

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 49 OF 2023

The Employment Code Act, 2019

(Act No. 3 of 2019)

The Employment Code (Domestic Workers Minimum Wages and Conditions of Employment) Order, 2023

IN EXERCISE of the powers contained in section 106 of the Employment Code Act, 2019, the following Order is made:

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| <p>1. (1) This Order may be cited as the Employment Code (Domestic Workers Minimum Wages and Conditions of Employment) Order, 2023.</p> | <p>Title and Commencement</p> |
| <p>(2) This Order shall come into operation on 1st January, 2024.</p> | |
| <p>2. (1) This Order shall apply to a domestic worker.</p> | <p>Application</p> |
| <p>(2) This Order shall not apply to an employee —</p> <p>(a) in an occupation where wages and conditions of employment are regulated through the process of collective bargaining in accordance with the Industrial and Labour Relations Act;</p> <p>(b) in a sector where the Minister has prescribed the minimum wage; and</p> <p>(c) who performs domestic work on a piece work basis.</p> | <p>Cap. 269</p> |
| <p>(3) The provisions of this Order shall not be used as the basis for any negotiations in a contract of employment for an employee that is exempt under subparagraph (2).</p> | |
| <p>3. In this Order, unless the context otherwise requires—</p> <p>“child” has the meaning assigned to the word in the Constitution;</p> <p>“dependant” means a person who is eighteen years old or below, and resides in the home of a domestic worker but does not include the domestic worker’s child;</p> | <p>Interpretation</p> <p>Cap. 1</p> |

“domestic work” means work performed in or for a household;

“domestic worker” means a person engaged in domestic work within an employment relationship; and

“employer” means a person who has entered into a contract of employment with a domestic worker.

Wages

4. (1) The minimum wage for a domestic worker, excluding an amount paid in lieu of rations, shall not be less than five Kwacha and twenty nine ngwee (K5.29) per hour or one thousand, one hundred Kwacha (K1,100.00) per month.

(2) A domestic worker shall, where the domestic worker was in receipt of a wage in excess of the minimum wage prior to the commencement of this Order, retain the wage on the commencement of this Order.

(3) A domestic worker shall be paid wages at regular intervals as follows—

(a) in the case of a monthly paid domestic worker, on the last day of each month; and

(b) in the case of a domestic worker who is employed to perform a task, on completion of the task.

Separation package

5. (1) A domestic worker shall, where a domestic worker’s contract of employment is terminated, 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.

(2) Despite subparagraph (1), a domestic worker shall not be entitled to both separation benefits and gratuity.

Transport allowance

6. A domestic worker who resides beyond a three kilometre radius from the place of work shall be paid a monthly allowance of two hundred Kwacha (K200.00) for transport expenses unless the employer provides transport for that domestic worker.

Personal protective equipment

7. A domestic worker who does any work likely to be injurious to the domestic worker shall be provided with personal protective equipment.

Revocation of Statutory Instrument No. 3 of 2011

8. The Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011, is revoked.

LUSAKA

20th November, 2023

[MLSS.64/9/9]

B. M. TAMBATAMBA,
*Minister of Labour and
Social Security*