

Unmasking Corruption-Fraud in the Compensation Systems of Zambia: A Case of Retirements on Medical Grounds

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ABSTRACT

This paper explores the real life experiences of victims of employment accidents and retirements due to the efficacy of the laws and policies governing workplace accidents. To do so the paper delves into effects of diseases and dismissals considering the inevitability of such occurrences to workers. Of concern are the effects of employment laws and policies due to industrial accidents, diseases in factories and other places of work and the subsequent retirements on medical grounds. The paper suggests remedies to these policies and laws arguing that accidents causing griefs to employees can only be reduced in occurrence and far from being completely prevented. In Zambia, the employment and the worker's compensation Act have been the basic points of reference and engagement between employers and employees befallen by such misfortunes. Provisions of the worker's compensation law are that employees injured or diseased in the course of duty must be compensated by their respective employers. The Employment Act is meant to supervise employment of persons and ensure compliance with standards of employment practices in Zambia. The legislation states that a contract of employment is valid whether or not it is in writing. The kind of compensation that will motivate employee to give their best to influence performance positively will depend on how much it addressed their need for status, security, and their survival.

This paper used the method of inductive content analysis as the basis for analyzing data¹. The paper analyses how the health and safety conditions of employees under the Employment Act and labour conditions under the Workers Compensation Act function to save victims of workplace accidents. This comes in the wake of the experiences of one, a Mr. Nyawa who was attached to Croydon Industries Zambia limited (LTD) during his industrial break and in the process sustained injured legs, spine and left arm that left him paralysed for life. This case questions the very provisions of both the employment and the worker's compensation Act to test.

The paper is anchored on the concept of Social Justice as represented in the writings of Amartia Sen² with emphasis placed on the notion of human capabilities key components in his social justice conception³. To avoid this, Sen suggests the need for political freedom which guarantees economic development and good governance practices⁴. The researchers argue that this can be achieved with fair enforcement of the law on compensation in Zambia.

Two designs complement each other in this single case study of victims claiming compensation from the employer namely the Croydon Industries. It will involve extensive documentary analysis of the worker's compensation and the employment Act and analysing the situation of the accident victims. The paper points to corruption fraud in the judicial system as the main reasons for Nyawa's misfortunes of not being paid his compensation benefits.

¹ See Chidongo Phiri *et al* (2021), Exploring and Deconstructing the *Chimbuya* Phenomenon at the University of Zambia in the School of Education: Lecturer's and Learner's Perspective International Journal of Humanities Social Sciences and Education (IJHSSE) Volume 8, Issue 11, November 2021, PP 40-53

² Chidongo Phiri (2022) on social justice theory. Internal strategies and mechanisms of combating corruption: The *Nolle Prosequi* phenomenon in Zambia.

³ Ibid, (2022)

⁴ Ibid, (2022)

Keywords: Accident, Compensation, Social justice, Corruption-fraud⁵.

INTRODUCTION

In most situations, worker's compensation is a legal system of benefits for employees who get illnesses or injuries at work. All employers are subject to this system from the time that employees start working, and these benefits are provided regardless of culpability. There are two main sources of the worker's compensation laws that explain whether the injured party is an employee and whether the accident occurred as a result of or during employment are generally are a frequent cause of disagreement in the worker's compensation systems worldwide. The basic rule is that an employee who is injured while performing his job and becomes disabled should be entitled to compensation. This infers that in the event of a fatal injury, his dependents should also receive compensation. Unfortunately, this judicial system is not immune to corruption-fraud. Therefore, this paper focuses on the judicial compensation systems due to the health and safety conditions of employees under the Employment Act and labour conditions under the Workers Compensation Act. This shall be in view of Mr. Nyawa (not real names) who was attached to Croydon Industries Zambia Ltd during his industrial break to work on a truck which had broken down and heavily loaded with copper. In the process Nya was sustained injured legs, spine and left arm that left him paralyzed for life. The paper examined reasons why Nyawa could not be paid allowances, wages and compensation as he claimed for the cost of movement (taxi charges), rentals of bedspace during his hospital visits, airtime used, all the food and medicines purchased and the fact that he will never enjoy family life because of the paralysis.

PROBLEM STATEMENT

The human resource departments world over recognizes the employee compensation systems as a critical function for success, in order to sustain performance of an organization. It is important to optimize the contribution of employees towards achievement of the aims and goals of an organization. Organizational compensation and benefit system is becoming an important management system, boosts employee satisfaction generally and employee expectations have been high in order for employers to retain their employees, proper compensation and benefit package system which is equally attractive as that offered has to be introduced. Unfortunately, in Zambia this human resources function is not immune to accounting fraud as a corruption scheme. In order to having such human resource function fair and equitable, organizations need to have a reward system that is internally and externally equitable, competitive, attractive and fair, which is neverthe case for employees, who have been injured or retired during the course of their duties, contrary to the worker's compensation Act N0.271 of 2012 of the laws of Zambia. Generally, an efficient management of reward system has a beneficial effect upon the performance in several ways. Firstly, it instils a sense of ownership amongst employees, facilitates employee long term career, reduces services operating costs, and minimizes employee's dissatisfaction. Secondly, it enhances employee interest in the financial performance of the organization. Sadly, analyzed documents review gaps and inconsistencies in the compensation system of Zambia, which this paper has addressed.

Objectives

1. To investigate the problems and challenges associated with the compensation systems in Zambia.
2. To investigate the effect of fraud in the compensation and benefit systems on employee performance and healthy in Zambia.
3. To investigate the current practice of the compensation system that contributes to fraud and increases employee's grievance facilitating the employee's poor performance

Theoretical framework.

⁵See. Tutino, M., & Merlo, M. (2019). Who defines corruption-fraud as a widely accepted view that firms have an ethical dimension, and should follow ethical and accountability principles contained inside laws and best practices.

The theory of social justice in this study was used and interpreted in distributive terms. This infers that all people should be treated equally in relation to receiving social benefits that are available in their lives⁶. There are many situations in life where equality is not an inherent condition or may not even be possible⁷. For example, sometimes, it can appear as though state institutions and government legislation are biased in favour of the better off in society, and that they often contrive to exacerbate the oppression of those in the lowest social group. Such practices can result in those at the bottom of the social ladder suffering the effects of injustice and inequity. This is the situation the Zambian people have often complained about when it comes to the states evoking of the compensation laws of individual benefits on medical grounds and retirements on statutory age of 60 years. Most employees often find themselves in this situation, and this injustice leads to employee's feelings of hopelessness. Phiri contends that: One of the most important matters arising from the theory has to do with interrogating the complexity of relationships in the corruption (fraud) network⁸. In exposing this type of legally based injustice, this paper explicates such incidents (i.e., the Nyawa debacle) arguing that the compensation law need to be grounded in principles and practices of social justice if it is to be approved as better strategy and mechanism to eliminate fraud and grief amongst the retired employees in the industrial sector

FINDINGS

Foundation of Compensations systems on employment injuries and contracted diseases

Industrial accidents and diseases in factories and other places of work may only go as far as being reduced in occurrence not completely prevented. This is because these risks and accidents will always occur in the life of industrial operations. Under the Statute, the Workers Compensation Act,⁹ as long as an employee is injured or shown to have contracted a disease whilst in the course of employment, compensation is to be paid by the respective employer. This is in direct contrast with the common law principles where employees who suffered injuries had to prove that such injuries were as a result of negligence of employers if compensation was to be paid.¹⁰

In the case where the injuries or death were caused by the negligence of fellow employees, it meant that employees had only the fellow employee to look for compensation. However, later what was found to work was a scheme that allowed compensation by the employer without having to show fault.¹¹ The sources for the compensation were to come from all employers whose employees were likely to be injured in the course of employment. Employers in far more risky operations were to pay more than others.¹²

This is the foundation and justification of worker's compensation policy, giving birth to the Workers Compensation Act. Under section 6-9 of part ii, the Act starts by defining the application of workers compensation law and reserve the rights of injured workers to pursue remedies under the Statute and under common law giving the victim concurrent rights in seeking compensation, however not to provide double compensation.¹³

It also clarifies the position of the law towards parties where there is a principal and a contractor at the place of work.¹⁴ It also allocates duties between workers in a case where workers have to work outside the country or work in Zambia at times.¹⁵ The right of elections is also reserved where a person is free to claim under Zambia laws or foreign.

⁶Ibidi (2022)

⁷ Sullivan B. Democratizing practice as a means towards achieving social justice. A paper presented at the Critical debates in action research' seminar, Limerick, University of Limerick, (2003)

⁸ Phiri Chidongo. Internal strategies and mechanisms for combating corruption during the covid-19 pandemic in Zambia: a linguistic turn. Journal of anti-corruption law 2021 Volume 5 Number 1 Pages 23 - 40

⁹The Employment Tribunals: Contracts for the Benefit of Third Parties (1996)

¹⁰C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

¹¹Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

¹²Peel, E.; Treitel G.H. (2011) Treated on the Law of Employment (13 Ed) Sweet and Maxwell

¹³Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

¹⁴C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

¹⁵Law Commission, Employment Contracts: The Effect of Illegality on Contracts and Trusts (1999) Law Com 154

Sections 10-27 establish the worker's compensation fund control board, and its foundation, tenure of office and proceedings of the board. The sections too create the position, authority and function/ duties of the commissioners as by section 18 of the Act.

Part IV of sections 28-50 discusses the need for medical examinations, certificates of fitness and reports.¹⁶ Those workers in the mines or related to mining operations cannot be allowed to work without medical certificates of fitness. Scheduled diseases are also given periodical examinations and the Act requires reports to be issued in order to supervise frequency while sections 51-98 deal with a number of aspects such as determination of the right to compensation. Unfortunately, in Zambia, workers filing a claim are not paid benefits on time regardless of how the injury occurred. This is despite the worker and employer waiving the right to sue for liability for an injury. This infers that the compensation principle commonly known as the security of benefits principle is contravened and susceptible to corruption-fraud. For example, as in the case of Mr. Nyawa, the principle is one sure recipe for corruption of fraud such as bribery embedded in the compensation system.

The grounds for compensation and liabilities

Another finding was based on the grounds of compensation and liabilities for those that are involved in accidents or have contracted diseases occurring to them arising out of and in the course of their employment and resulting in workers disfigurement or death.¹⁷ Payments maybe made depending on the circumstances as provided. It also provides stringent procedures to ensure that there is justification and fairness in payments. Liability for compensation and amount of payment of such compensation is dealt with in detail to compensate and methods of paying compensation directly or to other members in the compensation systems Act.¹⁸ The last part of the compensation law outlines procedures to be followed whenever one wants to obtain compensation under medical requirements and information need to be supplied in order to claim compensation.

For example, Part ix under sections 104-109 establishes the worker's compensation fund, being a depository of all funds and from which the compensation is to be paid. Sections 110-116 assess payment to be paid under compensations fund.¹⁹ All employers except the State and those exempted are amenable to assessment under the workers compensation Act. The main factor for exemption is that adequate arrangements have been made to compensate workers if injuries occur. However, the best way is to make a deposit with the commissioner where payment may be made. Sections 118-133 govern the operations of the worker's compensation tribunal, a quasi-judicial body, created to hear appeals from the determinations of the worker's compensation commissioner. The decisions of the tribunal can be challenged as appeals to the high court. Sections 134-153 are miscellaneous provisions to do with housekeeping issues.²⁰ These matters include: record keeping, information, treatment of compensation and such matters incidental to the foregoing. It further discusses the dissolution of the boards under the Act. Sadly, there is lack of practical understanding of this interaction process that requires both theoretical analysis and empirical research towards a fair compensation system in Zambia. To those affected workers, it creates an imagined assumption that the whole compensation system is fraudulent. For example, specific terms in the retirement and compensation process letters such as: "lieu of notice" makes explicit the assumption that the compensation system is fraudulent.

The Contracts of Employment

The Employment Act is meant to supervise employment of persons and ensure compliance with standards of employment practices in Zambia.²¹ The legislation states that a contract of employment is valid whether or not it is in writing. The Statute provides weaknesses of oral records of contracts on both parties and dangers or risks that may lead to labour disputes.²² Section 24 of the employment Statute requires that an employer must at his or her own expense's prepare and maintain a record of contract for every employee employed by him or

¹⁶C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

¹⁷Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

¹⁸Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

¹⁹Law Commission, Employment Contracts: The Effect of Illegality on Contracts and Trusts (1999) Law Com 154

²⁰Peel, E.; Treitel G.H. (2011) Treated on the Law of Employment (13 Ed) Sweet and Maxwell

²¹C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

²² Abbott, k. (2007) Business Law, 8th Edition) London engage Learning

her order contract of service. Unfortunately, there is no clarity for those engaged under contract for service²³. Section 24(2) of the statute provides full explanations of all facts contained in the oral record which also include duration of contract, termination of contracts by payment.²⁴

Sections 24-28, further deals with termination of oral contracts and principles of general application to the contract. Under the section, summary dismissed is report potable by employers to a labour office, with duties to keep a register of summary dismissals received in the district.²⁵ Wages and other emoluments are payable on pro-rata basis up to the date of dismissed according to section 26.

Where the employee is terminated on allegations of misconduct or incompetence, that employee should be afforded an opportunity to be heard under section 26A. the law on redundancy is outlined under section 26B, which includes: grounds for declaring a redundancy situation, procedures and entailments of a redundant persons under the immediate section.²⁶

Under part (v) covering section 27-38, the statute provides guidelines on written contracts of service required for all contracts whose duration is or exceeds six months to accomplish. This covers also contracts under foreign services.

Written contracts ought to be attested to by the labour office in case the employee is illiterate as to section 29 of the Act. Further, the section provides supervision powers of labour offices and requires sureties or performance bonds from an employer of persons who are to work outside Zambia.²⁷

Section 25 further draws attention transfer of contracts of employment. The section emphasize the English common law doctrine stated in *Nokes V Doncaster Amalgamated Collieries Ltd*²⁸, that an employee should not be transferred against his or her wish. The consequences of such principles were observed at the time of company privatization where employees refused to be transferred until they received benefits from their former employers.²⁹ This was because those who were transferred before payments were made by their former companies failed to receive their payments later.

Part (VI), covering sections 41-43 look at the wellbeing of employees at places of work. The sections monitor provision of housing, medical allowances and supply of water at such places of work. The rationale behind the section is to entrench employer practices in order to treat employees humanely in the circumstances pertaining to the provisions of life essentials.³⁰ Throughout the statute, what is provided are minimum standards leaving chances for principles on their own or with consultations with employee representatives to show greater generosity?

However, the duty of an employer to provide housing to employees was removed under section 41 of the Employment Act/Statute through the 1997 amendment. Instead the statute provides that, the employer may pay housing allowance or make arrangements to facilitate acquisition of housing by employees.

Under part (vii) of sections 42-52 of the statute, protection of wages has been given significant emphasis. The part spells out that employees go to work in order to receive a salary or wages. The said salaries or wages are known to be personal properties which employees are entitled to use as they please for their own welfare and that of their families.³¹ Most employers the past calculated schemes meant to reduce the value of employee's

²³ The Law development commission of Zambia (2012)

²⁴ Abbott, k. (2007) Business law 8th Edition London; engage page 17

²⁵ C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

²⁶ The Employment Tribunals: Contracts for the Benefit of Third Parties (1996)

²⁷ C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

²⁸ *Doncaster Amalgamated colliers ltd* (1940) AC. 1040

²⁹ Peel, E.; Treitel G.H. (2011) Treated on the Law of Employment (13 Ed) Sweet and Maxwell

³⁰ Law Commission, Employment Contracts: The Effect of Illegality on Contracts and Trusts (1999) Law Com 154

³¹ C Mitchell and P Mitchell (Eds), Landmark Cases in the Law of Contract (Hart 2008)

salaries or wages to an extent of depriving them of the benefits of their labour³². Malpractice of any type under this part was dealt with by a different piece of legislation of the 14th Century of the British.³³

Many of the principles order such earlier legislative documents which popularly came to be known as Trucks Acts are the ones that constituted part vii of the Employment Act. Further, to the supremacy of an employee over his or her wages and salaries; wages and salaries should be paid in the currency of the same century.³⁴ According to section 42; it should not be paid in shops or taverns or other such places which may offer inducements to spend, unless such employees work in the said places; deductions should be Legitimate, justifiable and according to the law as provided under section 43. Payments in consideration of job an offer are prohibited and certainly of dates of payments are essential as provided under the scheme of the sections where section 45 provide guiding principles as to when employees should expect their dues.³⁵ For the sake of ensuring compliance, employers are required to display provisions of part vii in clear places in respect to section 49 of the Act and keeping a record of payments in order to explain these aspects of law.³⁶

Sections 50 and 51 of the statute make clear the issue of entitlements to wages in instances of incapacity of employees. The general rule is that salaries and wages are paid for services rendered or for readiness and availability to provide services³⁷. Thus those incarcerated and awl from work does not deserve salaries or wages in view of section 50 of the Statute.

Those who fall sick, if it is beyond their control, may expect to be paid for 26 working days in a year. In addition, every female employee is entitled to one-day absence from work in a month without any obligation to produce any valid medical certificate. This is what is commonly referred to as ‘mother’s day’ thought it includes or enjoyed even by women who are not yet mothers. It is worthy to state that, failure to observe the above outlined conditions of service on the part of the employer is a serious indictment on the part of the Employment Act.³⁸

Sections 53-59 discuss licenses of Employment Agencies. These employment agencies are intermediaries on the labour market. They operate as links between those seeking employment and the board of employers. The primary duties to license fall under the armpit of the labour commissioner. The law demands that those practicing as Employment Agencies to conduct themselves properly and fraudulent operations have been criminalized under these sections.³⁹

The miscellaneous part ix under sections 69-79 deals with how to settle disputes once they arises between employees and employers, which covers the determination of the age of an employee if this is in dispute under section 69 of the Act⁴⁰. Here labour officers are given much residual powers to do such as appear to them reasonable to bring the dispute to smooth and labour officers are as well given authority to refer labour disputes to courts of law. Under the statutes, courts of law are given wide powers of adjudication in employment disputes. The discretionary powers of the minister to issue regulations are also provided and these include the duties of employers in view to issuance of certificates of service and testimonials.⁴¹

Real opinion towards Nyawa’s injuries at the place of employment

Nyawa’s action in seeking compensation is a common course of action following an accident where he has been left injured or even if it was his personal property damaged. Usually, this is a very distressing time demanding him to be compensated for whatever that happened to him at the place of work.⁴² There are lots of reasons why you might seek compensation, but no matter what the reasons might be, there is, he ought to be

³² Gardener B.A.(2004) *Black’s Law Dictionary* (8th Edition) west learning

³³C Mitchell and P Mitchell (Eds), *Landmark Cases in the Law of Contract* (Hart 2008)

³⁴Peel, E.; Treitel G.H. (2011) *Treated on the Law of Employment* (13 Ed) Sweet and Maxwell

³⁵C Mitchell and P Mitchell (Eds), *Landmark Cases in the Law of Contract* (Hart 2008)

³⁶Peel, E.; Treitel G.H. (2011) *Treated on the Law of Employment* (13 Ed) Sweet and Maxwell

³⁷ Grant, B, (2002) *Employment: A Guide for Human Resource Management*, (1st Edition) London Thompson p 211

³⁸AWB Simpson: *A History of the Labour Law: the Rise of the Action of Employment* (1987)

³⁹Law Commission, *Employment Contracts: The Effect of Illegality on Contracts and Trusts* (1999) Law Com 154

⁴⁰The Employment Tribunals: *Contracts for the Benefit of Third Parties* (1996)

⁴¹The Employment Tribunals: *Contracts for the Benefit of Third Parties* (1996)

⁴²AWB Simpson: *A History of the Labour Law: the Rise of the Action of Employment* (1987)

helped to recover all the costs legally entitled to him. The most common reasons for seeking compensation and how compensation claim are that:

The initial factor is the personal injury one which could cover injuries sustained at work, out on the street, injuries received whilst commuting, or as a result of a criminal offence. Where he has been injured in any of the instances which he believes was the result of negligence or which wasn't his fault, it may have a case for claiming compensation.⁴³

A compensation claim may too suffice as a result of a road traffic accident that may cover costs of damage to the car or personal belongings in the vehicle at the time of the accident and medical expenses for any injuries claimed as a result of the accident. The other ground is medical negligence treatment to Nyawa might result in anything from superficial wounds to a direct impact on his quality of life for medical malpractice.⁴⁴ In some cases travel claims where someone has been injured on holiday against the tour operator(s). Product liability may still call for compensation on defective products that could have caused Nyawa to suffer a loss or a personal injury can cover anything from foodstuffs, to electrical equipment and but in the case machinery.⁴⁵

Elements of compensation awards and fraud

The compensation remedies Nyawa is seeking may depend on his individual circumstances surrounding his case of employment. The courts shall consider the potential loss of earnings incurred as a result of the accident, whether he has incurred any costs of medical care since the incident as put forward in writing his claim of having been affected by a loss of mobility and whether or not his accident has left him with any chronic illness and thus, to what degree. These elements aggravate the nature of his compensation claim.⁴⁶ It is this kind of compensation that will motivate other employees to give their best to influence performance positively depended on how much it addressed their need for status, security, and their survival, which unfortunately in Nyawa's case was very negligible. This shows how the compensation Act does not intuitively expose fraud in the benefit systems. For example, in Nyawa's case after having reviewed the most relevant compensation law it emerged that in order to avoid fraudulent behavior in a company that engaged him, it is important, mostly, to establish an ethical education between employees and executives, which are none existence.

Initially, Nyawa should lodge his complaint to the management of the company where he is attached to discuss the particulars of his case and find out whether he is entitled to a claim. In case he was an employee, the management has to discuss the costs incurred, which could include court fees, travelling expenses as well as lawyer's fees in case the case reached the courts already and talk about how long it shall take to resolve the claim as well as what kind of documentation he will need to provide, such as insurance policies and certificates.⁴⁷ He may also lodge the complaint with the Workers Compensation Commission⁴⁸ and his respective insurance company in case he is on policy, who might aim to resolve his case as quickly and cost-effectively as possible within 48 hours as per law in Zambia.⁴⁹

However, Nyawa's case is not all out straight and eligible to all the claims is seeking from the management. To start with, he is not employed by the said institution, nor did they hire his services. Further literature has reviewed that Nyawa's services were not requested through the normal channel of an advertisement by a company, but through a network of relations. In agreement with Phiri who argued that employees hired under such circumstance: "they discard their office hierarchies in favour of fluid network models that make it harder for senior staff to infiltrate, disrupt and dismantle"⁵⁰ accounting fraud. This can be deduced from the wording and contraction of his services to the company as he was attached to the company as part of the learning on his request. This puts Nyawa's claim for salaries, allowances and whatever form of monetary benefits to be in

⁴³AWB Simpson: A History of the Labour Law: the Rise of the Action of Employment (1987)

⁴⁴Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

⁴⁵The Employment Tribunals: Contracts for the Benefit of Third Parties (1996)

⁴⁶Law Commission, Employment Contracts: The Effect of Illegality on Contracts and Trusts (1999) Law Com 154

⁴⁷Abbott, k. (2007) Business Law, 8TH Edition) London Cengage Learning press

⁴⁸AWB Simpson: A History of the Labour Law: the Rise of the Action of Employment (1987)

⁴⁹Peel, E.; Treitel G.H. (2011) Treated on the Law of Employment (13 Ed) Sweet and Maxwell

⁵⁰Phiri Chidongo, The Social Act of Exchange in Power Relations: The study of the Phenomenon of *Nichekeleko* at the Weighbridges in Zambia. African Sociological Review / Revue Africaine de Sociologie , Vol. 21, No. 2 (2017), pp. 100-114.

accessible from the management of that company unless voluntarily provided but not as the matter of law.⁵¹ Regardless of not having employed formally by the company, Nyawa is however entitled to compensation as he got injured (i) at the place of work and (ii) in the course of his duties. This makes the company to be under obligation to compensate him despite other considerations.⁵²

CONCLUSION

In conclusion, labour law provides that only those in employment with proof of employer-employee relationship or contract of services say, part-time contract, probationers or permanent employees are eligible to certain rights as claimed by Mr. Nyawa.⁵³ In this instance he can be only entitled to compensation for injuries at the place of work and in the course of his duties in form of compensation benefits such as aggravated damages. It is also clear that the compensation and employment laws has no clear provision for the individuals outside the provisions of the law which contributes to the perpetuation of corruption-fraud to the affected employees.

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