

Decent Work For Domestic Workers

Respect their Rights!





Republic of Zambia

Decent Work For Domestic Workers

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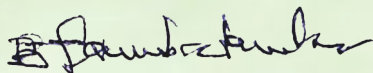
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FOREWORD

According to the 2020, Labour Force Survey report, employed population in the household sector was estimated at 629,091. Domestic workers make a valuable contribution to Zambia's Gross National Product. Despite the significant role Domestic Workers play in the general functioning of the economy and our lives, Domestic Workers continue to remain a marginalized group of workers. Domestic Workers are prone to high employment insecurity, earn low incomes, lack unionism, are vulnerable to abuse and work in isolation. Most importantly, Domestic Workers lack social security, despite legal obligations from employers to register them with relevant social security institutions.

The Ministry of Labour and Social Security (MLSS), National Pension Scheme Authority (NAPSA), Workers Compensation Fund Control Board (WCFCB), Zambia Congress of Trade Unions (ZCTU), The Unions of Domestic Workers, the Association of Employers of Domestic Workers, with support from the International Labour Organization (ILO) and Swedish International Development Cooperation Agency (SIDA), have taken lead in this agenda, and embarked on a robust campaign to sensitize the general public on the rights of Domestic Workers and the obligations of employers of Domestic Workers. This is in line with the Government's desire not to leave any one behind, and the ILO convention 189 and recommendation 201.

Every household that employs Domestic Workers must fully understand the rights of Domestic Workers, be a responsible employer and respect Domestic Worker's rights. This booklet provides information to enable the public make better informed decisions related to the employment conditions of the Domestic Workers they employ.



Hon. Brenda Mwikwa Tambatamba
Ministry of Labour and Social Security (MLSS)

BASIC DEFINITIONS



Domestic work

Convention No. 189 defines Domestic work as “work performed in or for a household or households”. This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, elderly or sick members of a family, gardening, guarding the house, driving for the family, even taking care of household pets.

Domestic Worker

Under the Convention 189, a Domestic Worker is “any person engaged in domestic work within an employment relationship”.



Contract

A Contract is an agreement between a Domestic Worker and an employer of a Domestic Worker (written or oral) stipulating conditions of work and remuneration.

BASIC DEFINITIONS

Employer of a Domestic Worker

The employer of a Domestic Worker may be a member of the household for which the work is performed, or an agency or enterprise that employs Domestic Workers and makes them available to households.

Social Partners

Employers' and workers' organizations, and (where they exist) organizations of Domestic Workers and those of employers of Domestic Workers.

eNAPSA

eNAPSA is an online platform for registration, return filling and payment of NAPSA contributions.

Gross Income

It is the basic pay plus any other allowances paid such as; overtime, lunch allowance, transport allowance etc.

Lump sum

A lump sum is an income paid to a member or his or her spouse, children or administrator.

Pension

A pension is a monthly income which is paid to a qualifying member or his or her spouse and children.

Trade Union

A trade union is an association that organizes Domestic Workers.



CONDITIONS OF SERVICE FOR DOMESTIC WORKERS



What is the minimum wage for Domestic Workers?

According to the Statutory Instrument No 69 of 2018 Minimum wages and Conditions of Employment, a Domestic Worker's minimum wage currently(2021) is K840 and transport allowance K153.60 the total being K993.60.

What are the hours of work for a Domestic Worker?

The normal weekly working hours for a Domestic Worker shall not exceed 48 hours. This translates into 8 hours per day.



Are Domestic Workers entitled to leave days?

Yes, Domestic Workers like any other employee are entitled to two days of rest every month. At the end of the year 24 days

Is a Domestic Worker entitled to paid sick leave?

Yes, on production of a medical certificate from a registered medical doctor or health facility designated by the employer.

Is a Domestic Worker entitled to over time?

Yes, a Domestic Worker who works more than 48 hours per week shall be paid, for each hour of work, at one and half times the Domestic Worker's hourly rate of pay.



CONDITIONS OF SERVICE FOR DOMESTIC WORKERS



Is a Domestic Worker entitled to maternity leave?

Yes, Domestic Workers are entitled to maternity leave and half pay during the maternity leave.

To be eligible for paid maternity leave, a Domestic Worker should have served the employer for a continuous period of not less than 24 months.

Is a Male Domestic Worker entitled to paternity leave?

Yes, a male Domestic Worker is entitled to paternity leave of five (5) continuous working days if that employee-

- a). Has served the employer for a continuous period of not less than 12 months
- b). Is the father of that child in respect of whom paternity leave is sought; and
- c). Has submitted to the employer the birth record of the child in respect of whom the paternity is sought.

Is a Domestic Worker entitled to pension?

Yes, a Domestic Worker has the right to pension with NAPSA.

Is a Domestic Worker entitled to public holidays?

Yes, a domestic worker who works on a paid public holiday or on a Sunday where a Sunday does not form part of the normal working week shall be paid over time.



What happens when a Domestic Worker has been dismissed without notice?

A Domestic Worker who has been dismissed without being given notice is entitled to a payment of one month's salary in lieu of notice.

CONDITIONS OF SERVICE FOR DOMESTIC WORKERS

What is separation package?

Where a Domestic Worker's contract is terminated by any reason other than by resignation or summary dismissal, the domestic worker shall be entitled to separation benefits of not less than one month's basic pay for every two completed years of service and any other dues.



Is Domestic Worker entitled to family responsibility leave?

Yes, an employer shall, where a Domestic Worker has a sick spouse, child or dependent grant that employee leave of absence for a period not exceeding 15 working days in any period of 12 months to provide attention to the sick spouse, child or dependent.

Is a Domestic Worker supposed to have protective clothing?

Yes, a Domestic Worker who does any work likely to be injurious shall be provided with protective clothing.

Can a Domestic Worker report a dispute to the Labour Office?

Yes, a Domestic Worker like any other employee who is aggrieved can report a labour dispute to the Labour Office.



DOMESTIC WORKERS AND SOCIAL SECURITY: FACTS ABOUT NAPSA MEMBERSHIP



What is NAPSA and what does it do?

The National Pension Scheme Authority (NAPSA) is a statutory body that was established in February 2000 through an enactment of the National Pension Scheme Act No. 40 of 1996 to provide for income security when a member leaves Employment on account of age, invalidity or death.

Is membership to NAPSA voluntary?

No, membership is compulsory for all workers including Domestic Workers aged between 18 years and 65 years, and earn K15 and above in a month.

Are Domestic Workers supposed to be registered with NAPSA?

Yes, all Domestic Workers are supposed to be registered with NAPSA as per provisions in the National Pension Scheme Act No. 40 of 1996.

If you are a Domestic Worker, do you need to have a written contract to be an eligible contributing member of NAPSA?

No, the contract may even be oral or written. However, Domestic Workers and their employers are encouraged to have written contracts as a way of formalizing their employer-employee relationship.



FACTS ABOUT NAPSA REGISTRATION



I am a Domestic Worker, how do I register with NAPSA?

As a Domestic Worker, it is the obligation of the employer to register you through eNAPSA online platform or through completion of employer and member registration forms at any nearest NAPSA office.

How does an employer deregister a Domestic Worker who stops work?

By informing NAPSA using the provision provided on the eNAPSA platform. The eNAPSA platform allows an employer to add or remove an employee from their account as per prevailing situation

When is a Domestic Worker supposed to register with NAPSA?

Within one month of starting work.

I am an employer of a Domestic Worker, how do I register with NAPSA?

You register as an employer of a Domestic Worker with NAPSA through eNAPSA online platform or by completing employer and member registration forms obtainable from any nearest NAPSA office. NAPSA will assign you with an employer account number under which the Domestic Worker will be registered.

What can a Domestic Worker do if he/she is not registered with NAPSA?

The Domestic Worker must immediately report the case of non-registration at a nearest NAPSA office, or by calling on +260 211 395677 or our toll free number 677.

FACTS ABOUT NAPSA CONTRIBUTIONS

How much should a Domestic Worker contribute to NAPSA?

10% of the Domestic workers' gross monthly income will be shared equally between the employer and the Domestic Worker. An employer of a Domestic Worker contributes 5% and the Domestic Worker contributes 5%.

How does an employer of a Domestic Worker remit NAPSA contributions?

By signing up on eNAPSA online platform, or physically visiting a nearest NAPSA office.

What happens to a Domestic Worker's unremitted contribution arrears?

Once the case is reported, the employer will be assessed and made to pay all the contribution arrears for the Domestic Worker.

What happens to my contributions when I change employment?

Since the member is expected to use the same Social Security number even when they change jobs, their contributions from the new employer will continue accumulating in one account. However, if the Domestic Worker stops work and does not find another job, the contributions will be held in trust by NAPSA, and will continue to earn interest.

What is the minimum salary for one to contribute to NAPSA?

K15.00 gross monthly income.

How can a Domestic Worker check their NAPSA contributions?

By visiting any NAPSA Office or by dialling short code *677#, via eNAPSA online platform, or by calling call centre number +260 211 395 677 or toll free number 677 on their mobile phones.

FACTS ABOUT NAPSA CONTRIBUTIONS

Do I get reimbursed in case I dismiss a Domestic Worker for whom I had paid contributions in advance?

Yes, the reimbursement can either be outright pay back, or through the transfer of contributions to the newly hired worker on the employer's NAPSA account.

Is it possible to make contributions in advance on behalf of my Domestic Workers?

Yes, contributions in advance are allowed.

What happens to my contributions if I die?

A Survivors benefit and Funeral grant is immediately paid to your spouse and children. If there is no spouse and children, the benefits are paid to the administrator. To qualify for Funeral Grant, there must be 12 months contributions in the last three years from death of member.



FACTS ABOUT NAPSA BENEFITS

What is the benefit to the employer for registering with NAPSA?

Contributing to NAPSA relieves employers from financial burdens in terms of funeral of worker, injury or old age and possible litigations. Further, workers whose contributions are remitted to the scheme tend to be motivated and become more productive at the workplace. It is also a fulfillment of an employer's legal obligations as provided in the NPS Act Number 40 of 1996.

What Benefits does NAPSA offer?

- i) Retirement Pension; monthly income paid to a member who reaches retirement age of 55/60 years and has made at least 180 months' contributions.
- ii) Invalidity Pension paid to member who gets incapacitated and unable to engage in gainful employment due to sickness or injury.
- iii) Survivors pension paid to spouse(s) and children of deceased member when member dies.
- iv) Funeral Grant also paid to the spouse/administrator when member dies and is aimed at according a member, a dignified burial.

How much is the Funeral Grant?

Funeral Grant is standard for every member and it also increases every year.e.g in 2021 the Funeral Grant payable is K11,594.00.

How much is the pension amount that NAPSA pays to Domestic Workers?

Pension is calculated using a formula whose components are average indexed monthly income, accrual rate and number of months of pensionable employment. Domestic Workers tend to benefit more as they are uplifted to the minimum pension amount which NAPSA pays, and it increases every year .e.g in 2021 minimum pension is K1159.40.

What short term benefits does NAPSA pay to Domestic Workers?

NAPSA pays Funeral Grant as a short term benefit when a member dies.

FACTS ABOUT NAPSA BENEFITS

Will I get my benefits if I don't meet the 180 minimum contributions?

Yes, if a member does not reach 180 months contributions which is a requirement for a pension, they will be paid a lump sum payment. Lump sum amount is calculated based on total employer and member contributions, indexation to counter effects of inflation, and interest.

When a Domestic Worker stops work, can they claim their NAPSA Benefits ?

No, unless they have reached the retirement age of 55/60 years or they become invalid before their retirement age.

How do I access/apply for my benefits?

Benefits are accessible by visiting the nearest NAPSA office to log in a claim.

How long does it take to receive a benefit from NAPSA after logging in a claim?

If all records are complete, a benefit is settled within 21 days of logging in claim.



eNAPSA EMPLOYER REGISTRATION STEPS

- A. eNAPSA Employer Registration Steps A.
- B. Click on e-services login.
- C. Under Employer Login, click on Signup and select “Company not registered with NAPSA” option.
- D. Click on “Domestic” for employer type.
- E. Complete the online registration form and submit the application.
- F. When the application is approved by NAPSA, the system will send an SMS with SUPER USER login credentials [Account number, login ID & Password] to mobile number supplied in step e.
- G. After receipt of login credentials, navigate back to eNAPSA portal on <https://enapsa.napsa.co.zm/> and enter details on the employer Login screen fields as received in the SMS.

eNAPSA employee registration steps

- A. Employer logs onto NAPSA website on www.napsa.co.zm.
- B. Click on e-services login.
- C. Under employer Log in, key in the employer account number, login ID and password. Click on sign in.
- D. Once logged in, click on Account Management module, and select "Employees Management."
- E. Then click on “Create a New Employee” and proceed to complete the online member registration form.



eNAPSA CONTRIBUTION REMITTANCE STEPS

- A. Log onto www.napsa.co.zm and click on e-services.
- B. Sign into the employer account and click on the Returns tab.
- C. Upload your return (saved in CSV format) by clicking on choose Fill and then on “Submit File” button to validate it.
- D. Validation Summary will display the number of valid and invalid records. If no invalid records are found, click on NEXT to confirm the uploaded return and then click on “confirm and submit” if satisfied with the Uploaded Summary.
- E. Select the transaction(s) you wish to pay for and click on “Pay for selected item” to proceed.
- F. Specify the payment amount(s) on each transaction that you selected on step e) and click on “Proceed to Pay”.
- G. If your bank is configured on eNAPSA, click on “net banking” or “Pay from other Payment Provider”. Otherwise, click on “Pay from NAPSA office” and print the eNAPSA payment registration form to accompany your payment.



DOMESTIC WORKERS AND OCCUPATIONAL HEALTH AND SAFETY:

FACTS ABOUT MEMBERSHIP WITH WCFCB



What is WCFCB?

Workers Compensation Fund Control Board (WCFCB) is a statutory body constituted under Act No 10 of 1999 of the Laws of Zambia to provide compensation for employment related injuries and diseases.

What should I do if I am injured at work?

Following an accident at work, you should report the accident to your employer as soon as possible. Even if you do not think that you are injured.

Can I see my own doctor for treatment of injuries?

Yes, you can see your own doctor if you have a family doctor but it is better to ask your employer if they require you to see a particular doctor, or if you can choose your own doctor. The full cost of treatment will be covered by Workers Compensation Fund Control Board.



Will workers' compensation cover me for work-related illness?

Yes, Workers Compensation will cover you for work-related illness. Domestic Workers can develop a variety of illnesses that are related to their jobs. For example, Domestic Workers who are exposed to a lot of car exhaust on the job may suffer from carbon monoxide poisoning or breathing problems. It depends on what the particular hazards of the job are, and some people might develop illnesses as a result of them, while others do not.

FACTS ABOUT WCFCB BENEFITS

What kind of benefits can I receive from Workers' Compensation?

The type of benefits you are entitled to depends on the nature and extent of your injury. If your injury is less than 10 percent degree of disablement you will receive temporary disability benefits, which come in the form of a lumpsum payment. If your injury is more than 10 percent degree of disablement you will receive permanent disability benefits which come in the form of monthly pension payment.

If your injury results in death, your spouse and children will receive monthly pension payments which comes in the form of widows or widowers pension and child allowances for children aged below 18 years.

If you do not leave behind a spouse and children, your surviving guardian will receive guardian allowance.



Can I still receive Workers' Compensation benefits if the accident was my fault?

Part of the purpose of the Workers Compensation system is to provide benefits to injured Domestic Workers without the need to prove who was at fault for the accident.

However, there are some instances when a Domestic Worker will not receive benefits especially if the accident is due to willful misconduct or negligence.

For instance, a Domestic Worker will not receive benefits for self-inflicted injuries, those that result from fighting or horseplay, or for injuries that occur when the employee is under the influence of alcohol or illegal drugs.

FACTS ABOUT WCFCB BENEFITS

Will Workers' Compensation Cover my medical bills?

Workers Compensation covers the cost of your medical treatment for as long as necessary.

Will Workers' Compensation provide rehabilitation services for my injury?

Yes, Workers' Compensation will provide vocational rehabilitation if needed to help you get back to your job or to train you for a new job.



Will I be able to go back to my old job?

If you are able to perform the same type of work after you recover from your injuries, your employer must give you the next position that becomes available. If you're able to work in some other type of job that your employer has available, they should place you in that position.

FACTS ABOUT REGISTRATION WITH WCFCB



Am I required to register with Workers' Compensation?

Your employer is required to register you with the Workers' Compensation for cover against employment injury or disease.

How can I know if I am registered with Workers' Compensation

You should contact the nearest Workers' Compensation office or call toll free line 708 to confirm your registration status.

Am I required to pay to Workers' Compensation and how much is it?

No, your employer will pay K10 to Workers' Compensation every month to cover you against employment related injuries or diseases.

FACTS ABOUT ZAMBIA CONGRESS OF TRADE UNIONS (ZCTU)



What is the role of Zambia Congress of Trade Unions (ZCTU)?

ZCTU works with different unions to organize and unite all workers into a strong, united dynamic and self-sustaining labour movement as a basis for achieving positive economic, political and social justice for all and good governance in the interest of the nation.

As a Domestic Worker, can I join a trade Union?

Yes, all Domestic Workers have the right to freedom of association, hence have the right to form or join a union of their choice that organises Domestic Workers.

How many Unions of Domestic Workers are affiliated to ZCTU?

We have two Unions of Domestic Workers Registered with ZCTU.

- United House and Domestic Workers Union of Zambia (UHDWUZ)
- Domestic Workers Union of Zambia (DWUZ).

Do we have Associations of Employers of Domestic Workers in Zambia?

Yes, we do have an Association of Employers of Domestic Workers in Zambia (AEDWZ)



ADDITIONAL CONTACTS

Ministry of Labour and Social Security (MLSS)

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The National Pension Scheme Authority (NAPSA)

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NAPSA toll free line on 677 or +260 211 395677.

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Workers' Compensation Fund Control Board (WCFCB)

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Workers Compensation Contact Toll Free line on 708. Email: compensation@workers.com.zm