



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$12.60

WINDHOEK - 29 September 2017

No. 6428

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## Government Notices

### MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

No. 257 2017

#### REGULATIONS RELATING TO DOMESTIC WORKERS: LABOUR ACT, 2007

Under section 135 of the Labour Act, 2007 (Act No. 11 of 2007), I have -

- (a) after consulting the Labour Advisory Council, made the regulations set out in the Schedule;  
and
- (b) repealed Government Notice No. 257 of 24 December 2014.

**E. NGHIMTINA**  
**MINISTER OF LABOUR, INDUSTRIAL**  
**RELATIONS AND EMPLOYMENT CREATION**

Windhoek, 15 September 2017

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## SCHEDULE

### **Definitions**

1. In these Regulations, a word or an expression to which a meaning has been given in the Act has that meaning and, unless the context otherwise indicates -

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

“domestic worker” means a person engaged in domestic work in an employment relationship, including a child-minder, cook, driver, gardener or housekeeper; and

“the Act” means the Labour Act, 2007 (Act No. 11 of 2007).

### **Prohibition of child domestic work**

2. (1) Domestic work constitutes work-related activities contemplated in section 3(3)(d)(vi) of the Act.

(2) A person must not employ a child under the age of 18 years as a domestic worker.

### **Deductions of in-kind contributions**

3. For the purposes of section 8(3) of the Act, an employer of a domestic worker must not deduct from the minimum basic wage, determined pursuant to a wage order in terms of section 13 of the Act, the value of in-kind payments or contributions, such as food, clothing or housing.

### **Records and returns**

4. For the purposes of section 130 of the Act, an employer of a domestic worker must, not later than 30 November every year, submit to the Permanent Secretary of the Ministry or to the Labour Office, a form set out in the Annexure containing the particulars and information required in the form.



**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION**

No. 258

2017

**WAGE ORDER FOR SETTING MINIMUM WAGE AND SUPPLEMENTAL MINIMUM  
CONDITIONS OF EMPLOYMENT FOR DOMESTIC WORKERS:  
LABOUR ACT, 2007**

Under section 13 of the Labour Act, 2007 (Act No. 11 of 2007), I have -

- (a) after considering the report of the Wages Commission, made the wage order set out in the Schedule; and
- (b) repealed Government Notice No. 258 of 24 December 2014.

**E. NGHIMTINA****MINISTER OF LABOUR, INDUSTRIAL  
RELATIONS AND EMPLOYMENT CREATION**

Windhoek, 15 September 2017

**SCHEDULE**

1. Definitions
2. Application of Order
3. Effect of Order
4. Minimum wage
5. Duty to pay full monetary remuneration
6. Transport allowance
7. Accompanying employer on vacation
8. Provision of food
9. Accommodation for live-in domestic workers
10. Health and safety requirements
11. Freedom of association and trade union access
12. Written contract of employment
13. Code of conduct
14. Review period
15. Tax deductions

**ANNEXURE****Definitions**

1. In this Order, a word or an expression to which a meaning has been given in the Act has that meaning and, unless the context otherwise indicates -

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

“domestic worker” means a person engaged in domestic work in an employment relationship, including a child-minder, cook, driver, gardener or housekeeper;

“the Act” means the Labour Act, 2007 (Act No. 11 of 2007);

“the Regulations” means the Regulations Relating to Domestic Workers published in Government Notice No. 257 of 29 September 2017; and

“this Order” means the Wage Order for Setting Minimum Wage and Supplemental Minimum Conditions of Employment for Domestic Workers.

**Application of Order**

2. This Order -
  - (a) applies to all domestic workers, including domestic workers placed with households by a private employment agency contemplated in section 1 of the Employment Services Act, 2011 (Act No. 8 of 2011);
  - (b) does not apply to domestic workers covered by any collective agreement in the agricultural sector.

**Effect of Order**

3. (1) This Order supplements Chapter 3 on Basic Conditions of Employment and Chapter 4 on Health, Safety and Welfare of Employees, in the Act, which are applicable to all employees including domestic workers.

(2) The terms and conditions of employment of the domestic worker must not be less favorable than those set out in this Order and in Chapter 3 of the Act.

(3) Every provision of this Order constitutes a term of any contract of employment of domestic workers, except to the extent that the parties agree to more favourable terms.

**Minimum wage**

4. (1) With effect from 1 October 2017 the minimum wage for domestic workers, to whom this Order applies, is -

- (a) N\$1 502.05 per month;
- (b) N\$346.89 per week;
- (c) N\$69.37 per day;
- (d) N\$8.67 per hour; and
- (e) N\$43.35 per day for part-time domestic workers who work five hours or less in any day other than a Sunday or public holiday.

(2) The minimum overtime pay and minimum pay to be paid to domestic workers for work on Sundays and public holidays are as follows:

- (a) N\$13.00 per hour for overtime as contemplated in section 17(2) of the Act;
- (b) N\$17.34 per hour for work on Sundays as contemplated in section 21(5) of the Act;
- (c) N\$17.34 per hour for work on public holidays as contemplated in section 22(7) of the Act; or
- (d) N\$86.70 per day for part-time domestic workers who work five hours or less.

(3) With effect from 1 October 2018, the minimum wage referred to in subparagraph (1) must be increased by one percent plus a percentage equal to the average of the increases in the inflation rates, for the categories "Food and Non-Alcoholic Beverages" and "Housing, Water, Electricity, Gas and other fuels", published by the Namibia Statistics Agency under the Statistics Act, 2011 (Act No. 9 of 2011) for the preceding 12 months from the effective date.

**Duty to pay full monetary remuneration**

5. An employer of a domestic worker -
- (a) must pay the domestic worker the full amount of the minimum wage contemplated in paragraph 4, or a higher wage agreed upon minus lawful deductions as contemplated in section 12 of the Act; and
  - (b) may not, pursuant to regulation 3 of the Regulations, deduct from the monetary remuneration contemplated in item (a) the value of in-kind payments or contributions, such as food, clothing or housing.

**Transport allowance**

6. Where public transport is available, a live-out domestic worker is entitled, in addition to the wage contemplated in paragraph 5, to receive a transport allowance for travel to and from work in an amount that is equivalent to the cost of a round-trip public transport for each day of work, unless the employer provides transport.

**Accompanying employer on vacation**

7. If a domestic worker accompanies his or her employer on vacation for the purposes of rendering services to the household, the time spent rendering those services must be treated as working time and all provisions of the Act and of this Order apply.

**Provision of food**

8. An employer must, without charge, provide suitable food in reasonable quantity to meet the dietary needs of an employee who is a -
- (a) live-in worker; or
  - (b) live-out worker who is entitled to a meal interval contemplated in section 18 of the Act.

**Accommodation for live-in domestic workers**

9. (1) When a domestic worker is required to live at the place of his or her employment, the employer is obliged to provide living quarters without charge to the domestic worker with the following minimum conditions:

- (a) a lockable room, with -
  - (i) a room key;
  - (ii) good ventilation;
  - (iii) electricity, if available to the household;
  - (iv) a bed and mattress;
  - (v) heat, if such is the prevailing condition in the household; and
- (b) access to clean drinking water, toilet and bathing facilities.

(2) The employee is entitled to receive visitors upon reasonable notice and at reasonable intervals or hours, in consultation with the employer.

(3) In the event that the employer intends to hire a relief domestic worker during the absence of a domestic worker for a period in excess of one month, on annual leave or for any other reason -

- (a) the domestic worker must vacate the living quarters contemplated in subparagraph (1); and
- (b) the employer must, on request by the domestic worker, provide storage space for the belongings of the domestic worker.

### **Health and safety requirements**

- 10.** (1) An employer who hires a domestic worker must, without charge -
- (a) provide to that worker -
    - (i) a uniform; and
    - (ii) appropriate and effective personal protective equipment;
  - (b) replace the uniform and protective equipment contemplated in item (a) at reasonable intervals; and
  - (c) provide to that worker a health and safety induction and that induction must include at a minimum -
    - (i) possible hazards relating to the duties of that worker, including potentially dangerous equipment and toxic substances;
    - (ii) proper use and maintenance of personal protective equipment; and
    - (iii) safe work techniques relating to domestic work.

(2) An employer who hires a domestic worker must comply with all regulations relating to domestic worker made under section 135 of the Act.

### **Freedom of association and trade union access**

**11.** (1) A domestic worker has a right to be member of a trade union.

(2) An employer of a domestic worker or a person acting in the capacity of that employer may not unreasonably deny access to the premises of the employer for trade-union related activities as contemplated in section 65 of the Act.

### **Written contract of employment**

- 12.** (1) An employer must, upon hiring a domestic worker -
- (a) enter into a written contract, with the domestic worker, on Form DW1 set out in the Annexure which sets out the terms and conditions of employment; and
  - (c) provide to the domestic worker a copy of the contract contemplated in item (a).

(2) Before signing the contract contemplated in subparagraph (1), the employer must explain or cause to be explained to the domestic worker, the provisions of the contract in a language that the domestic worker understands.

(3) An employer of a domestic worker must retain copies of the signed contract of employment, contemplated in subparagraph (1) for a period of the most recent five years of employment of the domestic worker by the employer.

#### **Code of conduct**

13. Any code of conduct for domestic work issued under section 137(1)(a) of the Act must be taken into account in interpreting and analysing the provisions of this Order.

#### **Review period**

14. The Wages Commission must review this Order every two years.

#### **Tax deductions**

15. For purposes of deducting tax from the taxable income of a domestic worker pursuant to the Income Tax Act, 1981 (Act No. 24 of 1981), an employer of the domestic worker must register the domestic worker as taxpayer.



**ANNEXURE**

FORM DW1

## PART 1

**REPUBLIC OF NAMIBIA**  
LABOUR ACT, 2007 (Act No. 11 of 2007)

## STANDARD CONTRACT OF EMPLOYMENT FOR DOMESTIC WORKER

## INSTRUCTIONS

1. The contract must set out the terms and conditions of employment of the domestic worker, as agreed by the employer and the domestic worker.
2. “Domestic worker” means an employee performing work in or for a household, including a child-minder, cook, driver, gardener, housekeeper and a worker placed by a private employment agency to perform services in or for a household.
3. The contract is subject to the Wage Order for Domestic Workers (Government Notice No. 258 of 29 September 2017) and the Labour Act, 2007 (Act No. 11 of 2007), which set out the applicable *minimum* terms and conditions of employment, the Social Security Act, 1994 (Act No. 34 of 1994), the Immigration Control Act, 1993 (Act No. 7 of 1993) and the Employees Compensation Act, 1941 (Act No. 30 of 1941).
4. The parties to the contract are encouraged to negotiate terms more favourable than the minimum terms and conditions of employment, but they may not agree to terms and conditions that are less favourable.
5. Prior to signing the contract, the employer must explain, or cause to be explained, the provisions of the contract in a language that the domestic worker understands.
6. The employer must retain copies of this contract for a period of the most recent 5 years of the domestic worker as contemplated in section 130 of the Act.
7. A guidance note containing the statutory minimum terms and conditions of employment and other relevant information is attached hereto as Appendix 2. A star (\*) in the contract refers to the guidance note.

**CONTRACT OF EMPLOYMENT FOR DOMESTIC WORKER**

The undersigned employer and employee, desiring to enter into an employment relationship of mutual respect, cooperation, trust and fairness, agree as follows.

**1. PARTIES TO THE CONTRACT**

Name of employer: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Cellphone: \_\_\_\_\_  
 Identity Number: \_\_\_\_\_  
 Social Security Employer Number \_\_\_\_\_

*and*

Name of employee \_\_\_\_\_  
 Address \_\_\_\_\_  
 Identity Number: \_\_\_\_\_  
 If non-Namibian:  Domicile  Permanent Residence Permit No \_\_\_\_\_  
 or  Work Permit No. \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Cellphone: \_\_\_\_\_  
 Social Security Employer Number \_\_\_\_\_

## 2. PLACE (S) OF WORK

- (a) Address: \_\_\_\_\_  
 \_\_\_\_\_  
 (b) (Tick one) Live-in  Live-out

## 3. JOB DESCRIPTION

- (a) Job title \_\_\_\_\_  
 (b) (Tick one) Full-time  Part-time   
 (c) The duties of the domestic worker are listed on the attached Appendix 1.

## 4. ORDINARY WORKING DAYS AND HOURS AND MEAL INTERVALS \* (Tick the applicable day and insert appropriate hours. For example 08:00 am).

The employee's ordinary working days and hours and meal intervals are:

Day	Starting time	Meal Intervals	Ending time
Monday	____:____ m	____:____ m to ____:____ m	____:____ m
Tuesday	____:____ m	____:____ m to ____:____ m	____:____ m
Wednesday	____:____ m	____:____ m to ____:____ m	____:____ m
Thursday	____:____ m	____:____ m to ____:____ m	____:____ m
Friday	____:____ m	____:____ m to ____:____ m	____:____ m
Saturday	____:____ m	____:____ m to ____:____ m	____:____ m
Sunday	____:____ m	____:____ m to ____:____ m	____:____ m

## 5. MONETARY REMUNERATION AND BASIC WAGES\*

- (a) "Monetary remuneration" consists of all monetary payments that the employer is obliged to pay to, and on behalf of the employee, including the basic wage, transport allowance and any other allowances or monetary benefits that the parties agree to.  
 (b) Basic wage: N\$\_\_\_\_\_ per month/ per week/per day/per hour (circle the applicable interval).  
 (c) Pay period (tick appropriate box): daily  weekly  bi-weekly  monthly   
 (d) Time of payment of full monetary remuneration: Not later than one hour after the end of the agreed pay period.  
 (e) Method of payment (tick appropriate box): cash  cheque  bank transfer

Banking details (in case of bank transfer only)

Banking institution: \_\_\_\_\_ Account holder: \_\_\_\_\_

Account number: \_\_\_\_\_ Branch: \_\_\_\_\_ Savings  Cheque

**6. OVERTIME \***

- (a) "Overtime" means all hours worked from time to time in addition to the ordinary working days and hours set out in paragraph 4 above.
- (b) The employer may not assign overtime work unless the employee agrees.
- (c) Rate of normal overtime pay: 1.5 times the hourly basic wage for each hour of overtime worked.
- (d) Rate of overtime pay on a Sunday or public holiday: two times the hourly basic wage for each hour worked on a Sunday or public holiday that is not part of the employees' normal schedule.

**7. ORDINARY WORK ON SUNDAY OR PUBLIC HOLIDAY\***

If the employee is scheduled to work on a Sunday or a public holiday as an ordinary day of work, she or he must be paid full remuneration for the day plus the hourly basic wage for each hour worked.

**8. TRANSPORT ALLOWANCE \* (for live-out employees)**

- (a) The employees is entitled to a daily transport allowance of N\$ \_\_\_\_\_ for each day worked unless the employer provides transport.
- (b) If the public transport rate is increased, the transport allowance will be adjusted accordingly.

**9. SOCIAL SECURITY\***

- (a) The employer must register the employee with the Maternity, Sick and Death Benefit Fund or any other mandatory fund established under the Social Security Act, 1994 (Act No. 34 of 1994) and the Employee Compensation Fund established under the Employee Compensation Act, 1941 (Act No. 30 of 1941).
- (b) The employer and, where applicable, the employee, must make payments to the Social Security Commission in respect of the above mentioned funds, as required by law.

**10. SICK LEAVE\***

Sick leave entitlement: a total of \_\_\_\_ days for sick leave with full pay during every three year work cycle.

**11. COMPASSIONATE LEAVE \***

Compassionate leave entitlement: a total of \_\_\_\_\_ days for compassionate leave with full pay in each year if there is death or serious illness of a member of the employee's family.

**12. MATERNITY LEAVE \***

- (a) Eligibility: commences after six months' continuous employment.
- (b) Duration: a total of \_\_\_\_\_ weeks, commencing \_\_\_\_\_ weeks before the expected date of delivery and ending \_\_\_\_\_ weeks after the date of delivery.
- (c) The employee must produce a doctor's note \_\_\_\_\_ months before going on maternity leave that indicates the expected date of delivery.
- (d) Payment of monetary remuneration during maternity leave:
  - (i) Basic wage: the employee must claim from the Social Security Commission;
  - (ii) All other monetary remuneration except transport allowance: the employer must continue payment.
- (e) The employee has the right to return to her employment at the end of the maternity leave, without reduction of salary or benefits.
- (f) The employer must grant extended maternity leave to the employee in case of complications arising from birth or congenital conditions for \_\_\_\_\_ weeks. The employee must provide a Doctor's certificate to the employer for the extended maternity leave.

**13. VACATION LEAVE \***

- (a) Vacation leave entitlement: a total of \_\_\_ working days per year with full monetary remuneration except for transport allowance, which includes \_\_\_ consecutive working days.
- (b) Occasional vacation leave: the parties may agree to vacation leave from time to time, which must be deducted from the total leave entitlement.
- (c) When consecutive leave may be taken: the employer must decide when leave must be taken.
- (d) If a domestic worker accompanies his or her employer on vacation for the purposes of rendering services to the household, this time shall be treated as working time.

**14. PROVISION OF FOOD \***

An employer must, without charge, provide suitable food in reasonable quantity to meet the dietary needs of the employee if the employee is a live-in worker or if the employee is a live-out worker who is entitled to a meal interval contemplated in section 18 of the Act.

**15. ACCOMMODATION \* (for live-in employee)**

The employer must provide accommodation with the following minimum conditions, without charge:

- (a) a lockable room, with -
  - (i) room key;

- (ii) adequate ventilation;
  - (iii) electricity, if available to the household;
  - (iv) a bed and mattress; and
  - (v) heat if such is the prevailing condition in the household; and
- (b) access to clean drinking water, toilet and bathing facilities.
- (2) The employee is entitled to receive visitors upon reasonable notice and at reasonable intervals or hours, in consultation with the employer.
- 16. OTHER ALLOWANCES AND BENEFITS \* (*Any additional monetary benefits should be specified, with relevant details*)**
- (a) Medical aid \_\_\_\_\_
  - (b) Pension \_\_\_\_\_
  - (c) Housing allowance \_\_\_\_\_
  - (d) Paid study leave \_\_\_\_\_
  - (e) Other \_\_\_\_\_
- 17. HEALTH AND SAFETY OBLIGATIONS \***
- (a) The employer must provide upon hire:
- (i) a uniform and appropriate and effective personal protective equipment, and must replace them at reasonable intervals; and
  - (ii) appropriate health and safety induction training.
- (b) The employee must -
- (i) take reasonable care to ensure his or her own health and safety and the health and safety of any other person under his or her care; and
  - (ii) cooperate with the employer to maintain safe working environment.
- 18. FREEDOM OF ASSOCIATION\***
- The employee has a right to belong to a trade union of his or her choice.
- 19. CODE OF CONDUCT**
- The parties must abide by any code of conduct for domestic work established pursuant to the Labour Act, 2007.
- 20. CHANGES TO THE CONTRACT**
- Any change to this contract must be agreed to by both parties in writing.

**21. UNDERSTANDING THE CONTENTS OF THE CONTRACT**

By signing this contract, each party affirms that she or he understands its contents.

**22. COMMENCEMENT DATE OF CONTRACT**

This contract shall commence on: \_\_\_\_\_

(In case of relief domestic worker, period of employment from.../.../..... to .../.../.....)

Dated: the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Place: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
EMPLOYER

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

## PART 2

## DOMESTIC WORKER'S JOB DESCRIPTION

*Indicate functions required by a ✓ in the appropriate block*

Child minding / baby sitting	<input type="checkbox"/>	Laundry – machine wash	<input type="checkbox"/>
Minding old/sick employer or relative	<input type="checkbox"/>	Laundry – hand wash	<input type="checkbox"/>
General tidying of house	<input type="checkbox"/>	Hanging out of laundry	<input type="checkbox"/>
Making of beds	<input type="checkbox"/>	Washing of curtains	<input type="checkbox"/>
Vacuuming of carpets	<input type="checkbox"/>	Ironing	<input type="checkbox"/>
Vacuuming of upholstery	<input type="checkbox"/>	Small mending job, e.g. replacing buttons, hems, etc	<input type="checkbox"/>
Dusting	<input type="checkbox"/>	Defrosting and cleaning fridge & freezer	<input type="checkbox"/>
Wiping down of all appliances e.g. T.V etc	<input type="checkbox"/>	Cleaning of windows and glass doors inside and out	<input type="checkbox"/>
Cleaning of walls, light switches, doors etc	<input type="checkbox"/>	Cleaning of all used equipment e.g. vacuum cleaner	<input type="checkbox"/>
Cleaning of ornaments	<input type="checkbox"/>	Packing away of groceries	<input type="checkbox"/>
Cleaning of toilets, basins, baths, showers, taps etc.	<input type="checkbox"/>	Removal of refuse for collection	<input type="checkbox"/>
Mopping of tiled/vinyl floors	<input type="checkbox"/>	Sweeping of outside patios, steps, etc	<input type="checkbox"/>
Cleaning of inside of cupboards	<input type="checkbox"/>	Wiping down of outside lights	<input type="checkbox"/>
Cleaning of stove and oven	<input type="checkbox"/>	Cleaning of outside room's and cloakroom	<input type="checkbox"/>
Preparation/cooking of breakfast	<input type="checkbox"/>	General driving duties and errands	<input type="checkbox"/>
Preparation/cooking of lunch	<input type="checkbox"/>	Wash cars	<input type="checkbox"/>
Preparation/cooking of supper	<input type="checkbox"/>	Maintain garden in clean and tidy condition	<input type="checkbox"/>
Setting of table	<input type="checkbox"/>	Caring for pool	<input type="checkbox"/>
Cleaning away after breakfast/ lunch/supper	<input type="checkbox"/>	Mow lawns	<input type="checkbox"/>
Polishing of floors and verandas	<input type="checkbox"/>	Weeding	<input type="checkbox"/>
Cleaning brass and silver	<input type="checkbox"/>	Trimming and pruning	<input type="checkbox"/>

Washing of Walls	<input type="checkbox"/>	Washing and grooming of dogs	<input type="checkbox"/>
Other (specify) .....	<input type="checkbox"/>	Painting of walls	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>
.....	<input type="checkbox"/>	.....	<input type="checkbox"/>



## PART 3

GUIDANCE NOTES ON STATUTORY MINIMUM WAGES AND CONDITIONS OF  
EMPLOYMENT FOR DOMESTIC WORKERS AND OTHER  
STATUTORY REQUIREMENTS

The Wage Order for Setting Minimum Wage and Supplementary Minimum Conditions of Employment for Domestic Workers and the Labour Act, 2007 (Act No. 11 of 2007) stipulate the minimum wages and conditions of employment for domestic workers which are summarized below. Reference is made also to compliance with the Social Security Act, 1994 (Act No. 34 of 1994) and the Employees Compensation Act, 1941 (Act No. 30 of 1941).

The parties to the contract are encouraged to negotiate higher wages and more favourable conditions of employment above the minimum wage prescribed but they may not agree to wages and conditions that are less favourable than the minimum wage prescribed.

The employer of the domestic worker is referred to herein as “employer” and the domestic worker as “employee.” A reference to “section” refers to a section of the Labour Act, 2007 whereas reference to “item” refers to a section/item of the Wage Order for Setting Minimum Wage and Supplementary Minimum Conditions of Employment for Domestic Workers, and “regulation” refers to a regulation of the Regulations Relating to Domestic Workers.

**1. Ordinary hours of work**

- 1.1 An employer must not require or permit an employee to work more than 40 hours in any week, and in any case, not more than eight hours on any day.
- 1.2 An employee is entitled to a meal interval of one (1) hour for every five (5) hours of continuous work.
- 1.3 The parties may agree to shorten the meal interval to not less than 30 minutes.
- 1.3 Any work required of the domestic worker during the mandatory meal interval is regarded as overtime worked (section 17).

**2. Monetary remuneration and basic wages (section 11 and paragraph 4)**

- 2.1 Basic Wage” means the employee’s minimum wage excluding overtime, night work pay, allowances and bonuses.
- 2.2 Effective 1 October 2017, the minimum wage for domestic worker is:
  - (a) N\$ 1 502.05 per month;
  - (b) N\$ 346.89 per week;
  - (c) N\$ 69.37 per day;
  - (d) N\$ 8.67 per hour; and
  - (e) N\$ 43.35 for part-time domestic workers who work five (5) hours or less in any day.
- 2.3 With effect from 1 October 2018, the minimum wage referred to in sub-item 2.2 must be increased by 1% plus a percentage equal to the average of the increases in the official annual

inflation rates for the categories “Food and Non –Alcoholic Beverages” and “Housing , Water, Electricity and Gas and Other fuels” for the preceding 12 months.

**3. Deductions from remuneration (paragraph 5 and regulation 3)**

3.1 The employer must pay to the employee the full amount of the minimum wage or higher wage agreed upon, minus lawful deductions.

3.2 The employer may not deduct from the remuneration of the employee the value of in-kind payments or contributions, such as food, clothing or housing as contemplated in regulation 3.

**4. Overtime (section 17)**

4.1 Any work performed in addition to the ordinary working days and ordinary working hours shall be treated as overtime.

4.2 The employer may not assign overtime work unless the employee agrees on each occasion that the employer requests overtime work.

4.3 An employer may not assign or permit an employee to work overtime in excess of three hours per day or a total of ten hours per week.

4.4 The employer must pay for overtime work at the hourly rate one and one-half (1.5) times the hourly basic wage;

Except, the employer must pay two (2) times the hourly basic wage for work on a Sunday or public holiday; As an alternative to double pay, an employer may pay an employee one-half (1.5) times the employees’ hourly basic wage for each hour of worked, but only if the employer grants the employee an equal period of time away from work and the employee agrees to the arrangement.

4.5 The minimum overtime rates are:

- (a) N\$ 13.00 per hour for overtime as contemplated in section 17(2) of the Act;
- (b) N\$17.34 per hour for work on Sundays as contemplated in section 21(5) of the Act;
- (c) N\$17.34 per hour for work on public holidays as contemplated in section 22(7) of the Act.

4.6 Where the employee’s wage is higher than the minimum overtime must be calculated in accordance with 4.4.

**5. Night work (section 19)**

An employer must pay to the employee an additional six percent of the hourly basic wage for each hour of work performed between 20h00 and 07h00.

**6. Sunday and Public Holiday Work (section 21 and 22)**

6.1 An employer must pay to an employee ordinarily scheduled to work on Sunday the total amount of daily remuneration plus the hourly basic wage for each hour worked on a Sunday.

- 6.2 An employer must pay to an employee ordinarily scheduled to work on a public holiday the total amount of daily remuneration plus the hourly basic wage for each hour worked on the public holiday.

**7. Transport Allowance (paragraph 6)**

Where public transport is available, an employer must pay to a live-out employee a transport allowance for travel to and from work in an amount that is equivalent to the cost of a round-trip transport for each day of work, unless the employer provides transport.

**8. Social Security (sections 20 and 21 of the Social Security Act, 1994; sections 68, 69 and 72 of the Employee Compensation Act, 1941)**

- 8.1 The employer must register the domestic worker upon hire as a member of the Social Security Maternity, Sick and Death benefit fund and Employee Compensation fund.

- 8.2 The employer and employee must contribute to the funds as required by the above-mentioned statutes.

**8. Sick leave (section 24)**

- 9.1 An employee is entitled to be paid sick leave for every three-year sick leave cycle as follows:

- (a) Employee with ordinary five-day work week: not less than 30 days;
- (b) Employee with ordinary six-day work week: not less than 36 days;
- (c) If the employee ordinarily works fewer than five days per week, sick leave must be calculated on a pro-rata basis.

- 9.2 An employer may require a doctor's certificate for absences of more than two days.

**10. Compassionate leave (section 25)**

An employee is entitled to five (5) paid days of compassionate leave per year in the event of the death or serious illness of the following family members: child; spouse; parent, grandparent, brother or sister; or father-in-law or mother-in-law.

**11. Maternity leave (section 26)**

After six (6) months' continuous service in employment, a female employee is entitled to not less than 12 weeks' maternity leave, with at least 4 weeks before confinement and 8 weeks after, as long as she provides a medical certificate of indicating the expected date of delivery before taking leave and a medical certificate of delivery upon return.

**12. Vacation/Annual leave (section 23)**

12.1 Annual leave is calculated as follows:

Number of days ordinary work week	Annual leave entitlement in working days
6	24
5	20
4	16
3	12
2	8
1	4

12.2 The employer may determine when the annual leave is to be taken, provided that it is taken not later than four months after the end of the annual leave cycle (12 consecutive months of employment); or six months after the end of the annual leave cycle, if, before the end of the four months period, the employee agrees in writing to such an extension. The pro-rata principle will apply to the calculation of annual leave for temporary or relief domestic workers depending on the period of employment. E.g. An employee employed to work 5 days per week over a 3 month period is entitled to 1.6 leave days per month or 4.9 days at the end of the employment period if no occasional leave was taken.

**13. Provision of Food (paragraph 8)**

The employer must provide sufficient food to meet the reasonable needs of the employee, if the employee lives in or is entitled to a meal break.

**14. Accommodation (paragraph 9)**

14.1 The employer must provide accommodation with the following minimum conditions, without charge, to an employee required to live at the place of employment:

- (a) a lockable room, with -
  - (i) room key;
  - (ii) good ventilation;
  - (iii) electricity, if available to the household;
  - (iv) a bed and mattress; and
  - (v) heat, if such is the prevailing condition in the household; and
- (b) access to clean drinking water, toilet and bathing facilities.

14.2 A live-in employee is entitled to be visited by relatives or friends at reasonable intervals or hours outside of working time, after consultation with the employer.

**15. Other allowances and benefits**

The employer and employee may agree to additional benefits.

**16. Health and safety (sections 39 and 135 and paragraph 10)**

- 16.1 The employer must provide the employee with a uniform and appropriate and effective personal protective equipment upon hire, free of charge, and replace them at reasonable intervals.
- 16.2 The employer must provide health and safety induction to the employee upon hire that will include, at a minimum:
- (a) Health and safety in the workplace for the domestic worker and persons in his/her care;
  - (b) Proper use of household appliances and chemicals to avoid serious accidents or death;
  - (c) possible hazards relating to the employee's duties, including potentially dangerous equipment and toxic substances;
  - (d) proper use and maintenance of personal protective equipment; and
  - (e) safe work techniques relating to domestic work.

**17. Freedom of Association (sections 6 and 65 and paragraph 11)**

- 17.1 The employee has the right to be a member of a trade union.
- 17.2 Access to the employer's premises for trade-union related activities shall not be unreasonably denied and shall be treated in accordance with section 65 of the Labour Act, 2007.
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