



Labour law reform for effective regulation of the triangular employment relationships within the private security guard service industry in malawi

Kalani Mbeye Malema ⁽¹⁾

⁽¹⁾ Ph.D Student, Department of Commerce and Management Studies, Andhra University, Visakhapatnam, Andhra Pradesh, India.

Abstract

Malawi still registers inadequate protection amongst vulnerable employed guards within the private security guard service industry largely due to inadequately regulated triangular employment relationships. This paper, using document review analysis method, exposed the regulatory gap and proposed labour law reforms that can fill the gap by providing for adequate and effective regulation of triangular employment relationships in Malawi. The paper revealed the regulatory deficiency, in respect of outsourced employment contract arrangements, which is the unclear or inadequate regulation of the commercial contract entered between the private employment agency and the user firm. The paper proposed labour law reform that introduces user-firm as principal employer and security guard Company as immediate employer, both to have liabilities for the guards. Such law reforms have immediate effect of compelling the Private Security Guard Service Companies to comply with labour laws to avoid losing their business markets. Finally, the paper recommended (reaffirmed ILO recommendation) for Malawi government to ratify and domesticate provisions of the Private Employment Agencies Convention (No. 181) of 1997 into the country national laws as a compliment to the proposed labour law reform.

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Labour law, Triangular employment relationship, Outsourced services, Private security guard service industry, Employment/commercial contract

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