immediate closure powers and extends them. The trigger now includes specific mention of harm to the public, not just employees or other persons.

In addition, the dedicated Appeals Board has been abolished. Appeals now go directly to the Minister within 30 days. Employers have 30 days to file an appeal, as opposed to seven days under the old Appeals Board. The removal of the technical Appeals Board may result in less specialist review of occupational health and safety decisions.

### Register and public accountability

Section 44 of the 2025 OHS Act requires the Institute to keep and maintain a public register of risk assessments and risks, suspended workplace activities, closed workplaces, workplaces whose employees have undergone medical examination/surveillance, and exempted employers. Employers whose workplaces are suspended or closed will be publicly identifiable, creating significant reputational risk. This is an entirely new provision.

The Director-General, under the Board's direction, must ensure that copies of the register are printed and published in the *Gazette* and a daily newspaper. A published copy of the register is prima facie evidence in legal proceedings; absence of a name is prima facie evidence of non-registration. The register, therefore, has evidential weight in legal proceedings and absence from it may be used against employers in court.

### Corporate liability

Under section 49 of the 2025 OHS Act, where an offence is committed by a corporate or unincorporated body with the knowledge, consent, or connivance of the director, manager, shareholder, or partner, that person is liable on conviction.

The 2025 OHS Act extends personal liability to shareholders in addition to directors and managers. However, the 2025 OHS Act requires proof of knowledge, consent, or connivance, and removes the reverse burden of proof (due diligence defence) previously available to directors and managers under the 2010 Act. This changes the prosecutorial burden. The breadth of exposure is wider, but the prosecutorial burden is now higher.

### Administrative penalties as a new enforcement tool

Section 48 of the 2025 OHS Act introduces administrative penalties as a distinct enforcement mechanism. The 2010 OHS Act did not provide for such penalties as a separate enforcement tool. This is a

| Offence category                           | 2010 OHS Act (maximum)            | 2025 OHS Act (maximum)  | Direction of change |
|--|-----------------------------------|---|---------------------|
| Breach of employer duties                  | 500 000 penalty units/five years  | 375 000 penalty units/three years                                     | Reduced             |
| Duty of persons in control of workplace    | 700 000 penalty units/seven years | Provision removed   | Removed             |
| Employee duty (general)                    | 300 000 penalty units/three years | 50 000 penalty units/one year   | Reduced             |
| Employee operating unsafe machinery        | 300 000 penalty units/three years | 500 000 penalty units/five years                                      | Increased           |
| Designer/manufacturer/supplier breach      | 700 000 penalty units/seven years | 300 000 penalty units/three years                                     | Reduced             |
| Compliance with standards breach           | 700 000 penalty units/seven years | No standalone penalty   | Removed             |
| Architect/engineer breach                  | 500 000 penalty units/five years  | No standalone penalty   | Removed             |
| Failure to conduct risk assessment         | Not applicable                    | 300 000 penalty units/three years                                     | New offence         |
| Failure to present for medical examination | Not applicable                    | 375 000 penalty units/three years                                     | New offence         |
| Employing without medical certificate      | Not applicable                    | Fine/two years  | New offence         |
| Administrative penalties                   | Not applicable                    | Daily-accruing, amount prescribed by Minister by statutory instrument | New                 |

significant development as it allows the Institute to impose financial penalties without resorting to criminal prosecution, lowering the enforcement threshold and potentially leading to more frequent regulatory action. This creates a parallel civil enforcement track alongside criminal prosecution, with potential for significant cumulative financial liability for continuing breaches.

**Penalties**

Various penalties have been removed, reduced, increased, and added as a new offence, as set out in the table above.

**Key takeaways**

The 2025 OHS Act is a comprehensive overhaul of Zambia's occupational health and safety legal framework. Employers and workplace duty-bearers should take urgent steps to understand and implement its requirements. The most material changes to be aware of are as follows:

- **Expanded scope: the 2025 OHS Act extends to all workplaces;** the 2010 OHS Act was primarily focused on mining, leaving workers in other industries without adequate protection. That gap has now been closed.
- **Express exclusions from scope:** the Defence Force, National Security Services, and the Civil Service are now expressly excluded, providing legal certainty that did not exist under the 2010 OHS Act.
- **Mandatory health and safety policy:** now required of all employers, signed by the CEO, displayed, and disseminated; those without one are in immediate breach.
- **30-day deadline for health and safety committees:** triggered automatically on employing 10 employees, with no equivalent deadline under the 2010 OHS Act.

- **New duty to report employee ill-health:** a proactive reporting obligation backed by administrative penalties; internal procedures must be implemented immediately.
- **Mandatory biennial risk assessments:** required for employers with 10 or more employees, with Institute approval and fees payable.
- **New medical examination certificate regime:** covering pre-placement through to post-employment examinations; no employment may proceed without an Institute-issued certificate in hazard-exposed workplaces.
- **Expanded supply and construction chain liability:** importers, architects, engineers, and intermediary suppliers are now expressly duty-bearers, with liability for intermediary suppliers materially expanded.
- **Graduated enforcement with administrative penalties:** the Institute may impose daily accruing financial penalties without criminal prosecution; suspension notices must be published in a daily newspaper.
- **Public register with evidential value:** suspended and closed workplaces are publicly identifiable, and the register is admissible in court as prima facie evidence.
- **Extended personal liability to shareholders:** with the due diligence defence removed, personal exposure is broader and more difficult to defend.

Employers and workplace duty-bearers operating in Zambia should conduct an immediate compliance audit against the 2025 OHS Act requirements, and seek specialist legal advice where required. 