

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 69 OF 2018

**The Minimum Wages and Conditions of
Employment Act**
(Laws, Volume 15, Cap. 276)

**The Minimum Wages and Conditions of Employment
(Domestic Workers) (Amendment)
Order, 2018**

IN EXERCISE of the powers contained in section 3 of the Minimum Wages and Conditions of Employment Act, the following Order is made:

- | | |
|--|---------------------------------|
| 1. This Order may be cited as the Minimum Wages and Conditions of Employment (Domestic Workers) (Amendment) Order, 2018, and shall be read as one with the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011, in this Order referred to as the principal Order. | Title

S.I. No. 3 of 2011 |
| 2. Paragraph 2 of the principal Order is amended by the insertion, after subparagraph (b), of the following new subparagraph:
<i>(c)</i> who perform domestic work only occasionally or sporadically and not on an occupational basis. | Amendment
of paragraph
2 |
| 3. Paragraph 3 of the principal Order is amended by the—
<i>(a)</i> deletion of the definition of “domestic worker” and the substitution therefor of the following:
“domestic worker” means a person engaged in domestic work within an employment relationship;; and
<i>(b)</i> insertion of the following new definition in the appropriate place:
“domestic work” means work performed in or for a household or households. | Amendment
of paragraph
3 |
| 4. Paragraph 5(1) of the principal Order is amended by the deletion of the words “four hundred and twenty” and the substitution therefor of the words “eight hundred and forty kwacha per month or four kwacha and four ngwee per hour.” | Amendment
of paragraph
5 |

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101, Lusaka, Price K8.00 each*

Amendment
of paragraph
9

5. Paragraph 9 of the principal Order is amended by the—
(a) deletion of subparagraph (3) and the substitution therefor of the following:

(3) Subject to subparagraph (4), an employer shall, where an employee has a sick spouse, child or dependent, grant that employee leave of absence for a period not exceeding fifteen working days in any period of twelve months to provide attention to the sick spouse, child or dependent.

(4) Despite subparagraph (3), an employer may, before granting leave of absence under that subparagraph, require the domestic worker to produce a certificate from a registered medical doctor or health facility at which the sick spouse, child or dependent is hospitalised recommending that leave be granted.; and

(5) Days taken as leave under subparagraph (3) shall—

(a) not be deducted from an employee's accrued leave days; and

(b) be computed separately for each year and shall not be cumulative.

(b) insertion of the following new subparagraph after subparagraph (5):

(6) For purposes of this paragraph—

“child” has the meaning assigned to the word in the Constitution; and

“dependent” means a person who is eighteen years old or below and resides in the home of a domestic worker but is not that domestic worker's child.

Amendment
of paragraph
10

6. Paragraph 10 of the principal Order is amended by the deletion of subparagraph (5) and the substitution therefor of the following:

(5) A domestic worker shall receive half pay during maternity leave.

(6) Despite subparagraph (5), an employer may hire a domestic worker for the duration of that employer's domestic worker's maternity leave at half pay for reduced hours not exceeding four hours per day.

7. The principal Order is amended by the insertion of the following new paragraph after paragraph 10:

Insertion of
new
paragraph
10A

10A. (1) Subject to subparagraph (2), a male employee is entitled to paternity leave of five continuous working days if that employee—

Paternity
leave

- (a) has served the employer for a continuous period of not less than twelve months immediately preceding the date of commencement of paternity leave;
- (b) is the father of the 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 paternity leave is sought.

(2) Despite subparagraph (1), an employer and a male domestic worker may, in relation to paternity leave, enter into an agreement that is more favourable to the male domestic worker.

8. Paragraph 12 of the principal Order is amended by the deletion of the words “one hundred and two kwacha and forty ngwee” and the substitution therefor of the words “one hundred and fifty-three kwacha and sixty ngwee”.

Amendment
of paragraph
12

LUSAKA

7th September, 2018

[DL.64/9/9]

J. N. SIMUKOKO,
*Minister of Labour and
Social Security*