



International
Labour
Office
Geneva

Zambia enacts new domestic work legislation

The Government of Zambia has recently enacted the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011, which has been published as *Statutory Instrument No. 3 of 2011* (7 January 2011).

This is the first time that Zambia has legislation specifically addressing working conditions of domestic workers. The Order fixes a minimum wage and also addresses working time, sick leave and maternity leave, and severance pay. It sets 15 years as the minimum age for admission to domestic work.

The text has been enacted by the Government under the Minimum Wages and Conditions of Employment Act. This factsheet summarizes the main provisions of the new regulatory instrument.

Wages

The legal minimum wage for a domestic worker is set at 250,000 Kwacha (52 USD) per month. Wages are to be paid at regular intervals. For workers with a monthly wage, wages fall due at the last day of each month. For workers performing a task or piece work, wages should be paid upon the completion. Wages shall not be paid later than five days after the date on which they fall due.

Hours of work and overtime

The normal weekly working hours should not exceed 48 hours. Work that is performed in excess of 48 hours a week is to be paid overtime at one-and-a-half times the worker's hourly rate of pay. Work performed on paid public holidays or on a Sunday (where Sunday is not part of the normal working week) should be paid at double the worker's hourly rate of pay. Time off may be substituted for overtime pay.

Annual leave

Employers must grant up to two days off per month with full pay. However, the domestic worker is entitled to leave only if he/she has completed six month's continuous service with that employer (except on termination of service). Paid public holidays and Sundays are not to be included when computing the period of leave. The employer has the right to give reasonable consideration to the interests of the household in agreeing to the dates of the days off.

Paid sick leave

A domestic worker that has an accident or becomes ill, not due to the fault of the worker, is entitled to paid sick leave at full pay for up to one month after providing the employer with a medical certificate from a registered medical doctor or health facility designated by the employer. If the worker does not recover after one month, the employer may discharge him/her. Female domestic workers shall be granted leave of absence without loss of pay to take care of their sick child who has been hospitalized and requires special attention. The employer can require the worker to provide a medical certificate as evidence. Days taken for this reason shall not be deducted from the worker's accrued leave days.

Maternity leave

Female domestic workers are entitled to 120 calendar days of maternity leave without pay, upon provision of a medical certificate.

However, two years of continuous service since the first engagement or since the last maternity leave are required. The maternity leave is in addition to any other leave the worker is entitled to. If the worker becomes ill due to pregnancy and cannot perform her duties temporarily, she shall be entitled to paid sick leave. An employer shall not impose any penalty or disadvantage upon a domestic worker for reasons connected with the worker's pregnancy.

Separation package

With the exception of resignation or summary dismissal, the domestic worker is entitled to separation benefits of at least one month's basic pay for every two complete years of service and any other dues.

Transportation allowance

A worker whose duty is beyond a three kilometre radius from the place of work shall be paid a monthly transport allowance of 102,400 Kwacha (21,5 USD) for transport expenses, unless the employer provides transportation.

Protective clothing

A domestic worker who does any work likely to cause injuries shall be provided with protective clothing.

Prohibition of child labour

A person shall not employ a child of less than 15 years as a domestic worker.

Please click [here](#) for the full version of the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011.

Conditions of Work and Employment Programme (TRAVAIL)

Social Protection Sector
International Labour Office
Route des Morillons 4
CH-1211 Geneva 22, Switzerland

Tel. +41 22 799 67 54
Fax. +41 22 799 84 51
travail@ilo.org
www.ilo.org/travail