



Safe and healthy work conditions

It is the responsibility of the employer of the domestic worker to ensure that the domestic worker performs work in a safe environment

Sick Leave

If a domestic worker is sick, a signed medical certificate by a registered medical officer should be produced stating how long the person can be exempted from work. In the case of prolonged illness, the domestic worker shall be entitled to one month of sick leave with full pay after which the employer of the domestic worker may agree to extend the sick leave, or discharge the worker on medical discharge and pay the domestic worker the entitlement.

Wages

The employer of domestic worker shall maintain a record of all salary payments made to the domestic worker, obtain their acknowledgement in writing for the amount received and be able to produce this record at the request of a proper officer.

The employer of domestic worker shall clearly state at the start of the employment any deductions that will be taken from the domestic worker's salary, and ensure this is stated on the monthly payslips in line with section 45 of the Employment Act.

Funeral grant

In an event of death of a domestic worker, spouse of child, the employer to the domestic worker may provide funeral grant.

Worker's personal belongings/ documents

The employer of domestic worker is recommended not hold onto the original National Registration Card/ identity/ travel documents of the domestic worker, unless photocopies. It is further recommended that the employer of domestic worker respect personal possessions of the domestic worker.

Maternity benefits

If the domestic worker has worked for two years continuous service, she is entitled to one hundred and twenty calendar days unpaid maternity leave plus applicable leave days or payment in lieu of leave

Notice of termination

If the domestic worker has worked for less than 6 months, 24 hours notice must be given by either party. After six months, one month notice should be given, or payment in lieu of notice to either party.

When the employer of a domestic worker no longer requires the domestic worker's services, he/she shall ensure that all issues arising from employment including any outstanding wages and claim for compensation have been settled with the domestic worker before the domestic worker leaves.

If the employment contract is terminated due to illness or accident, not occasioned by their own fault, the employer should pay for the repatriation.

NAPSA to be included and enforced by the mandated institution

All employers should register their employees and contribute to the National Pension Scheme Authority.



ZAMBIA FEDERATION OF EMPLOYERS
(The Central Organisation of Employers in Zambia established by an Act of Parliament)



**CODE OF CONDUCT FOR
EMPLOYERS OF DOMESTIC
WORKERS IN ZAMBIA**

Zambia Federation of Employers
Electra House, 1st Floor, Cairo Road
P.O. Box 31941 Lusaka, ZAMBIA

Tel: 0026 0211 223340 | Fax: 0026 0211 223336
E-mail zfe@zamnet.zm
www.zfe.co.zm

Preamble:

This instrument has been developed by a technical working group composed of representatives from Ministry of Labour and Social Security (MLSS), Ministry of Home Affairs (MoHA), Zambia Congress of Trade Unions (ZCTU), Federation of Free Trade Unions of Zambia (FFTUZ) and Zambia Federation of Employers (ZFE). It provides a set of conventional principles that will guide employers of domestic workers, as a way of creating decent work in the work environment. It is further expected that through ZFE, employers are expected to take a leading role in promoting decent work for domestic workers. These domestic workers could either be employed directly by commercial entities or through individual employers.

Currently in Zambia, a Statutory Instrument has been enacted to provide minimum protection for domestic workers. To complement this effort, a **code of conduct** for employers of domestic workers has been proposed, and agreed upon, by the tripartite partners, to serve as a point of reference for individuals concerned with further upholding the basic right of domestic workers.

This Code of Conduct is designed to provide guidelines relating to employment conditions for domestic workers and the working relationship between employer and employee.



Preliminary - Definition / Interpretation

This set of conventional principles relating to the employers of domestic workers shall provide for matters connected with or incidental to the foregoing, unless the context otherwise requires:

“**Domestic work**” shall mean work performed within an employment relationship in or for a household or households;

“**Employer of Domestic Worker**” shall mean the individual or entity, who has entered in to a contract of service with the person performing domestic work.

“**Contract**” shall mean an agreement between DW and employer of DW (written or oral) stipulating conditions of work and remuneration.

“**Child**” shall mean a person under the age of fifteen years for the purpose of employment.

“**Light work**” shall mean work that is not likely to be harmful to that child’s health or development; and is not prejudicial to that child’s attendance at an institution of learning and/or participation in vocational orientation or training approved by a competent authority or that child’s capacity to benefit from the institution received.



Elements of the Code of conduct for employers on the treatment of domestic workers

The following principles for employers of domestic workers are to be followed:

Minimum age of Domestic worker

Legally, no child under the age of 15 should be employed in domestic work. Young person between the age of 15 and 18 years may be employed in light work if the work does not impede the child’s development.

Hours of work: For young persons, work performed shall not exceed 4 hours a day

For adults, it is recommended that a domestic worker shall not exceed 48 normal hours of work per week. Any extra hours shall be deemed as overtime.

Protection against abuse: An employer of domestic worker is recommended not subject or allow the employee to be subjected to any abuse either physical, psychological, sexual or verbal in the work environment by persons.

Leave days: A domestic worker shall accrue two days paid leave for every month worked. They shall be eligible to take leave after six months of continuous service

Work scope/ list of duties: Prior to starting work, it is recommended that a list of general duties be written down, to ensure that employer of domestic worker and the domestic worker are in agreement.

Employment contract: To avoid misunderstandings, an employer of domestic worker is advised to draw up an employment agreement/ contract with the domestic worker from the start of employment. An employment contract shall specify terms and conditions of work, such as salary, rest days, medical benefits, scope of duties and other terms. The terms should be based on mutual agreement between the employer of domestic worker and the domestic worker.

Safe and healthy work conditions: It is the responsibility of the employer of the domestic worker to ensure that the domestic worker performs work in a safe environment.

Sick Leave: If a domestic worker is sick, a signed medical certificate by a registered medical officer should be produced stating how

In the case of prolonged illness, the domestic worker shall be entitled to one month of sick leave with full pay after which the employer of the domestic worker may agree to extend the sick leave, or discharge the worker on medical discharge and pay the **Wages**

The employer of domestic worker shall maintain a record of all salary payments made to the domestic worker, obtain their acknowledgement in writing for the amount received and be able to produce this record at the request of a proper officer.

The employer of domestic worker shall clearly state at the start of the employment any deductions that will be taken from the domestic worker’s salary, and ensure this is stated on the monthly payslips in line with section 45 of the Employment Act

All other words or phrases shall be defined or interpreted in accordance with the Zambian Labour Laws or any Law replacing them:

- CHAPTER 256: The National Pension Scheme Act
- CHAPTER 441: The Factories Act
- CHAPTER 276: The Minimum Wages and Conditions of Employment Act
- CHAPTER 270: The Employment (Special Provisions) Act
- CHAPTER 269: The Industrial and Labour Relations Act

- CHAPTER 268: The Employment Act
- CHAPTER 274: Employment of young persons and children’s Act

All questions concerning interpretation of the above Acts or any other matter not provided for therein, errors and omissions shall be referred to the Labour Commissioner in the Ministry of Labour and Social Security.