

BASIC FACTS ABOUT THE RIGHTS OF DOMESTIC WORKERS



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2010

This factsheet is for domestic workers and their employers. It explains some of the key rules in the Labour Act of 2007 and the Social Security Act of 1994 which apply to all employees. We refer to domestic workers as "she" on this factsheet because 73% of Namibia's domestic workers are female.

Working hours

- **Overtime:** A domestic worker should not work more than 45 hours per week. Any additional hours worked are considered overtime, and a domestic worker must be paid 1.5 times her basic hourly wage for overtime work. No one can be forced to work overtime, and overtime may not be more than 10 hours per week.
- **Night hours:** If a domestic worker works between 20h00 and 07h00, she should receive at least an additional 6% of her basic hourly wage for this night work.
- **Sundays:** If a domestic worker works on Sunday, she should receive either (1) twice her basic hourly wage OR (2) 1.5 times her basic hourly wage plus an equal amount of time off during the next working week (if the domestic worker agrees to this arrangement).
- **Meals:** After a domestic worker works for 5 hours without stopping, she should be given one hour off as a meal break.

Registering for social security benefits

- Both the employer and domestic worker **must** register with the Social Security Commission (SSC). To register, both people must fill out forms available at the local SSC office (or the SSC's website: www.ssc.org.na/index.php/component/optionfiles/).
- The employer pays 0.9% of the domestic worker's monthly salary, and deducts 0.9% from her salary, making a total 0.18% contribution to the SSC each month. These payments will become part of a fund that will allow the domestic worker to receive money for maternity leave, sickness, and death (when money is paid to the family). It is the employer's responsibility to pay this money to the SSC. The employer can make these payments in cash or by cheque or direct debit.
- If the domestic worker works for more than one employer, each individual employer is still responsible for registering the domestic worker and paying 0.18% of the domestic worker's monthly salary to the SSC. The SSC will add up the payments made for the domestic worker from each employer.
- It is against the law not to register your domestic worker with the SSC. Even if your domestic worker only cleans your house for one morning per week, you are still an employer in the eyes of the law.

Annual leave

- A domestic worker should receive PAID leave for holidays or any other leave she wishes to take.
- The amount of leave she may take is dependent on the number of days or hours she works. (Please refer to the table on the right.)
- The payment she receives for annual leave is her regular salary. The employer must pay the salary for the leave period before she goes on leave – unless she requests to receive it later, or has an arrangement to be paid on a regular schedule by direct deposit into her bank account.

If a domestic worker works this number of days per week...	She is entitled to this many working days of SICK LEAVE per 36 months	She is entitled to this many working days of ANNUAL LEAVE per 12 months
6	36	24
5	30	20
4	24	16
3	18	12
2	12	8
1	6	4



Sick leave

- A domestic worker should receive PAID sick leave, which is calculated on a 36-month cycle. (Please refer to the table above.)
- Regardless of the cycle, during the first year of employment, a domestic worker accumulates at least 1 sick day for every 26 days worked.
 - A domestic worker should receive her basic wage for sick days. If she is off sick for more than 2 days in a row, she must provide her employer with a medical certificate. If she does not provide the certificate, the employer is not obliged to pay her sick leave.
- If she is booked off sick for more than 30 consecutive days and has used up her paid sick leave, she may make a claim to the SSC. The SSC pays 75% of her basic wage for the first six months that she is booked off sick after her last sick leave day. After that, SSC pays 65% of her basic wage for 18 more months. The payment is up to a ceiling that is set by regulation. As of 2010, that ceiling was N\$7000.

Maternity leave

- A domestic worker who has been employed for at least 6 months in a row is entitled to maternity leave and maternity benefits. She is entitled to take 4 weeks of maternity leave *before* her expected due date and 8 weeks *after* the delivery of the baby.
- Every woman must get at least 12 weeks of maternity leave in total. But because it is not always possible to predict the due date precisely, this will mean that maternity leave will sometimes be longer than 12 weeks.
- SSC will pay her basic wage, up to a ceiling that is set by regulation. As of 2010, that ceiling was N\$7000.

Compassionate leave

- A domestic worker is entitled to five working days of leave at full pay in each year of continuous employment for death or serious illness in the family. "Family" includes a child, spouse, parent grandparent, sibling, father-in-law or mother-in-law.
- Unused compassionate leave does not carry over from one year to another, and the employer does not have to make any payments for unused compassionate leave if the domestic worker resigns.

Funded by the Dutch Ministry of Foreign Affairs, MDG3 Fund



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Ministry of Foreign Affairs