

International  
Labour  
Organization

# PRATICAL OPTIONS FOR THE EXTENSION OF SOCIAL PROTECTION COVERAGE IN ZAMBIA **DOMESTIC WORKERS**

Report Commissioned by  
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Furthermore, a summary report<sup>5</sup> focusing on the lesson learnt from field research in all the four thematic areas was prepared by Marielle Phe –Goursat for the ILO Lusaka Office.

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<sup>1</sup> Commissioned by the ILO Lusaka Country Office, 2015, *Practical Options for the Extension of Social Protection Coverage in Zambia: Small Scale Farmers*

<sup>2</sup> Commissioned by the ILO Lusaka Country Office, 2015, *Practical Options for Extension of Social Protection Coverage in Zambia: Domestic Workers*

<sup>3</sup> Commissioned by the ILO Lusaka Country Office, 2015, *Practical Options for the Extension of Social Protection Coverage in Zambia: Casual Saw Mill Workers*

<sup>4</sup> Commissioned by the ILO Lusaka Country Office, 2016, *MORE THAN BUSINESS ALONE: Extending and promoting social protection amongst MSMEs and informal workers in Zambia's building construction industry*

<sup>5</sup> Commissioned by the ILO Lusaka Country Office, 2016, *Extension of Social Protection to Workers in the Economy in Zambia: Lessons Learnt from Field Research on Domestic Workers, Small Scale Farmers and Construction*

## Acronyms and Abbreviations

<b>AEDWZ</b>	Association of Employers of Domestic Workers in Zambia
<b>CSO</b>	Central Statistical Office
<b>FGD</b>	Focus Group Discussion
<b>GRZ</b>	Government of Zambia
<b>ILO</b>	International Labour Organization
<b>ISIC</b>	International Standard Industrial Classification
<b>IPSOS</b>	Global Market Research Company
<b>LEAAZ</b>	Labour Consultants and Employment Agencies Association of Zambia
<b>MLSS</b>	Ministry of Labour and Social Security
<b>MoH</b>	Ministry of Health
<b>NAPSA</b>	National Pension Scheme Authority
<b>SHI</b>	Social Health Insurance
<b>SI</b>	Statutory Instrument
<b>UHC</b>	Universal Health Coverage
<b>UHDWUZ</b>	United House Domestic Workers Union of Zambia
<b>WCFCB</b>	Workers' Compensation Fund Control Board
<b>ZCTU</b>	Zambia Congress of Trade Unions
<b>ZFE</b>	Zambia Federation of Employers

## Executive Summary

The total number of domestic workers in Zambia is estimated at 97,652. Majority of domestic workers are women (57 percent), and most live in urban areas (67 percent). Education level is low: two third has less or have only completed primary education.

Despite legal entitlements to pension and work injury benefits, social protection coverage of domestic workers remains very low. Though knowledge on the legal provisions for social protection and associated registration and contribution payments mechanisms is very poor among both domestic workers and their employers interest for social protection is, however, high. Most employers are ready to contribute towards social security schemes, provided the amount of contributions remains affordable, benefits are guaranteed and payments can easily be stopped, should the contract be terminated. Simplified payment mechanisms are one of the core factors which would motivate the employers to contribute. Preferred payment mechanisms include mobile money and an easy to access one-stop shop.

Barriers and challenges to the extension of social protection to the domestic workers encompass high workforce fragmentation and isolation, limited resources of the only workers' organization, low education and lack of knowledge on social protection, high job insecurity and high staff turnover, absence of formalization of the employment relationship, low capacity to contribute, low value attributed to the domestic work, poor employers' knowledge on legal requirements and procedures to register Domestic workers to social security institutions, cumbersome and time-consuming payment mechanisms, weak enforcement mechanisms and the difficult identification of domestic workers within the household.

However, opportunities to expand social protection to domestic workers do exist. Opportunities include the existing legal framework; the existing partnerships between public institutions in charge of the provision of social protection benefits, Ministries involved in social protection and employers and workers organizations to identify common policies options and raise awareness on social protection for domestic workers; the interest in social protection benefits from both employers and employees; and the existence of workers and employers organizations involved in domestic work. The emerging new technologies such as mobile money and the development of the Internet are also promising opportunities for the development of low-cost and efficient registration and contribution collection mechanisms.

The recommendations provided in the report focus on (i) the development of the legal and policy framework, (ii) raising awareness on social protection and enhancing domestic workers visibility, (iii) strengthening domestic workers' organizations, (iv) promoting social dialogue and strengthening representation of employers of domestic workers, (v) making contributions affordable and (vi) establishing simplified registration and payment mechanisms.

# Introduction

## 1. Domestic Work and Social Protection

Convention No. 189 which lays down basic rights and principles on domestic work, defines domestic work as “*work performed in or for a household or households*” and the domestic worker as one who is in an employment relationship. The domestic work may include tasks such as cleaning, cooking, washing and ironing clothes, taking care of a person, driving for the family, guarding the house, gardening, and taking care of household pets. Domestic workers may work full time or part time, for one or multiple employers and may live with the household they are working for (live-in) or commute on a daily basis (live-out). A domestic worker working in a country of which she/he is not a national, is referred to as a migrant domestic worker.

Domestic workers represents a large share of the global workforce and is mainly found in the informal employment. Domestic workers are estimated to at least 52,5 million worldwide<sup>6</sup>, of which about 10 percent are in Africa. Domestic work is a considerable source of employment: it represents 1.4 percent of the total employment and 4.9 percent of total paid employees in Africa<sup>7</sup>. These figures stress the economic and social contribution of domestic workers to the society. The number of domestic workers in developing countries is increasing with the emergence of the middle-class and the increasing women participation to the labour market Worldwide, domestic work is a highly feminized job (women account for 83 percent of domestic workers) and provides employment opportunities to women, especially in African developing countries where employment opportunities are scarce.

Despite their large contribution to the economy, domestic workers usually suffer from high level of employment insecurity and absence of social protection, which make them particularly vulnerable to social and economic shocks. They often work outside of any contractual arrangements, receive low wages despite working long hours and enjoy only short weekly day of rest. They rarely benefit from social security benefits such as social health insurance, maternity benefit, worker injury insurance or pension benefits. They often lack effective organizations and mechanisms to bargain collectively with employers. They mostly work in isolation and are invisible, which makes them particularly vulnerable to physical, mental and sexual abuses, non-payment of wages, abusive working and living conditions. A significant number of countries wholly or partially exclude domestic workers from labour legislation coverage or provide for lower levels of protection than those provided to other workers<sup>8</sup>.

Legal minimum standards for working conditions can contribute to addressing this situation of abuse and lack of decent working conditions. Domestic Workers Convention, 2011 (No.189) affirms the fundamental principles and rights of domestic workers at work, as any other workers, while recognizing the need to take into account the specific context and features of domestic work. It calls for the progressive extension of social security protection of domestic workers. The adoption of the Convention, and the accompanying Domestic Workers Recommendation, 2011 (No. 201), are key milestones towards improving protection and working conditions of domestic workers across the world. It sets minimum labour standards for domestic workers regarding promotion and protection of human rights; fundamental principles and rights at work; terms and conditions of employment; working time; remuneration; occupational safety and health; social security; groups with special risks: child domestic workers, live-in workers, migrant domestic

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<sup>6</sup> Excluding children below working age

<sup>7</sup> Domestic workers across the world: Global and regional statistics and the extent of legal protection, ILO, 2013

<sup>8</sup> Ibid.

workers; private employment agencies; dispute settlement, complaints and enforcement. Given the vast majority of women domestic workers, Convention No. 189 also specifically refers to maternity protection. Finally, the Convention emphasizes that measures to extend social security to domestic workers should be taken in consultation with the relevant workers and employers' organizations. Since the adoption of Convention No. 189 and Recommendation No. 201, twenty two countries have ratified the Convention 189 as of August 2015.<sup>9</sup>

Domestic Workers Recommendation, 2011 (No. 201) supplements Convention No. 189 and provides practical guidance for State Members to implement the rights and principles stated in the Convention. It supplements the provision of the Convention No. 189 and should be read in conjunction with it. It includes practical measures to ensure right of freedom of association and right to collective bargaining, to eliminate discrimination and child labor and to protect domestic workers from abuse, harassment and violence. It also encourages ILO Members to facilitate the payment of social security contributions, e.g. through simplified payment systems.

Social Protection Floors Recommendation, 2012 (No. 202) calls for the progressive implementation of comprehensive social protection systems, starting with the establishment of a basic set of social protection guarantees to all in need. It calls for, at a minimum, access to essential health care and basic income security throughout the life cycle, as a first step toward achievement of higher level of protection. As such, domestic workers and their families should have access to these basic social security guarantees. The Recommendation seeks to ensure that social security policies address the needs of the unprotected, the poor, and the most vulnerable, including women, domestic workers, migrants and their families. It also recognizes the importance of social security as a tool to prevent and reduce poverty, inequality, social exclusion and social insecurity, and to promote equal opportunity and gender equality. Furthermore, and of great importance in the context of domestic work, it recognizes the need and role of social protection in supporting the transition from informal to formal employment.

## 2. Rational for the Study

In Zambia, domestic workers represent a significant share of the labor force of the informal economy. The 2013 Profile on Domestic Workers in Zambia estimates the total number of domestic workers to reach 97,652, or 1.8 percent of the total employed population. Zambia has adopted the Minimum Wages and Conditions of Employment (Domestic Workers) Order 2011 and The Minimum Wages and Conditions of Employment (Domestic Workers) (Amendment) Order 2012, which prescribe provisions for minimum wage to workers, including domestic workers. Under this minimum wage policy, a domestic worker is legally expected to be paid ZMW 522.40 (USD 69.00<sup>10</sup>) per month (basic pay ZMW 420.00 plus transport allowance ZMW 102.40 if applicable). Other benefits guaranteed under the Minimum Wages Act include overtime pay, paid leave, sick leave, maternity leaves and separation benefits.

In Zambia, legal provision do entitle domestic workers to pension benefit and work injury related benefits but most of the domestic workers in Zambia and their employers do not contribute to social security institutions. The design of these systems are currently essentially targeting the formal sector.

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<sup>9</sup> Normlex, Information System on International Labour Standards, website accessed on the 17<sup>th</sup> of August, 2015 at 16:24

<sup>10</sup> Exchange rate for April 2015 of USD 1 = ZMW 7.57

In addition to the existing entitlements for social protection, the Government of the Republic of Zambia (GRZ) is proposing to introduce health benefits. Indeed, the GRZ made Universal Health Coverage (UHC) a priority for the development of the nation and recognizes the need to develop a sound and sustainable health care financing strategy. In that framework a mandatory and contributory Social Health Insurance (SHI) scheme has been included in the 6<sup>th</sup> National Strategic Plan for 2011-2015, the National Strategic Plan for 2011-2015, the National Health Policy, the National Social Protection Policy and the Medium Term Expenditure Framework (2015-2017).

One of the key features of the SHI scheme is universality, meaning that all Zambian citizens and legal residents will be registered into the scheme. A two-phase approach has been identified as the design framework to reach universal coverage. In the Phase 1, public and private sector workers and their dependents, as well as the vulnerable will be covered. During this phase, the GRZ will gain experience and build capacities in managing the fund, making it easier to then enrol the informal sector workers in Phase 2.

One of the key factors that affect the speed and success of the process towards Universal Health Coverage and extension of social protection is the structure of the economy.<sup>11</sup>In Zambia, 84.6 percent<sup>12</sup>of the employed population belongs to the informal sector. Informal employment is defined by the Central Statistical Office of Zambia as “*the type of employment which is characterized by the lack of an entitlement to annual paid leave and absence of social security entitlement. This type of employment could be found in both the formal sector and informal sector enterprises.*” Coverage of social security, social dialogue, worker’s rights and minimum wages guarantees are usually limited to formal sector workers. As in most developing countries, the informal sector in Zambia is highly heterogeneous, which makes the implementation of standard social protection enrolment, contributions collection and awareness raising procedures a challenge due to the inherent variety of industries. An industry approach is therefore needed to develop specific solutions which will allow the possible coverage of the larger number of informal workers and their dependants. In that approach, researches on selected sub-industries such as domestic work are essential.

### 3. Objectives

The objective of this research is to propose strategies to operationalize and improve social protection for domestic workers in Zambia. The study focuses on health benefits (future SHI scheme), pension (through NAPSA) and work injury protection (through WCFCB).

The study is particularly focused on addressing the following specific questions:

- Who are the key stakeholders in the domestic work value chain and what role do they play?
- What are the main socio-demographic indicators of the domestic workers?
- What are the social protection benefits applicable to domestic workers, to what extent do domestic workers enjoy social protection benefits and what are the coping mechanisms in the absence of protection?
- Are the domestic workers and their employers interested in the benefits the SHI scheme would offer as well as in the pension and work injury benefits? Is there willingness to contribute towards SHI and other Social Security benefits?
- Would the unions and other stakeholders be interested in partnering with the SHI scheme to facilitate the implementation of the SHI core functions (registration, contributions collection, awareness raising)?

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<sup>11</sup>Carrin, James, Social Health Insurance, key factors affecting the transition towards universal coverage, 2005

<sup>12</sup>Labor Force Survey, Central Statistical Office, 2012.

- What are the challenges and opportunities to the extension of social protection to the domestic workers and what strategies could be developed to address the challenges?

The report is divided into four main parts. The first part introduces the methodology of the study. The second part presents the key findings on (i) domestic work in Zambia, (ii) nature and extent of social protection for domestic workers, (iii) willingness to contribute to social protection and perception of benefits, (iv) factors of compliance, and (v) preferred payment mechanism options. The third part analyses the challenges and opportunities for extension of Social protection to Domestic workers, based on the study's findings. Finally the fourth part presents recommendations in view of expanding social protection to domestic workers in Zambia.

## Methodology

The work has been conducted in close association with the Ministry of Health. Dialogue has been established with NAPSA and the WCFCB from the early stage to share understanding of the scope of the study and ensure alignment of policy recommendations to address the challenges in providing social security to the informal sector workers.

The research started with a desk review. This included a review of existing documentation on the domestic work in Zambia as well as review of international efforts to promote social protection, in liaison with the ILO Social Protection Department in Geneva.

The methodology was articulated around a mix of secondary analysis of data to explore the socio demographic and economics characteristics of the domestic workers and a collection of primary data. Collection of primary data has been through in-depth interviews with key informants and focus group discussions (FGDs).

A significant part of data collection was done through FGDs with domestic workers. A research company called IPSOS facilitated the mobilization of domestic workers and their employers. Twenty focus group discussions were carried out in Lusaka, allowing collection of data from 160 domestic workers. Household selection was done using the left hand rule methodology in research: the field team comprised of the enumerators and supervisor go to the sampling area and identify a starting point (a school, a church, a community centre or a market). At the starting point the team walks 200m towards the north and start on the first household on the left. If successful the team skips four households and knock on the fifth household - all the time walking on the left hand side of the road, street or path.

In order to ensure that the right participants are selected, the enumerators used a contact sheet and a screener. The contact sheet was to indicate the number of households they have visited, if successful or not. If not successful they indicated on the contact sheet the reason for non-success. The selection and composition of the FGDs participants was similar to the sampling done in the Patterns of employment arrangement and working conditions for Domestic workers in Zambia Survey (ILO, IPSOS, 2014) to allow for complementarity of data.

Each FGD gathered a maximum of eight participants to allow for fruitful and open discussions. The discussion followed a pre-established and pre tested FGD guide. The areas selected for the sampling and recruitment of the Domestic workers was done based on socio-economic factors such as income, settlement and density of population. The sampling and recruitment areas included the following:

Venue	Target area	FGDs	# participants
Mutendere	Mutendere, Kalingalinga	4	31
Kabanana	Kabanana, Chipata	3	26
Kabwata	Kabwata, Kamwala, Libala	4	31
Olympia	Olympia, Kalundu, Arca	2	16
Ngombe	Ngombe	1	8
Woodlands	Woodlands, Chilenje and Chalala	4	32
Matero	Matero	2	16
<b>TOTAL</b>		<b>20</b>	<b>160</b>

The consultant conducted twenty in-depth interviews with employers of domestic workers, either at their work place or from their home. For each group 8-10 domestic workers were recruited to participate in the discussion group and 1 appointments of employer of domestic worker were booked for a follow-up key in-depth interview. The interviews were conducted in Kaunda Square, Munali, Ngombe, Town, Chalala

Three maid centers were also interviewed. Additional in-depth interviews were conducted with the United House Domestic Workers Union of Zambia (UHDWUZ), the Association of Employers of Domestic Workers in Zambia (AEDWZ), the Zambia Federation of Employers (ZFE), NAPSA, WCFCB, MLSS and the ILO Decent Work Programme for Domestic Workers. The collection of primary data was done over 15 days, from the 11<sup>th</sup> to the 25<sup>th</sup> of July, 2015.

It should be noted that the research was based on random but NOT probability-based national sample. Therefore, results from the FGDs are not a representative sample of all domestic workers in Zambia, especially as rural areas were not covered. Although results cannot be generalized to the whole population, the results of the research do provide good indication of current gaps and practices in the provision of social protection to domestic workers.

# Findings

## 1. The Domestic Work in Zambia

### 1.1. Definition

The Convention 189 on Decent Work for Domestic Workers defines “*domestic work*” as “*work performed in or for a household or households*” (Art. 1(a)) and a “*domestic worker*” as “*any person engaged in domestic work within an employment relationship*” (Art. 1(b)). The definition also specifies that “*a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker*”.

The definition contained in the Minimum Wages and Conditions of Employment (Domestic Workers) Order, Statutory Instruments No.3 of 2011, as amended by Statutory Instrument No. 45 of 2012 defines Domestic workers as follows:

“*Domestic worker*” includes:

- (a) *A person who takes care of a child, a person, a sick person, a frail person or a person with disability within a household; and*
- (b) *A gardener*

The Workers’ Compensation Act defines a domestic worker as “*a person who is employed in domestic service in a private household*”, which offers a more comprehensive approach than the Statutory Instrument No. 3 of 2011.

### 1.2. Key socio demographic indicators

The definition of domestic work is particularly important for statistical situation analysis. According to the Labor Force Survey 2012, there are 722,524 domestic workers in Zambia. However the ILO Profile of domestic workers in Zambia 2013 reports a total number of 97,652 domestic workers. The ILO study focused only on the Sub-group 97 of ISIC Revision 4 category T “*activities of households as employers of domestic personnel*” and not the Sub-group 98 “*Undifferentiated goods and services producing activities of private households*”. The latter sub-group may have been included in the Labor Force Survey, therefore leading to an overestimation of the total number of domestic workers<sup>13</sup>. The difference between the two figures is significant. The next Labor Force Survey should give a more accurate estimates on the total number of domestic workers in Zambia, provided use is made of the ISIC Revision 4, Category T, Sub-group 97 only, which corresponds to the definition in the Convention 189.

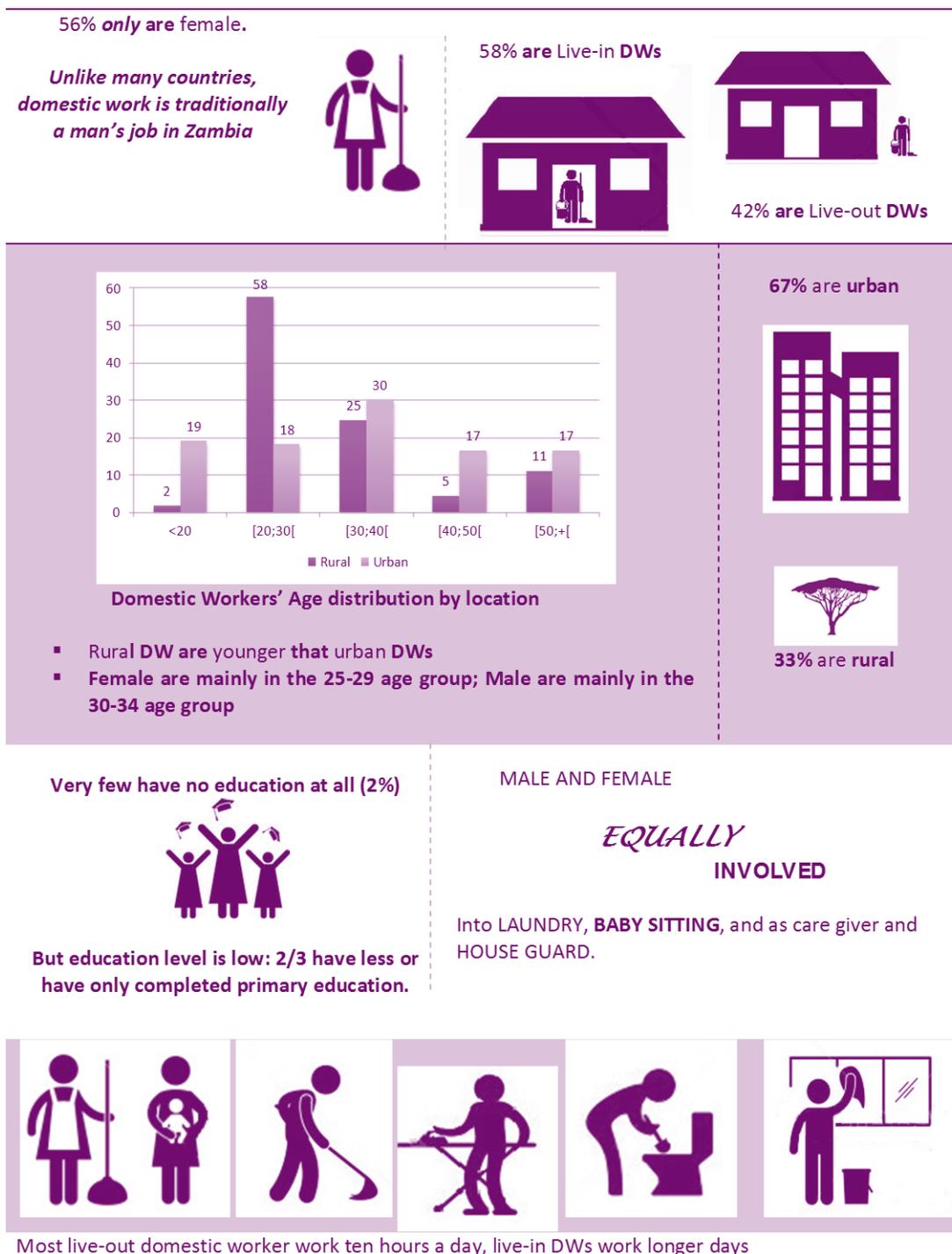
The ILO definition includes individuals who work “*in or for a private household or households*”<sup>14</sup>, whether live-in or live-out workers, paid or unpaid. It also includes “*implicit*” domestic workers i.e. relative not in the nuclear family relationship, foster child or unrelated member of the family but performing household chores on regular basis.

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<sup>13</sup> Profile of domestic workers in Zambia, ILO, 2013

<sup>14</sup> ILO, 2011, Domestic Workers Convention (No. 189), Article 1

Interviewed domestic workers were 27 years old on average. The average household size was 5.8 members (median: 5.0)<sup>15</sup>. Additional socio-economic indicators are provided below. The indicators are sourced from the ILO study “*Profile of Domestic Workers in Zambia, ILO, 2013*”



**Graph 1. Domestic workers socio demographic indicators, Zambia, 2013 (Source: Author's own illustrations from data of the ILO study *Profile of domestic workers in Zambia, 2013*)**

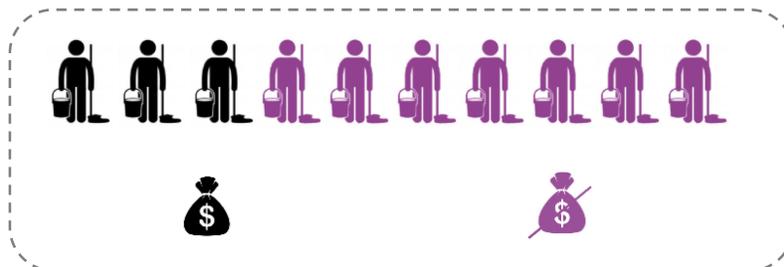
<sup>15</sup> Source: Focus Group Discussions with Domestic Workers, Lusaka, July 2015

### 1.3. Income level and remuneration facts

Domestic work is characterized by high job insecurity and high employee turnover. Fifty nine percent of the respondents had been working with the same employer for less than eighteen months, and 25 percent had worked less than six months. Employers stated employing the same worker for ten months on average. The high turnover is due to many reasons, including low salary - leading to job hopping in search of better conditions - and poor training, resulting into employers dissatisfaction and search for a better performing employee<sup>16</sup>. One of the twenty interviewed employer declared employing maids on a short time basis only to avoid to have to report employment and to comply with provision of social security benefits.

Only 6 percent stated they signed a written contract at the beginning of employment. Although oral and written contract carry the same legal value, a written contract provides the worker with easy reference on what was agreed upon at start of employment<sup>17</sup>. It also provides standardised terms under which provision of social protection can be anchored.

According to the ILO study “*Profile of domestic workers*”, 67 percent of domestic workers are reported as not being paid for their work. The other 23 percent are paid either in cash or in kind.



Graph 2. Proportion of paid domestic workers versus unpaid domestic workers

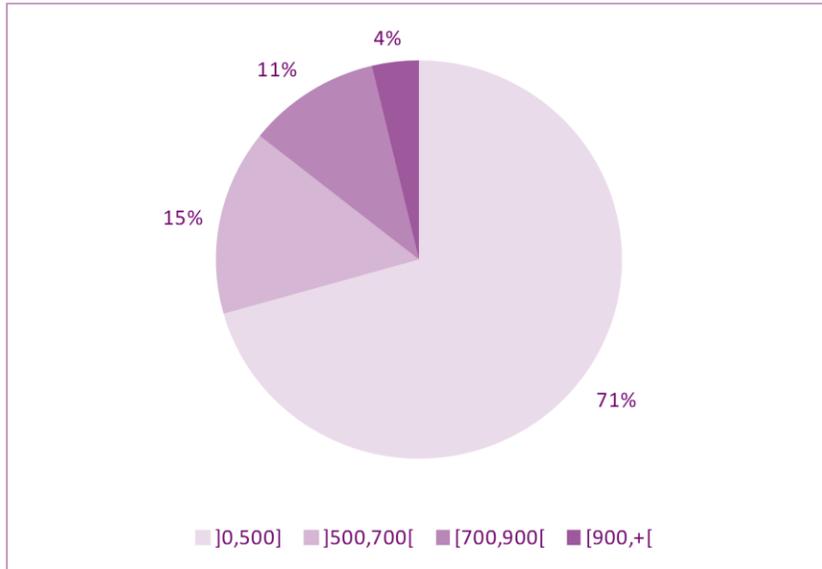
Naturally, paid workers tend to have higher education than those non-paid. None of the rural DWs are paid. Twenty three percent of women are paid less than the minimum wage (only 13 percent of male workers)<sup>18</sup>.

The present study shows that the average salary of the sample stands at ZMW 494 a month. Forty two percent earns ZMW 400 or less, i.e. below the minimum wage. The graph below illustrates the distribution of interviewed domestic workers' monthly income.

<sup>16</sup> Source: Focus Group Discussions with Domestic Workers, Lusaka, July 2015

<sup>17</sup> Source: Focus Group Discussions with Domestic Workers, Lusaka, July 2015

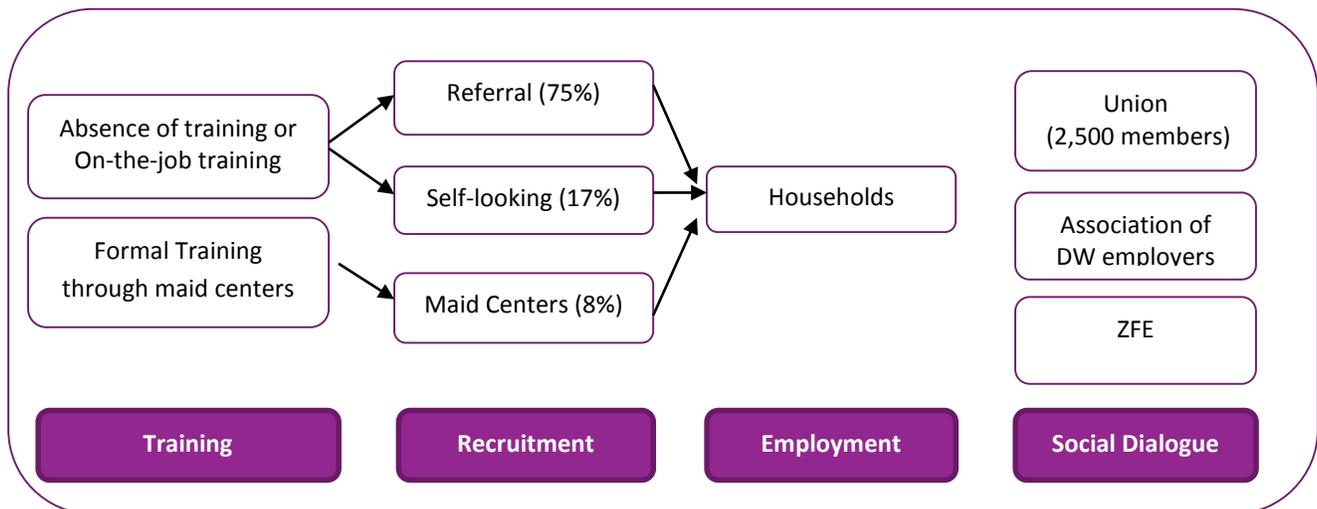
<sup>18</sup>Profile of Domestic Workers, ILO, 2013



**Graph 3. Distribution of interviewed domestic workers' monthly income, Lusaka, 2015**

### 1.4. Value Chain Mapping

The value chain mapping illustrates the relationship between the actors involved in the domestic work.



**Graph 4. Value Chain Mapping of the Domestic Work, Zambia, 2015**

## 1.5. Key Stakeholders and their interests in Social Protection

- **Employers:** Employers of domestic workers are found along the socio-economic scale and in all types of industries. They are government employees, owner of a grocery in informal settlements, marketers, bank employees, cashiers in supermarket, waiters etc<sup>19</sup>. Seventy four percent of employers earn less than ZMW 1,500 per month, which is less than the national average salary of paid employees as of 2010 (ZMW 1,724<sup>20</sup>). Thirty two percent earns less than the minimum wage they must pay to their Domestic workers<sup>21</sup>. Interests and willingness to contribute towards Social protection is analysed in Part 3.
- **Association of Employers of Domestic workers in Zambia:** The association was created in June 2015 and is still in the preparatory phase. The executive committee is in place but membership mobilization has not started yet. The objectives of the association are to support collective bargaining, to disseminate information on domestic workers and their employers' rights and obligations and to support disputes settlements. The association is very keen on participating in awareness raising on employers' rights and obligations, and specifically on social protection.
- **ZFE:** The objectives of ZFE are the establishment, promotion, development and maintenance of good relations between employers and employees. ZFE has been actively involved in the development of the domestic work, namely through the ILO project for domestic workers. Its support includes among others the development of a code of conduct and of a standard employment contract.
- **Maid centers:** Although more and more maid centers are opening especially in Lusaka, most domestic workers find a job by seeking work by themselves or being referred by a relative<sup>22</sup>. Formal training is only provided by maid centers. The quality of the training varies widely across maid centres, from a simple reading of the tasks the domestic workers will have to perform, to one full-month practical training. Intensive training are usually provided by maid centers targeting middle-high income employers, while maid centers focusing on low-middle income employers tend to provide a simple introduction to the job. Similarly, maid centers focusing on middle-high income employers are much more sensitive to domestic workers social protection needs. Maid centers targeting low-middle income would rather avoid any mention of social protection entitlements in the work contract, for fear of losing their customers.
- **United House Domestic Workers Union of Zambia:** The mission of the Union is to inform domestic workers on their rights and to provide them with support in case of conflict with their employer. Initially formed as an association in 1998, the Union changed status in November 2000 to be allowed to bargain with employers, and is now registered with the Ministry of Labor and Social Security. As of July 2015, the Union counts 2,500 active members. The visibility of the Union is very low, as illustrated by the fact that none of the interviewed domestic workers had heard about the Union before. The Union draws its income from members' contributions<sup>23</sup>, which are largely irregular and fluctuate all the time, as a result of domestic workers' job insecurity. Financial constraints forced the Union to close the district branches and to refocus its geographic targeting on Lusaka Province only. The support of the Union to Domestic workers is currently very limited by its little

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<sup>19</sup> In-depth Interviews with employers of Domestic Workers, Lusaka, July 2015

<sup>20</sup> Living Condition Monitoring Survey 2006 and 2010, Central Statistical Office, 2012

<sup>21</sup> Profile of domestic workers in Zambia, ILO, 2013

<sup>22</sup> Patterns of employment and working conditions for Domestic Work in Zambia, IPSOS, ILO, 2013.

<sup>23</sup> Registration fees ZMW 15; Monthly contribution: ZMW 10

financial resources. Sensitization efforts are now only carried-out with ad-hoc external support. The Union sees the Social Protection agenda as crucial to ensure basic rights to domestic workers and expressed strong interest in being associated with sensitization events.

- **The International Labour Organization:** The ILO is supporting the domestic work through a project titled “Integrated actions for improved and more equitable working conditions for vulnerable groups”. The program focuses on the following:
  - Support to Government for the development of the 2015-2021 plan of action for the domestic work sector, through the tripartite arrangement
  - Support towards improved legislative framework, including comparative study of the ILO Convention No. 189 and national law and practice in Zambia; Support to the MLSS for the ratification of the Convention 189
  - Support to ZFE for the development of standard employment contract for domestic work; development of a compendium of national laws related to domestic work; and awareness raising of maid centers and employers of domestic workers within the tripartite institutions on rights and obligations of employers
  - Capacity building of the domestic workers Union with a focus on leadership, recruitment and organization, facilitated through the ZCTU;
  - Development of a communication strategy (2015 – 2021) on domestic work, with awareness on workers and employers rights and obligations facilitated through radio programmes implemented by the Labor Consultants and Employment Agencies Association of Zambia (LEAAZ).

## 2. Nature and Extent of Social Security for Domestic Workers

The Convention 189 on Decent Work for domestic workers and the accompanying Recommendation 201 were adopted in June 2011. It recognizes domestic work as work like any other, and the domestic worker like any other worker with rights. It recognizes the social and economic value of domestic work. Labour legislation and collective bargaining are possible instruments for implementing C189 provisions.

The Convention 189 ensures provision of minimum wage protection in countries where it exists, “paid directly in cash at regular intervals at least once a month” with possibility of a limited proportion of the salary paid in-kind, upon workers’ agreement and as provided in national laws, regulations, collective agreements and arbitration awards (Article 12).

It affirms workers’ right to social security including maternity protection and occupational health and safety (Article 13). Convention 189 also affirms workers’ right to equal treatment between domestic workers and workers generally with respect to “normal hours of work, overtime compensation, periods of daily and weekly rest, and annual paid leave” and guarantees the right to at least one day off per week (Article 10). It also establishes the right to collectively defend their interests through trade unions and the right to be informed of what the terms and conditions of their employment are. The Convention 189 is yet to be ratified by Zambia.

The Annex 2 provide a comprehensive overview of the legal entitlements of social protection for domestic workers in Zambia, registration and payment mechanisms as well as financing issues.

## 2.1. Old-age, Invalidity and Survivors Pension

### 2.1.1. Legal coverage

The pension system is essentially build on two pillars: all employed individuals in the formal sector must contribute to one of the three public schemes namely the Public Service Pension Fund (PSPF), the National Pension Scheme (NPS) managed NAPSA and the Local Authority Superannuation Fund (LASF). Complementary pension is possible through voluntary contributions to private insurance funds.

The National Pension Scheme governed and administered by the National Pension Scheme Authority (NAPSA) is established by the National Pension Scheme Act No.40 of 1996. Registration with the National Pensions Scheme (NPS) is mandatory to all regularly employed persons working in the private sector, quasi government and parastatal organizations, the civil service as well as to the local authorities' employees that joined after the 1<sup>st</sup> of February 2000.

A “*contributing employer*” is defined by the National Pension Scheme Act as “*a taxpayer with a contract of service with an employee*”. Although Domestic workers are not explicitly mentioned in the National Pension Scheme Act, they are also not explicitly exempted from contributions to NAPSA. Only workers whose monthly income is less than ZMW 15 are exempted, which would not exclude any paid domestic workers.

### 2.2. Benefits and qualifying conditions

The National Pension Scheme (NPS) provides Old-age benefits, survivors' benefit, invalidity benefits and funeral grants through the National Pension Scheme Authority (NAPSA). The monthly contribution rate is set-up at 10 percent of a worker's gross monthly earnings subject to the prevailing contribution ceiling in the calendar year in which the worker earned the income. Basic Salary, Leave pay, Commuted days, Overtime, Bonus and all Allowances (House, transport, uniform etc.) constitute gross earnings for NAPSA purposes. The contribution to NAPSA are equally shared between employer (5 percent) and employee (5 percent).

Old-age benefits. The retirement age is fifty five. A worker must have contributed to NAPSA for 180 months or 15 years to be entitled to pension benefits. However NAPSA also applies a sliding scale which was designed to enable members who would not have met the 180 months of contributions to qualify for a pension subject to their age as at 1st February 2000. For instance, someone aged 45 as at the 1st February 2000 would have to contribute 96 months only to be eligible to pension benefits. Early retirement pension is possible at the reach of the age of fifty. The payment of the pension is then applicable if the member's early retirement pension exceed the minimum pension applicable at the time of retirement, and if the member has met the number of months of contributions required.

The income replacement rate stands at 40 percent, computed on the average salary over the entire contributory period. Contributing members who would have not met the required months of contributions at retirement age are eligible to lump sum payment. The lump sum is calculated based on the employer contribution, employee contribution, interest amount and index amount (compensation for loss of value)

NAPSA also provides for a minimum pension, which is the lowest monthly pension payable at a particular period in time. The minimum pension is computed as of 20% of the National Average Earnings (NAE) applicable in that year as obtained from the Central Statistical Office. It is

designed to help these members whose contributions were significantly low to receive a meaningful pension.

Invalidity pension are paid upon compliance with eligibility conditions i.e. the member has not reached pensionable age, has less than 180 contributions or 15 years but at least 60 monthly contributions, and NAPSA has determined that he/she is disabled through a competent medical board set up to examine the member in question. The computation of the benefit rate is specified in Appendix 1.

NAPSA also provide funeral grants in case of death of the contributing/pensioned members. The amount is equal to ten times the Minimum Pension in the year of the member's death. The payment of the funeral grants is conditioned to the payment of 12 monthly contributions during the last 36 months immediately preceding member's death.

Survivors of a deceased member are eligible for a pension (survivor benefits) if the member has been receiving either an Invalidity Pension or Retirement Pension or if the member was currently contributing to NAPSA or had met the 180 months of contributions. Survivors are defines as a spouse, a child under age 18 years or under 25 if in full time education, unborn child (in utero at the time of the member's death), child of any age disabled by age 18 and at death of the member. Where there are no children or spouse(s), the next of kin will be eligible to receive a survivors' lump sum. The computation of the benefit rate is specified in Appendix 1.

### 2.3. Actual Coverage

Despite legal provisions, domestic workers are not actually covered by the pension scheme as the pension scheme mechanisms target employees in the formal sector. The current social security enrolment and contributions payment mechanisms does not take into account the specificities of the household as employers. Similar procedures and processes for contributions applicable to commercial entities are required, which does not encourage domestic workers employers to register their employees. NAPSA also faces challenges in conducting inspections in private households classified as employers. In addition, the frequent change of employment makes tracing of employer difficult for the fund, especially to know which employer has employed a domestic worker at particular moment.

The National Pension Scheme has about 3,000 domestic workers registered in their database. This represents only 3 percent of the total number of domestic workers.

Only 1.9 (3) percent of the interviewed domestic workers stated that they or their employers contribute to the National Pension Scheme.

### 2.4. Coping Mechanisms

Although absence of income in old age is a major concern, few domestic workers have developed alternative solutions to plan for the days they will no longer be able to work and sustain themselves. About a third of interviewed domestic workers were thinking of starting a business to complement their income (selling in the market, buying a farm, opening a grocery store etc.), opening a saving account, or going back to the village they originate from and being taken care of by relatives. Most of these solutions do not provide a sound protection as they imply continuing to work after retirement or implies dependency on relatives. Going back to school to be able to apply for better positions which will grant them access to social security provision is also considered, especially from the younger female domestic workers. The fact that the income levels

among domestic workers are very low and competing with other demanding household needs makes the realisation of the above coping strategies questionable.

The majority however stated that their income does not leave room for any savings or investment.

*“The money is too little. When I have paid for the house rental, the food, the school, there is nothing left to save”*

*“I have to look after the house rental, what I will eat today, what I will wear tomorrow. The money is too little to do anything else”*

Contributing to NAPSA is seen as a good social protection mechanism, but most of them are afraid they will not be able to contribute, or that their employers will not contribute on a regular basis, therefore challenging their access to NAPSA benefits once they are retired.

*“You have to choose between the children’s school and paying NAPSA”*

*“Sometimes the boss pays in instalments, so I can’t contribute regularly”*

## **2.5. Work Injury**

### **2.5.1. Legal coverage**

The Workers’ Compensation Act, No. 10 of 1999 establishes the Workers’ compensation Fund (WCF), which is administered by the Workers Compensation Fund Control Board (WCFCB). Applicable assessment rates are prescribed by the Minister of Labour and Social Security.

The Worker Compensation Act specifically applies to domestic workers and contains provision of contributions by employers of domestic workers under section 115. The employer of a domestic worker is therefore liable to register his/her worker and to contribute to the Worker Compensation Fund.

### **2.5.2. Benefits and qualifying conditions**

The WCF provides Cash and In-kind benefits. The WCF provides life pension, paid on a monthly basis until death, to workers with static or permanent injuries or diseases assessed by a Medical Assessment Board at more than 10 percent degree of disablement. The life pension amount depends on assessable earnings (subject to a ceiling of ZMW 800) and to the degree of disability. Member with a static or permanent injuries assessed by a Medical Assessment Board at 10 percent or less degree of disability is granted a lump sum payment.

The WCF also grants surviving spouses of workers who die as a result of occupational accidents and diseases a widow’s or widower’s monthly pension, which amount is equivalent to 80 percent of the amount payable to the deceased worker. The pension is paid until death or remarriage of the surviving spouse. Children below the age of eighteen of the deceased member are paid children allowances. The amount of children allowance is equivalent to 15% of the life pension for the youngest child and 5% to the other children, to the maximum of eight children, and up to the age of 18).

The WCF reimburses medical expenses incurred by employers on treatment and hospitalization of injured or disabled workers subject to provision of medical receipts. The injured workers receive periodical payments, paid in cash or in-kind, to a maximum of 18 months, in case of hospitalization or incapacity to work. Funeral grant is provided to survivors of the deceased member, in case of occupation related death.

Non cash benefits include rehabilitation, which is defined as “*the restoration of the disabled worker to the fullest physical, mental, social, vocational and economic usefulness of which he is capable*” (WCF). Rehabilitation services are comprised of Post-Accident counselling; Medical Aid (mobility aid such as artificial limbs, surgical shoes, crutches, wheel chairs and hearing aids); **vocational training** through sponsorship at the National Vocational Rehabilitation Centre and other training providers in the country; constant attendance allowance to persons taking care of paraplegic pensioners and periodical medical examinations in specific cases.

According to the WCF assessment rate, the monthly contribution rate for “domestic servant” is set up at 3.72% of a worker’s gross monthly earnings subject to the prevailing contribution ceiling in the calendar year in which the worker earned the income. The contribution is paid on an annual basis.

### 2.5.3. Actual coverage

Only 0.6 percent (1 person) of the interviewed domestic workers stated that their employers contribute to the Workers Compensation Fund. Registration with WCF is employers’ liability. Therefore the Workers’ Compensation Fund Control Board does not collect information on the worker, therefore the fund does not have statistics on the number of domestic workers currently covered by the Fund.

### 2.5.4. Coping mechanisms

The vast majority of the domestic workers are used to paying health care for occupational injury on their own. Many reported that they have been blamed for being careless when injured, and were not provided with financial help to meet associated health care expenditures. However, some also declared to be helped by their employers (less than 5 percent)

## 2.6. Health Protection

### 2.6.1. Legal coverage

Provision of medical benefits is not an employer’s liability in Zambia. The Employment Act only states that employers may agree to provide medical care, medicine and transport to a medical institution during the illness of an employee, under a collective agreement or contract of employment or the general conditions of service. (Employment Act, article 43 (1))

The Government of Zambia is proposing to introduce a Social Health Insurance scheme. A Social Health Insurance Bill has been drafted and significant progress have been made on the preparation of the scheme. Implementation is expected following enactment of the Bill.

The scheme aims at covering the whole population of Zambia, following a phased approach. Registration would be mandatory for all. Although they are not expressly mentioned into the draft

Social Health Insurance Bill, domestic workers and their employers would have to register and contribute to the SHI scheme.

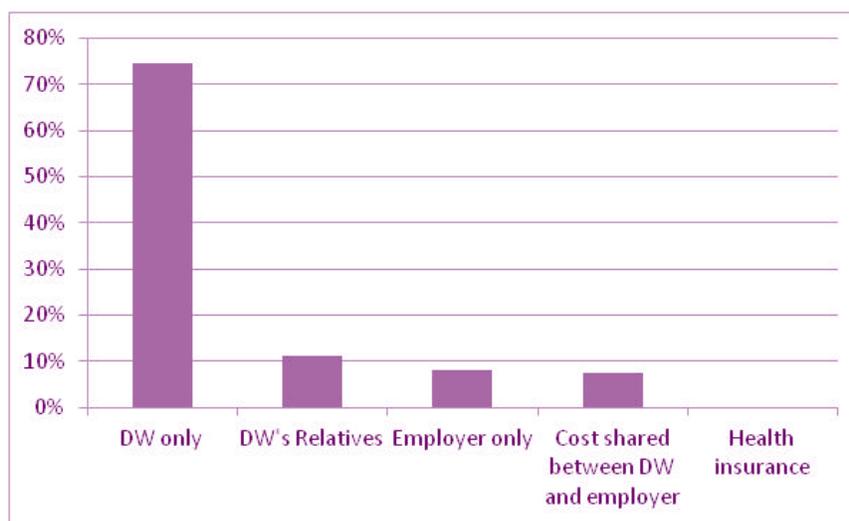
### 2.6.2. Benefits and qualifying conditions

The SHI underlying principles are equity, solidarity, fair-financing, efficiency and universality. The objectives are (i) to provide improved access to quality health services to all citizens of Zambia on a timely manner and without financial hardship (ii) to mobilize equitable, efficient and sustainable financial resources for improving health systems performance and (iii) to pool risks and funds through the creation of a single fund. It is expected to contribute to reducing inequities, sustain social cohesion and build a healthy workforce, thus leading to improved economic growth and the prosperity of the Nation.

The proposed Social Health Insurance scheme would provide comprehensive benefit package at accredited public and private health facilities, at primary, secondary and tertiary level of care. The benefits will be comprised of promotive, preventative, curative and rehabilitative services, including diagnostic tests and medicines. Although contribution rates are still to be set-up, there is consensus on the principle of a progressive contribution. There will be a unique benefit package provided to all SHI members, no matter the amount of contribution paid, following the principle “pay according to means, access according to needs”. The proposed scheme is cashless at the point of service, removing financial barriers to accessing health care. The contributions to the SHI scheme are meant to complement the existing government budget allocations to the health sector to improve the quality of care delivered by public health facilities.

### 2.6.3. Actual coverage

The National Social Health Insurance scheme is yet to start and coverage is therefore null. Private health insurance and out-of-pocket payments (through direct payment, loan or grant) are therefore the only options to meet health expenditures. Of the interviewed domestic workers 74 per cent stated that they meet the total costs of health expenditures on their own. In 16 percent of cases, employers helped their workers either to meet the whole cost (8 percent) or the partial costs (8 percent) of health expenditures. Only 11 percent of domestic workers declared that their relatives are paying for them. None mentioned having subscribed to a private health insurance policy.



Graph 5. Source of payments for Domestic worker's health expenditures, Lusaka,

2015

Fifty percent (10) of employers stated contributing to the payment of health expenditures. The difference between employers and workers' statement might be explained by the fact that in some cases employers pay salary advances in order to help domestic worker cover the health expenditures, however the corresponding amount is deducted from the worker's salary at the month end. Domestic workers may not consider this advance payment as a payment from the employers, but employers do.

Obstacles to accessing health services are very similar across domestic workers. It includes distance to the clinic, absence of transport especially at night and long waiting time.

*“The clinic can be far, depending on where you live in Mtendere. For those who are sick it is a challenge to reach the clinic”*

*“You go to the clinic at 6:00 and at 16:00 you are still there”*

Absence of drugs at government facilities and the related costs of buying prescribed drugs in private pharmacies are major concerns for domestic workers. The cost and time away from work involved in getting the drugs lead many domestic workers to care avoidance.

*“Most of the time, there is no medicine. We go and buy ourselves”*

*“If you are given Panadol, you take it and if it heals you, you go back to work. If you are still in pain, you go again to the same clinic and still they will give you the same Panadol.”*

Sick leave is not seen as a right but rather tolerated by employers. Many domestic workers feel an obligation to go to work even when ill and most fear losing their jobs in case of prolonged absence.

*“Sometimes you are even afraid of missing work because you are sick, as the boss can replace you and you lose your job. So we are in pain but we go to work”*

*“Sometimes I get sick leave, depending of what the clinic writes on the paper. Otherwise the boss deducts from the salary the days I have missed”*

*“I usually go to work even though I am sick”*

However some employers also provide paid sick leave for workers.

*“The boss gives days off in case of sickness”*

#### 2.6.4. Coping mechanisms

Workers usually use their own savings or borrow from relatives to meet the cost of health expenditures.

*“Sometimes I don’t have money to buy the drugs. So I start running around, up and down, asking for help”*

As mentioned above, care avoidance is also very frequent, for the fear of losing their job or to have their salary deducted from the working hours missed, should they be absent from work.

*“Sometimes he [the employer] just deducts from your salary the days you have not been working”*

*“We have long queues in Government clinics. You will find yourself waiting for the whole day, and then the boss will cut your salary”*

### 3. Perception of Benefits and Willingness to Contribute

#### 3.1. Perception of benefits

##### 3.1.1. Pension

- **Employees**

The vast majority of domestic workers expressed major worries concerning the absence of income security during old age.

*“I worry a lot about the future, and sometimes I feel like stopping my work, but I can’t as I have nothing else”*

Knowledge on pension benefits and modalities is very weak among domestic workers. The majority of domestic workers interviewed had never heard about pension scheme and the few who had, did not know how it works, or did not even know they were entitled to register with pension scheme.

*“I don’t know anything about pension”*

*“We have heard about the name, NAPSA, but we don’t know how it works”*

A few domestic workers said they asked their employers to contribute to NAPSA but were faced with opposition.

*“I have been told that this thing [NAPSA] is not for me, because I am only a maid”*

*“I asked my employer but he kept quiet. It means he does not want to.”*

*“My employer said he does not need to pay NAPSA as he gives me a bonus at the end of the year”*

Others fear that asking would expose them to dismissal or salary deduction, they would therefore rather keep silent.

*“Some employers are very difficult. If you ask, the employer will tell you that if you want NAPSA, you can go work somewhere else”*

Once explained about NAPSA benefits and modalities, the majority of interviewed domestic workers stated that contributing to NAPSA is crucial for them to be able to meet their basic needs as shelter and food and to ensure access to essential services when they are old (especially education for their children and grand-children and health care.). The quasi totality expressed their wish to register and to have their employer to share the financial burden of the contribution.

#### ▪ Employers

None of the interviewed employers is contributing to NAPSA for their domestic workers. The lack of knowledge is one of the driving reasons for not contributing. The vast majority of employers of Domestic workers did not know that contributing to NAPSA for their domestic workers was required by law, and many employers don't contribute for themselves.

*“It never crossed my mind”*

*“I did not know the maids are eligible [to pension benefits]”*

*“The law does not say I must contribute”*

The administrative burden, lack of time and the financial costs are other main reasons for not contributing.

*“I can't afford it”, “My salary is too little at the moment”*

*“I don't want to spend time just for one person”*

Others expressed concerns on the fact they are not paying the minimum wage for their maids.

*“If I am going to contribute to NAPSA and I pay below the minimum wage, am I not going to be into trouble?”*

Domestic workers are seen as cheap labour and are often not valued as “real” workers. Most employers do not see the point of increasing the labour costs through contributions to social security when the labour force is so widely available and demanding so little. Adding to this is the high domestic workers' turnover, which does not allow employers to build a lasting employment

relationship. The high turnover indeed involves to change the employee registration under their name frequently (in case of the pension scheme) and employers will also fear to incur penalties for workers not employed by them.

*“Maids, they are not reliable, they just come and go”*

On the contrary, employers who have employed the same domestic worker for a long time appeared to be more willing to contribute towards social security provision.

*“I have one maid and one gardener. I had the maid for 2 months, and the gardener for the past 10 years. For him at least, I could make an effort”.*

This section clearly shows that despite the provision of social security coverage for the sector, there are challenges in recognition of social security entitlements, registration with social security systems and payment of social security contributions.

### **3.1.2. Workers’ Compensation Fund**

None of the interviewed domestic workers and very few employers had ever heard of the Workers’ Compensation Fund. Benefits and modalities to contribute and to access benefits are largely unknown. Most employers don’t know that domestic workers are entitled to such benefits by law and therefore do not contribute on their behalf.

*“I had no clue such thing exists” Domestic worker in Mtendere”*

Employers tend to see contributions to WCF as beneficial as it would take the financial burden off their shoulders, should an occupational accident happen. Domestic workers expressed willingness to be covered by the WCF, and were motivated that this is an employer’s liability.

*“It is important because you can be helped even when the boss has no money to pay for you at the time of injury” Domestic worker in Kabanana.*

### **3.1.3. Social Health Insurance**

The proposed introduction of Social Health Insurance is very much welcome by the vast majority of domestic workers. Ninety eight percent of Domestic workers stated they would like to join the scheme. They are particularly motivated by the expected improvement of the quality of services and the prepayment mode, which would alleviate the financial burden at the time of sickness.

Employers also expressed great interest towards Social Health Insurance, as they would not be obliged to meet the costs of health care in case of their domestic worker's sickness.

*"It is very good, we are waiting for it to come", DW*

*"Why don't we bring more people into this meeting to talk so that it starts now? DW*

*"It will help reduce the corruption at the clinic", DW*

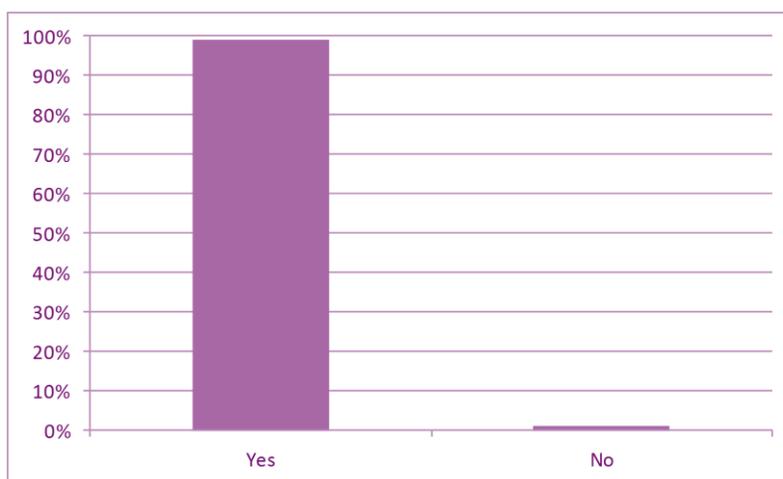
*"It is good, I will not have to pay for the maid when she is sick", Employer*

### 3.2. Willingness to pay

- **Domestic workers**

Interviewed Domestic workers' average salary stands at ZMW 494 a month (median: ZMW 500). Nineteen percent of them are the only breadwinner in the family. Domestic worker households count 2.2 breadwinners on average (median: 2).

Domestic workers were asked if they would be ready to participate in the social security system and able to contribute the kwacha equivalent of 2.5 percent<sup>24</sup> of their income to Social Health Insurance scheme when established. Ninety eight percent answered positively (see graph below).

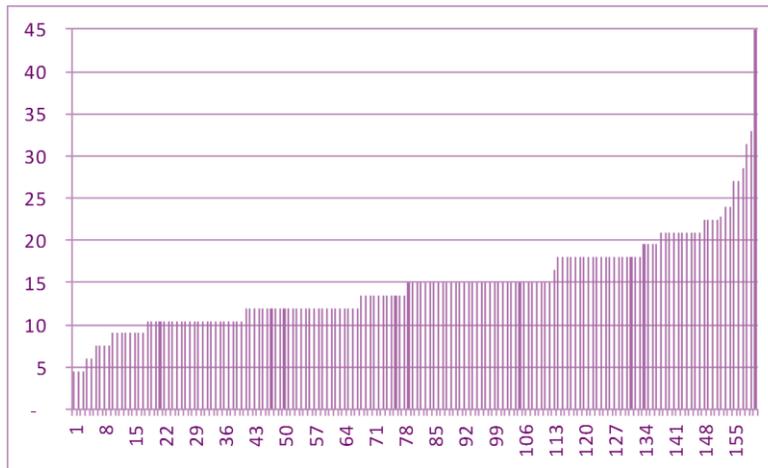


**Graph 6. Domestic Workers' willingness to contribute 2.5 percent of their income towards Social Health Insurance, Lusaka, 2015.**

Based on declared monthly income, the domestic workers would be able to contribute ZMW 15 a month on average to Social Health Insurance. The graph below illustrates the distribution of contribution amount each interviewed domestic worker would be contributing, if a 2.5 percent rate was applied on their salary. It is likely that the domestic workers could afford to contribute more.

<sup>24</sup> 2.5 percent corresponds to the share employees would have to pay, according to on-going discussion on the SHI rate. 2.5 percent is also an internationally recognized good practice of the willingness and capacity of informal sector households to contribute towards SHI scheme.

Indeed the willingness to pay was analysed from the domestic worker' salary only, while domestic worker's households are made of 2.2 breadwinners on average.



**Graph 7. Distribution of DWs' contribution amount towards SHI (estimates based on 2.5 percent of monthly income)**

- **Employers**

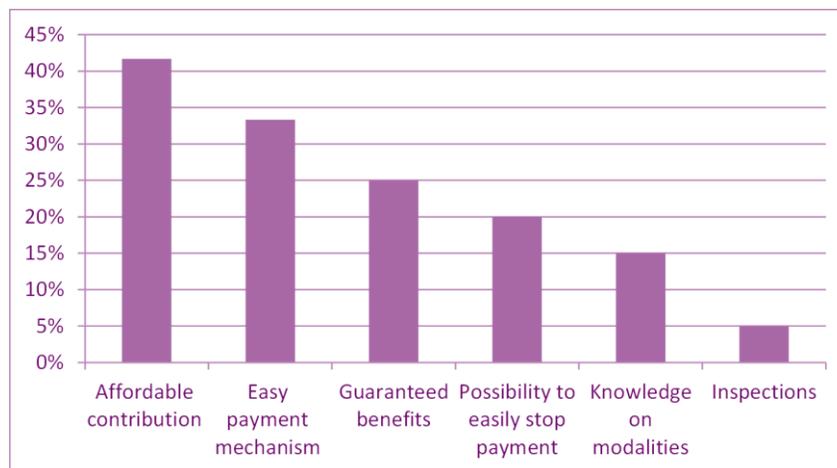
Employers were asked if they would be willing to contribute to the three social protection benefits, namely NAPSA, WCF and SHI. The total amount of contributions due was calculated based on the declared domestic workers' salary. Sixty five percent (13) of employers said that the amount of contributions towards the three schemes is affordable and they would be ready to contribute.



**Graph 8. Affordability of Social Protection benefits for Domestic workers, based on employers statements, Lusaka, 2015**

## 4. Factors of Compliance

Employers were asked what could motivate them to contribute to the social security schemes. The graph below illustrates their answers. The percentage reflects the score obtained by each suggestion.



**Graph 9. Suggested factors of compliance of DWs employers towards payment of Social Protection benefits, Lusaka, 2015**

The payment mechanism should be appropriate to meet the nature and characteristics of work in the domestic work. The main motivation for employers to start contributing to NAPSA, WCF and SHI is to be able to use a very simple payment mechanism, which would be costless and timeless. Then, employers want to be assured that their domestic workers will actually enjoy the Social Security benefits. This reflects the worries about NAPSA delayed pension payments which are regularly echoed in the national press. A major concern among employers is also the possibility to stop contributing for a worker who would have been dismissed, through an easy administrative process. This concern is related to the short period of time DWs are staying with the same household.

Inspections are not a major motivation. This has been explained by employers by the fact that they doubt inspection will actually happen.

## 5. Preferred Payment Mechanisms

The study explored the possible ways contributions could be paid to NAPSA, WCF and SHI. Knowledge on social protection benefits and affordability of contributions are indeed not sufficient conditions for compliance with payment of contributions. The payment mechanisms must be costless and timeless to motivate compliance among employers.

Domestic workers suggested many options including payment through the community structures such as the clinic, the bank or the post office. The preferred payment mode however is the use of mobile money, Zoono being the favored option. Mobile money was unanimously and spontaneously suggested as the most convenient payment method. Mobile money is now a common practice and widely available at a reasonable cost. The main mobile network operators are MTN and Airtel. Zamtel is planning to launch mobile money services in the near future. Zoono is seen as distinct from the usual mobile money providers, as the extensive network of agents

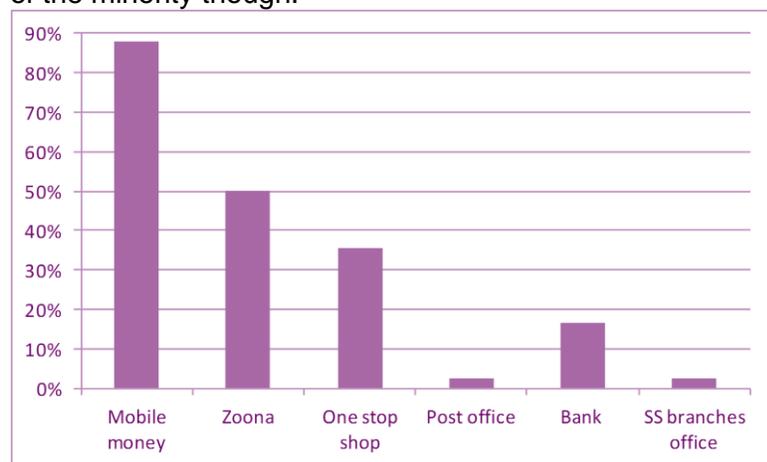
can also perform mobile money transfers even though the customer does not own a mobile money account.

Employers expressed their preferences for the following options:

- Mobile money.
- ZoonA.
- One-stop-shop: a single window shop near the community is seen as the third preferred option. It offers the advantage of the contact with a physical person, who could provide basic information. The potential to spend longer time on the queues was however reflected as a concern.

Payments at the post-office or at the bank are not seen as providing the most convenient solution because of the waiting time involved. Furthermore, financial inclusion among low income employers is limited and going to the bank might be intimidating for low income earners. The cost of opening bank account and management fees are also major deterrent to opening bank accounts. Going to each Social Security branches office every month for purposes of making contribution payment is also seen as a deterrent to contribute to the schemes, because of the location of the offices, travel time, waiting time and costs associated to it.

Other suggestions included door to door contribution collection, automatic deduction coupled with existing utilities payment, deduction from their payroll and bank transfer. These suggestions were of the minority though.



**Graph 10. Employers' preferred payment mechanisms for payment of social protection contributions for their domestic workers, Lusaka, 2015**

ZoonA is essentially a mobile money platform. ZoonA provides electronic transfer services enabling consumers to send or receive money in Zambia. The company offers its services through a distribution network of cash agents and retailers. Through ZoonA, consumers can pay bills, make loan repayments and buy electronic vouchers. Money transfer does not require the user to open a ZoonA account, removing the “mental barrier” of the registration process. Money transfer are secured through the use of secret Pin. ZoonA's success is partly due to its extensive network of agents, ideally located in compounds and informal settlements, where population density is high.

ZoonA also provides business management tools and entrepreneurial support. ZoonA is focused on helping businesses grow and increasing financial inclusion in Africa. Launched in April 2009, it has a loyal base of over 700,000 unbanked and low-income consumers who frequently transact at ZoonA outlets.

# Challenges and Opportunities to Extend Social Protection

## 1. Barriers and Challenges

High workforce fragmentation and isolation. The domestic workers are isolated and not visible. Domestic workers do not work in a collective work place but in disseminated houses, they tend to have very few co-workers, and could possibly participate in collective movement only outside of the traditional working hours. This feature makes organising domestic workers particularly challenging. In addition, the organization of domestic workers in workers' movement is still at an infant stage in Zambia. The Union counts only 2,500 members out of the 97,652 domestic workers in Zambia. The Union has low visibility and poor financial means. Most domestic workers have never heard about the Union, and crucially lack of knowledge on the role Unions could play. Most of the DWs expressed that they would like to become members but indicated they don't have enough time to dedicate to collective actions. Some also fear to be fired should their employers find out they are unionized.

Low education and lack of knowledge on social protection. Domestic workers are not aware of their rights, and the vast majority has never heard about social protection benefits.

High job insecurity and high staff turnover. The majority of domestic workers are employed for less than 6 months. They can lose their jobs over night with no indemnity. Consequently, domestic workers do not dare to voice their needs or to complain, feeling that they owe to the family who found the job for them or by fear of losing their jobs.

Very few domestic workers have a written contract. While oral and written contracts carry equal legal value, the absence of written evidence prevents workers to refer to initial agreement when conditions of services are not observed, especially when it comes to SP provision. A written contract can also provide basis on which conditions of work can be negotiated including social protection as this is subject to attestation by the Labour officials.

Low capacity to contribute. Average salary stands around ZMW 500, which is barely sufficient to cover their basic needs, such as shelter, food, clothing and children's education. Moreover, most of employers are middle and low income earners and therefore have limited capacity to shoulder extra financial charges.

Domestic work is often low valued, by the employers and sometimes by the domestic workers themselves. This is also fed by the absence of formal training and abundance of low demanding, low qualified workforce on the market. This leads to mistrust between employers and employees. Most employers feel domestic workers are not reliable and perform poorly. Domestic workers feel their employers are taking advantage of them, paying low salary and asking more than what was initially agreed upon. This environment is not conducive to the participation of employers towards social security benefits for their workers.

Employers' knowledge on legal requirements and procedures to register domestic workers to social security institutions and contribute towards it is very poor.

Cumbersome and time-consuming payment mechanisms. Procedures to register and contribute to Social protection institutions were designed for formal companies or public institutions and therefore do not fit households' specific needs.

Weak enforcement mechanisms. The household is a private place, preventing controls by social security inspectors. Human resources for inspection within social security institutions are limited.

Difficult identification of domestic workers in the households. In many cases, the line between distant or close relative “just helping in the house” and a domestic worker is very thin, and quite impossible to define without thorough controls. Consequently a large share of domestic workers remain unpaid.

## 2. Opportunities

Legal framework. The registration to NAPSA and WCF is mandatory for domestic workers. The SHI Bill in its current state is also applicable to domestic workers. The benefits provided by the three schemes match the benefits of any other employed worker. The law is generally speaking, favorable to domestic workers: in case of conflict, the provision of evidence falls on the employers and both oral and written contract have the same legal value. The standard domestic worker contract is almost finalized and will further support compliance with the law.

Existing partnership. Public institutions in charge of the provision of social protection benefits, Ministries involved in social protection and employers and workers organizations are very keen on working together to identify common policy options and raise awareness on social protection for domestic workers.

The interest in social protection benefits, including pension, work injury protection and SHI benefits is strong from both employers and employees. Employers stated that they are willing to make an effort to register their workers if contributions remain affordable and payments are made easy. Employers and employees are willing to learn about SP legal requirements and procedures.

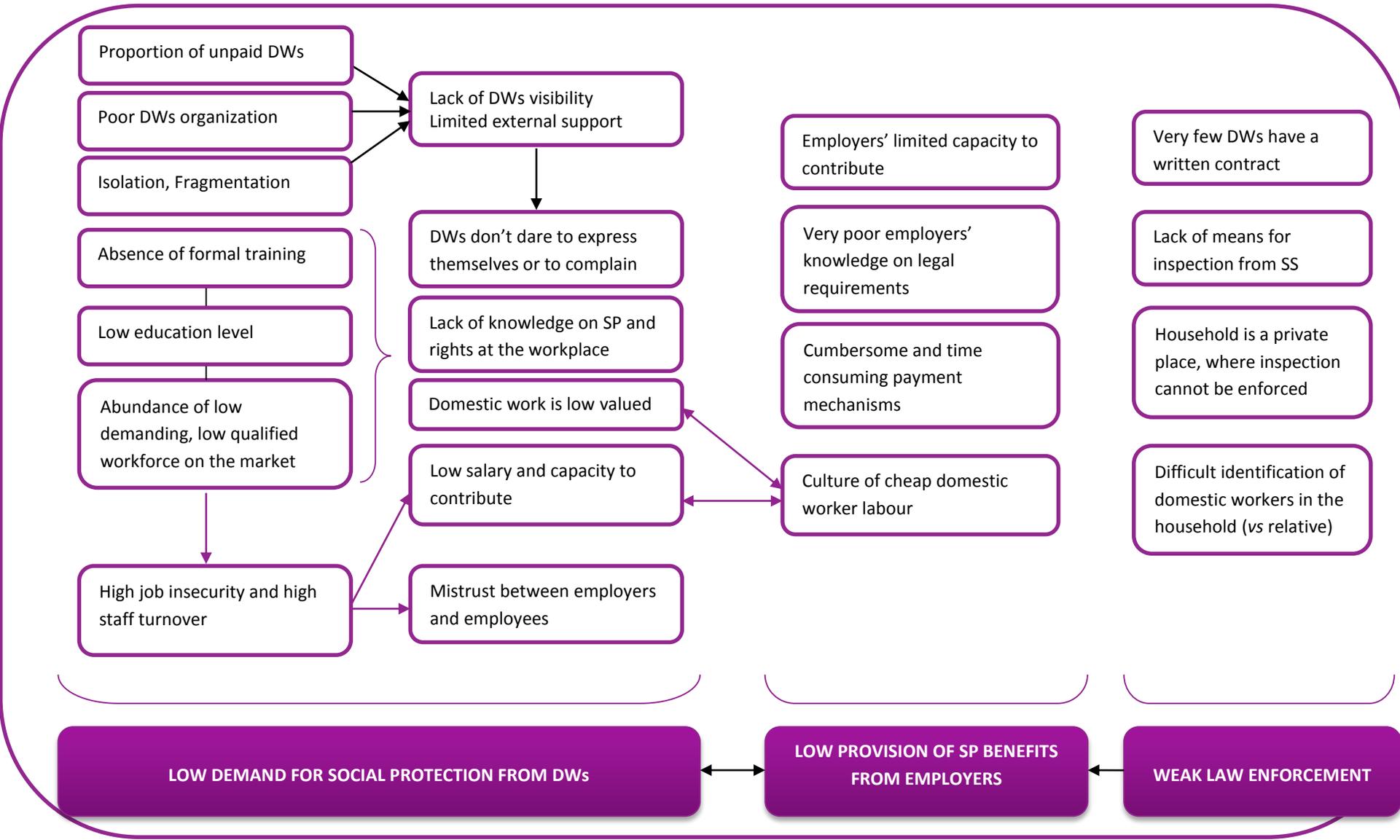
Freedom of association and existence of the Union of domestic workers and of the association of employers of domestic workers. The Article 2 of ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention) states that “*Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.*” This right is observed in Zambia and one Union of domestic workers and one association of employers of domestic workers are established. It lays the foundation for better domestic workers representation and negotiation for better conditions of employment.

Most maid centers are willing to contribute to raise awareness on social protection and some are willing to enforce legal social protection provisions through the provision of a standard domestic work contract to employers and domestic workers.

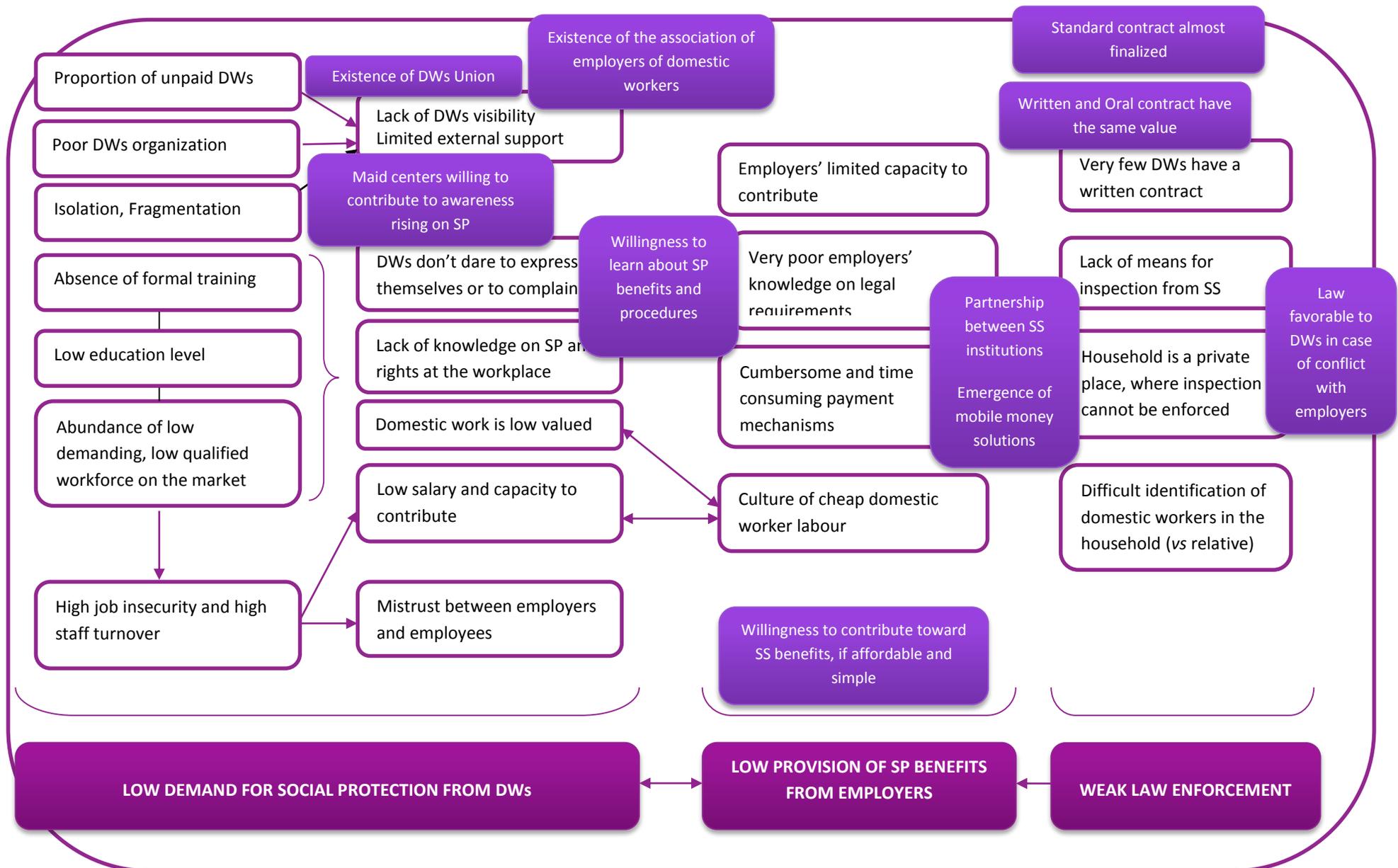
Awareness raising in the communities have started. Members of the Union of Domestic workers are sensitizing domestic workers in their neighbourhood about their rights, and radio programmes are on-going.

Mobile money is penetrating the market very fast and is now seen as a reliable and affordable solution for social protection payment by both domestic workers and employers. An educated middle class is emerging, which makes e-platform for registration and contribution collection a promising option.

The relationship between the above mentioned barriers and challenges are illustrated in the graph below.



Graph 11. Illustration of the relationship between identified challenges to extend social protection to the domestic workers.



Graph 12. Illustration of opportunities as regards identified barriers and challenges to extend social protection to the domestic workers.

## Recommendations

The large share of unpaid domestic workers as well as the difficult identification of the domestic workers as a worker in the household (versus family member) and the fragile employment relations are particularly challenging the extension of social protection to this specific group of workers. However, specific actions can be implemented to initiate extension of coverage. The proposed set of recommendations encompasses the Legal and Policy Framework; Social Dialogue and the role of Employers' and Workers' Organizations; Registration and Payment Mechanisms; Incentives, Compliance and Enforcement; as well as Affordability. Recommendations are illustrated by similar actions implemented in low and middle income countries.

Most of the recommendations are inspired by good lessons learnt worldwide on social protection for domestic workers which were compiled by the ILO/SocPro in the report "*Social protection for domestic workers: compilation of information on international experiences in Argentina, Cabo Verde, Costa Rica, Ecuador, France, Germany, Israel, Italy, Malaysia, Mauritius, Philippines, Singapore, Spain, Turkey and Uruguay*" (on process).

### 1. Improve Legal and Policy Framework

**Recommendation # 1. Review Minimum Wages and Conditions of Employment (Domestic Workers) Order, Statutory Instruments No.3 of 2011 with regards to provision of social protection benefits.** The Statutory Instrument No.3 of 2011 must be reviewed to include social protection guarantees to ensure that domestic workers are entitled to basic social security benefits. Specific provisions catering for contributions and access to benefits for part-time workers should be added. However priority must be given to ensuring compliance with the SI No.3 of 2011 in its current form.

**Recommendation #2. Broaden Social Security provision beyond old-age, invalidity and disability.** It is also recommended that Zambia ratifies Convention 189 on Decent Work for Domestic Worker and the Convention No. 102 which prescribes Minimum Standards on Social Security Protection. Paid maternity leave should be extended to Domestic workers as any other worker. Starting with Social Health Insurance is to be considered to reduce the financial burden on employers. This must take place within the broader pension reform and implementation of the social protection policy and implementation plan.

**Recommendation #3. Validate the standard contract for domestic work including provision for social protection and enforce compliance,** starting with maid centers.

**Recommendation #4. Push the necessary pension scheme reform forward to ensure financial sustainability and timely payment of pension benefits.** Rebuilding confidence of the public in the capacity of the Government to deliver pension benefits is crucial to increase coverage.

## 2. Raising Awareness on Social Protection and Enhance DWS Visibility

**Recommendations #5. Conduct nationwide communication campaigns on social protection targeting the domestic workers and their employers, in line with the national communication plan in place.** It is recommended that the government adopts a pro-active approach to extending Social Protection coverage. The campaign would serve to educate and raise awareness on the need for social protection, as the lack of knowledge among this specific group is one of the factors explaining low registration with social protection schemes. It would also enhance domestic workers visibility in the public debate. The Union of domestic workers, the ZFE, the association of employers of domestic workers as well as maid centers should be associated with the communication campaigns.

Employer motivation could be enhanced by raising awareness of the disease pattern in Zambia. Infectious diseases are still the main causes of morbidity and mortality. These diseases include tuberculosis and other diseases which can be transmitted to family members of the employer if the Domestic worker is not treated.

*In Uruguay and Ecuador, social insurance carried-out several communication campaigns (including distribution of brochures, broadcast of TV adverts, website, etc.) for disseminating information on the rights and obligations of the domestic workers and their employers. The Ministry of Labour of Uruguay also worked jointly with the gender-related institutions to raise awareness of the rights of female domestic workers.*

## 3. Strengthening Domestic Workers' and Employers of Domestic Workers' Organizations to Promote Social Dialogue

**Recommendation #6. Increase visibility of the Union of Domestic Workers and of the Association of employers of Domestic Workers.** This implies raising awareness on the role of domestic workers unions and association of employers, through the media, among others. The recognition, promotion and protection of domestic workers' rights require personal commitment from volunteering domestic workers, employers and trade union officers and willingness to learn about a new world. They must strongly believe in the role the Union can play to improve domestic workers' working conditions through lobbying and collective action.

**Recommendation #7: Increase Union's value for its members.** In order to increase its membership and financial resources, the Union of domestic workers must go beyond the basic grievance support and must expand activities on offer, and communicate on the services provided. It may include:

- Mobile or fixed information center on DWs rights and labour law, as it is done in Italy, Spain, Ecuador, Bolivia or Colombia
- Provide professional training courses – through the same center
- Support specific grass roots meetings for DWs (see below)
- Adopt a territorial approach (local offices) to facilitate interaction with locally relevant actors from civil society, political parties and public administration

This should be done through the development of strategies for interaction, mobilization and interest defence based on specific work agenda. At the start, external support may be required to complement members' contributions.

**Recommendation #8. Create grass root collective space under the Union of DWs to support the emergence of grass root level organizations.** The Union of domestic workers should further encourage self-organization of domestic workers for grass roots movements to emerge. The creation of a collective space is essential to share experiences, create social relations, organize mutual support, elaborate ideas for collective action and organize campaigns and public actions. The Union can encourage creation of such a space by offering know-how, infrastructures and support.

**Recommendation #9. Increase organizing possibilities for domestic workers within trade unions.** While it is acknowledged that the multiplication of unions may negatively impact the bargaining process, more unions will be required in the medium/long term for all views to be represented. In the short term, it is recommended to focus on strengthening the existing Union of Domestic workers.

#### 4. Establishing a Simplified Registration and Payment Mechanism

**Recommendation #10 Consider implementing a unified tax including NAPSA, WCF and the future SHI.** The application of a single tax resulting from the combination of NAPSA, WCF and SHI would ease the collection of contributions for both tax collectors and payers. *Examples of “monotax” exist in Argentina, Brazil, Ecuador and Uruguay but usually target independent workers. Uruguay combines tax on revenue and social security contributions collection method for independent workers with limited turnover and with small commercial activities. The monotax in Uruguay is an innovation that has contributed to employment formalization and social security extension.* In Zambia a unified Social Protection tax could lay the ground for the implementation of a more comprehensive tax system targeting independent workers in the informal sector with limited revenue.

**Recommendation #11. Consider the establishment of single window social security offices.** A single window-office is a one-stop shop placed close to the community. It is an implementation and coordination mechanism for cost efficient delivery of social protection benefits. The objective is to extend social protection and provision of adequate benefits, improve coordination between social protection institutions and line ministries to foster efficiencies in delivering social services by reducing inefficiencies and duplication. It can also empower local authorities and communities, therefore contributing to the decentralization process. Such an approach is successfully implemented in Indonesia, India, Brazil, Cambodia, Chile, South Africa, and Pakistan. Single window social security offices usually offer an array of services including dissemination of information on existing programmes, provision of support in registering for the schemes, contributions collection, delivery of social protection ID cards, facilitation of access to benefits in cash or in kind, and provision of assistance in the appeals process.

In Zambia single window Social Security offices could provide such services to the benefit of NAPSA, WCF, MoH/SHI and MCDMCH/Social Cash Transfer programme and progressively extend to other social protection or social assistance benefits. The existing close collaboration between these institutions lays a favourable ground for its implementation. It would contribute to the extension of social protection to all, not only to the domestic workers.

*Argentina, Cabo Verde, Ecuador, France, Germany, Israel, Italy, Malaysia, Mauritius, Singapore, Spain, Turkey and Uruguay have also established single and centralized systems for registration and collection of contributions.*

**Recommendation #12. Sign agreements with mobile money operators and launch e-platform.** Mobile money platforms are a promising tool for rapidly and safely collecting social security contributions. In Zambia Mobile Network Operators, are progressively extending their coverage to the whole country. The population is more and more turning to mobile money for sending and receiving payments. It especially enables greater access to basic financial services for unbanked populations, typically poor and informal sector workers in hard to reach areas. The three operators, MTN, Airtel and Zamtel, seeking to build customer loyalty in a highly competitive environment, expressed deep interest in partnering with the Government for the development of such solution for the Social Health Insurance, which could be easily extended to the other social protection branches<sup>25</sup>. Zoonia must also be approached to initiate discussion on the modalities of a similar partnership.

*The Kenya National Hospital Insurance Fund (NHIF) is using M-Pesa to collect premium contributions from workers in the informal sector. In Mali, the governing agency for the mutuelles, l'Union Technique de la Mutualité Malienne (UTM), is working in partnership with Orange-Mali to collect premium payments from informal sector populations through mobile money. As part of national efforts to achieve UHC, Nigeria's National Health Insurance Scheme (NHIS) is partnering with mobile network provider MTN and with a mobile insurance services aggregator (Salt & Einstein MTS) to launch a new mobile health micro-insurance.*

*Many countries have also set-up e-services through a web platform for the registration and online service for payment of contributions. This is in application in Argentina, Cabo Verde, Ecuador, France, Germany, Italy, Israel, Malaysia, Singapore, Spain and Uruguay. In Turkey and Uruguay, employers have access to web or mobile application for managing the registration of a worker, paying taxes, changing wages reported, getting an invoice, and updating information. Although this will mainly target medium-high income employers, this is to be considered to facilitate registration and contributions collection.*

## 5. Making Contributions Affordable

**Recommendation #13. Consider a reduced contribution rate for domestic workers.** The costs of extending social insurance coverage should be affordable to employers of domestic workers. It is advised to consider the establishment of a special contributory category for households employing domestic workers in recognition of the specificity of the household as economic unit not generating revenue by the employment of the domestic worker. Social protection benefits should not be affected. Decision on such measure and its funding must be informed by thorough actuarial analysis and fiscal space analysis.

*Many countries - such as Argentina, Cabo Verde, Costa Rica, France, Germany, Israel, Italy, the Philippines, Spain and Uruguay – do apply a lower contribution rate for domestic workers than that applied to other salaried workers. The rate of contributions is reduced, without affecting their benefits of the social security programmes.*

**Recommendation # 14. Differentiate reference wages for contribution payments.** Acknowledging the common practice of paying domestic workers under the Legal Minimum Wage, it is advised that domestic workers pay contributions according to wages reported, in case of the real salary being less than the contributory minimum wage. The employer should pay the difference in contributions from workers between the contributory minimum wage and the reported wage. *This is currently in application in Costa Rica.* This is possible only if no penalties are applied

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<sup>25</sup> Goursat M, 2014, Public-private partnership with mobile network operators to engage the informal sector population into Social health insurance: feasibility and opportunity assessment report, Zambia.

for non-compliance with minimum wage (see recommendation #15). This should be considered on the short-term only as a temporary measure to ensure progressive compliance to payment of contributions to social security.

**Recommendation #15. Develop and implement incentives system to ensure compliance.**

Compliance mechanisms are crucial to enable the enforcement of social security laws and regulations. In the first step, it is recommended to focus on incentive measures rather than sanctions. Although they are crucial to ensuring compliance, the strengthening of inspection systems, with a clear mandate and appropriate training, should be implemented in a second phase, when adequate resources are made available for efficient implementation. It is crucial to find the right equilibrium between the need to enforce rules and regulations, on the one hand, and the right of low income employers and workers to earn a living, on the other. Incentives could be provided to households under a certain income threshold and may include the following:

- The waiver of penalties for non-payment of contributions to NAPSA and WCF prior to the registration.
- No penalties for not applying the minimum wage – but calculation of contributions due must be done on the basis of declared income and no lower than one national minimum salary
- Consider provision of fiscal incentives such as income tax reduction for employers of full-time domestic workers. *Argentina, Ecuador, France, Germany, Italy, Malaysia, Singapore and Spain are providing such incentives.*

A validation meeting took place on the 18th of September, 2015, in Lusaka. The key partners involved in the domestic work were invited to share their views on the report and especially on the recommendations. These comments and remarks have been integrated to this set of recommendations. The consultant now recommends that the partners prioritize among the recommendations and build an action plan for implementation.

## Conclusions

Domestic work has come to the fore of international attention with the adoption of ILO Convention 189 and Recommendation 201 concerning decent work for domestic workers by the International Labour Conference in 2011. Although Convention 189 is yet to be ratified in Zambia, there are noticeable growing efforts from Ministries and public institutions involved in the provision of social protection, workers and employers organizations and cooperating partners (ILO) to expand social protection to domestic workers and thus combat existing discrimination regarding the level of the rights and social protection they enjoy if compared to the country's general standards.

Extending social protection to domestic workers is also part of a country's broader strategy to extend social protection to the informal sector, which is an essential element of the overall move towards the transition from informal to formal economy. The national development strategy and plan should include an integrated policy framework for the formalization of the informal economy, through national tripartite action, and defining the role of different levels of Government. Nationally formulated integrated policy frameworks would contribute to reduce the cost of transition to formality, with specific regards to registration, contribution collection and compliance with laws and regulations. Employers' and workers' organizations, of the formal and informal sector should be consulted while developing, implementing and evaluating policies and programmes of relevance to the extension of social protection to the informal economy.

In conclusion, the transition to formal economy and the struggle for decent work for domestic workers go hand in hand and will become all the more central in Zambia with the rise of a middle-class and the progressive entrance of female workers in the labour market.

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# Appendixes

## Appendix 1. Formulas for Computation of NAPSA Invalidity and Survivors Benefits

### Invalidity Benefits

The invalidity benefits due to a member is computed as follows:

$$P = C + \text{Max}(G, P_m)$$

Where:

“P” is the monthly rate of invalidity pension

“C” is the compensation for lost years, equal to 0.005 of (AIME)N where AIME is the Average Indexed Monthly Earnings and “N” the number of years lost from works as a result of invalidity.

“G” is the monthly pension

“P<sub>m</sub>” is the minimum pension

“Max(G,P<sub>m</sub>)” is the greater of G and P<sub>m</sub>

The rate at which a member whose invalidity payment has been converted to a retirement benefit shall be paid, shall be that of the member’s invalidity payment or the retirement pension, whichever is greater.

### Survivors Benefits

The formula to compute survivors benefit is as follows:

$$\text{AIME} \times 0.001111 \times M$$

Where

“AIME” is the Average Indexed Monthly Earnings

“0.001111” is the accrual rate

“M” is the number of months of pensionable earnings (length of service)

The survivor pension is divided between survivors according to the number of shares they are entitled to. The shares are split among survivors as follows:

Total number of share is  $N = P_1 + P_2 + P_3 + P_4 + P_5 + P_6$

P1: number of all surviving spouses, including pregnant spouses multiplied by 2

P2: number of surviving children under the age of eighteen

P3: number of surviving children under the age of twenty five who are receiving full time instruction at an educational institution

P4: number of surviving pregnant spouses

P5: number of non-surviving spouses with at least one minor child by the deceased

P6: number of children of any age who are either physically or mentally incapacitated both by the age of eighteen and the death of the member.

A person eligible to a pension shall receive a pension consisting of a number of shares and for a period of time as follows:

- (a) A spouse who is forty five years at the death of the member shall receive a pension equal to two shares for life or until remarriage
  - (b) A spouse who is forty five years at the death of the member and who has the care of one or more minor children by the deceased member shall receive a pension equal to two shares for life or until remarriage
  - (c) A spouse who is forty five years at the death of the member and who does not have the care of one a minor child by the deceased member shall receive a pension equal to two shares for two years from the date of the member's death
  - (d) Any child of the deceased member below eighteen at the time of death and any child conceived within the nine months preceding the deceased's death shall receive a pension equal to one share until the attainment of the age of eighteen, or so long as the child remains in full-time instruction at an educational institution , but not beyond the age of twenty-five
  - (e) Children of non-surviving spouse by the deceased member shall, in addition to the share allocated under paragraph (d), divide one share equally among themselves until the attainment of the age of eighteen, or so long as the child remains in full-time instruction at an educational institution , but not beyond the age of twenty-five.
- Provided there is only one child by a deceased spouse that child shall receive the benefit of the entire share.
- (f) Any child of the deceased member who is receiving full time instruction at an educational institution and who is above the age of eighteen but below the age of twenty five years at the time of deceased member's death shall receive a pension equal to one share until the child ceases to receive education at an educational institution or attains the age of twenty five, whichever occurs first
  - (g) Any child who is physically or mentally handicapped.

Source: Statutory Instrument No 71 of 2000.

## Appendix 2. List of Institutions and Persons Interviewed

NAME	INSTITUTION	CONTACT
<b>Mr Christopher Chabala</b>	WCF, Senior Benefit Manager	097 730 9959
<b>Mrs Reacy Chabala</b>	Association of Employers of Domestic Workers, Deputy Secretary	reacychabala@gmail.com
<b>Mr Patrick Chabwe</b>	NAPSA, Actuarial and liability Manager	096 406 7168
<b>Mrs Chana Chelemu Jere</b>	ILO, Programme Manager	097 728 9100
<b>Mr Anthony Domingu</b>	Ministry of Labor and Social Security, Director Social Security	095 022 9603
<b>Mr Hilary Hazele</b>	Zambia Federation of Employers	097 786 4975
<b>Ms. Mwenya Kapasa</b>	ILO, National Project Coordinator	097 730 8337
<b>Mr Kevin Liywalii</b>	United House Domestic Workers Union of Zambia	097 756 1467
<b>Ms. Patience Matandiko</b>	ILO, National Social Security Officer	096 295 8504
<b>Oscar Mutinda</b>	IPSOS, Programme Manager	097 632 8685

## Appendix 2. Comprehensive Overview of Social Protection Provisions for Domestic Workers in Zambia, 2015

Based on the template developed by the ILO, Social Protection Department, for the research “*Social protection for domestic workers: Compilation of information on international experiences*” (ILO, Geneva, in progress)

<p>Basic information of domestic workers</p>	<ul style="list-style-type: none"> <li>• <b>Number of domestic workers: 97,652</b></li> <li>• <b>Percentage of women domestic workers: 56 percent</b></li> <li>• <b>Percentage of urban domestic workers: 67 percent</b></li> <li>• <b>Percentage of migrant domestic workers: unknown</b></li> </ul> <p><b>Source: ILO Profile of domestic workers in Zambia, 2013</b></p> <ul style="list-style-type: none"> <li>• <b>Median/average income of domestic workers: ZMW 500</b></li> <li>• <b>Minimum wage (legal) for domestic workers: ZMW 522.40 (USD 69.0026) per month (basic pay ZMW 420.00 plus transport allowance ZMW 102.40 if applicable.</b></li> </ul>
<p>Legislation</p>	<ul style="list-style-type: none"> <li>• Employment Act, Chapter 268 of the Laws of Zambia</li> <li>• Industrial and Labour relations Act, Chapter 269 of the Laws of Zambia</li> <li>• Minimum Wages and Conditions of Employment Act, Chapter 276 of the Laws of Zambia</li> <li>• Minimum Wages and Conditions of Employment (Domestic Workers) Order, Statutory Instruments No.3 of 2011, as amended by Statutory Instrument no. 45 of 2012</li> <li>• Employment of Young persons and Children Act, Chapter 274 of the Laws of Zambia.</li> <li>• Workers Compensation Act, No 10. of 1999</li> <li>• Occupational Health and Safety Act, No. 36 of 2010</li> <li>• National Pensions Scheme Act, No. 40 of 1996</li> <li>• Domestic Workers Convention 189 is yet to be ratified by Zambia</li> <li>• Social Security (Minimum Standards) Convention 102 is yet to be ratified by Zambia</li> </ul>
<p>National definition of domestic work</p>	<p>The term “Domestic worker” and “Domestic work” are not defined in most legislation regulating employment except for the Minimum Wages and Conditions of Employment (domestic worker) Order and the Worker Compensation Act.</p> <p>Rule 3 of the Minimum Wages and Conditions of Employment (Domestic Workers) Order (SI no.3 of 2011) defines Domestic workers as follows:  “Domestic worker” includes:</p> <ul style="list-style-type: none"> <li>(c) A person who takes care of a child, a person, a sick person, a frail person or a person with disability within a household; and</li> <li>(d) A gardener</li> </ul> <p>The S.I further defines the “employer” to mean any person who has entered a contract of service with a domestic worker.</p> <p>The Workers’ Compensation Act defines “domestic worker” as a person who is employed in domestic service in a private household”</p> <p><b>Other benefits included in MWCE (Domestic Workers) Order, No. 3 of 2011 for domestic workers:</b></p> <ul style="list-style-type: none"> <li>• Annual Paid leaves (2 days per month, full pay, after six months of continuous service)</li> </ul>

<sup>26</sup> Exchange rate for April 2015 of USD 1 = ZMW 7.57

	<ul style="list-style-type: none"> <li>• Paid public holidays (work on public holidays is paid double the hourly rate of pay)</li> <li>• Daily and weekly rest (work on Sunday is paid double the hourly rate of pay)</li> <li>• Working time (48hours a week) and overtime compensation (1.5 time the hourly rate of pay)</li> <li>• Legal minimum wage (ZMW 420 basic pay plus ZMW 102 for transport allowance if applicable)</li> <li>• Paid sick leave (full pay for a period not exceeding one month)</li> <li>• Paid days of absence for sick child</li> <li>• Unpaid Maternity leave (120 days, )</li> <li>• Separation Package (One month of basic pay for each two complete years of service)</li> <li>• Transport allowance (ZMW102 for one coming from a radius of more than 3 kilometres from the work place)</li> <li>• Protective clothing (if applicable)</li> </ul> <p><b>Excluded population according to legislation</b> (MWCE (Domestic Workers) Order, No. 3 of 2011):</p> <ul style="list-style-type: none"> <li>• Occupations where wages and conditions of service are regulated through collective bargaining processes under the Industrial and Labour Relations Act;</li> <li>• In a sector where the Minister has prescribed a minimum wage:</li> <li>• People who are younger than 15 years.</li> </ul> <p><b>Workers under 18 years of age:</b> The MWCE (Domestic Workers) Order, No. 3 of 2011 prohibits the employment of persons under the age of 15. However there is no legal provision for sanction for a person who employs a child in domestic work.</p>																							
Regime of protection	<p>Coverage through <b>NAPSA and WCF under the category of “Domestic worker”</b>.</p> <p><b>Covered Population:</b> Scope of coverage, according to the C.189</p> <table border="1" data-bbox="407 1161 1414 1528"> <thead> <tr> <th>Convention 189</th> <th>SI N.03 of 2011</th> <th>Worker Compensation Act</th> <th>The Pension Act</th> </tr> </thead> <tbody> <tr> <td>Cooking</td> <td>Yes</td> <td>Yes</td> <td rowspan="6">Domestic workers are not explicitly mentioned. They are covered as long as their monthly earnings are above ZMW 15</td> </tr> <tr> <td>Cleaning</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Taking care of children, the elderly, others</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Gardeners</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Guardians</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Family chauffeurs</td> <td>Yes</td> <td>Yes</td> </tr> </tbody> </table>	Convention 189	SI N.03 of 2011	Worker Compensation Act	The Pension Act	Cooking	Yes	Yes	Domestic workers are not explicitly mentioned. They are covered as long as their monthly earnings are above ZMW 15	Cleaning	Yes	Yes	Taking care of children, the elderly, others	Yes	Yes	Gardeners	Yes	Yes	Guardians	Yes	Yes	Family chauffeurs	Yes	Yes
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Contingencies covered	<p><b>Covered Contingencies:</b></p> <ul style="list-style-type: none"> <li>- Old-age benefits, through National Pension Scheme Authority (NAPSA), provided monthly earnings are more than ZMW 15. Including survivors , funeral grant</li> <li>- Employment injury benefit (treatment and rehabilitation, invalidity and survivor’s benefits) through Workers’ Compensation Fund, WCFCB</li> </ul> <p><b>Provisions for maternity protection: pre, during and post natal care, income replacement during maternity leave?</b> Yes. Female Domestic workers are entitled to 120 calendar days of maternity leave days, However the domestic worker is not entitled to receive a salary during the time the worker is on maternity leave.</p> <p><b>Prescribed qualification procedure (maternity):</b> The worker must have completed two years of continuous services from the date of first engagement or since the last</p>																							

	maternity leave was taken. The domestic worker must provide a medical certificate issued by a registered medical doctor
Administration	Old age benefits: National Pension Scheme Authority, NAPSA Employment injury benefit: Workers' Compensation Fund Control Board, WCFCB
Social security coverage	<b>Coverage of domestic workers as a % of employed domestic workers:</b> Pension: 3percent WCF: unknown
Financing issues	<p><b>Is the contribution rate differentiated?</b>  <b>Pension:</b> No  <b>WCF:</b> yes, based on the assessment rate</p> <p><b>Reference wage for contribution payments:</b>  <b>Pension:</b> salary/wages and all payments done by the employer to the personal benefits of the employee  <b>WCF:</b> Salary/wages, all overtime payment of a regular nature, differential payments, payment made to casual workers employed in connection with employer's nature of business, leave pay if not included in the wage, an addition of 12.5 percent to the total items.</p> <p><b>Are there state subsidies for contributions?</b> No.</p> <p><b>Total contribution rate</b>  <b>Pension:</b> 10 percent  <b>WCF:</b> The Workmen Compensation Act specifies that the rate will be prescribed by the Minister. The WCF assessment rate table indicate the rate of 3.72% for "domestic servants". It has been reported that in practice the rate applied to the domestic workers is the rate applicable in the employer's occupational industry.</p> <p><b>Are there tax incentives for employers to pay contributions?</b>  No</p>
Registration practices	<p><b>Is the affiliation mandatory?</b>  Yes to both pension and work injury</p> <p><b>Registration procedure:</b>  <b>Pension and WCF:</b> Registration must be made within 30 days of employment.</p> <p><b>Who is accountable for registering the worker?</b>  The employer</p> <p><b>Entities involved:</b>  <b>Pension:</b> NAPSA  <b>WCF:</b> WCFCB</p> <p><b>Registration affiliation of domestic workers:</b>  <b>Pension :</b> Registration can be made through the website of NAPSA can also be done in branches  <b>WCF:</b>Registration are done in one of the WCFCB branches</p> <p><b>Is there a unique system of registration?</b> No</p> <p><b>Is there portability in the contributions between the schemes?</b>  <b>Pension:</b> Yes, as there is a unique social security number  <b>WCF:</b>N/A</p>

	<p><b>Are there complaint mechanisms available (in case of non-compliance with social security legislation)?</b>  <b>Pension:</b> Yes. A complaint can be lodged to NAPSA Customers service. The complaint will be referred to NAPSA prosecution unit if needed.  <b>WCF:</b> Yes, there are administrative grievance procedures in place, decentralized to branches. Written letter must be addressed to the branch head. The head can assist in writing the letter, and solving the issue and document how it was solved. The WCF headquarters ensure a monthly follow up and intervene if the answer provided was not up to standards.</p> <p><b>Are there inspection mechanisms to enforce the compulsory coverage?</b>  <b>Pension:</b> Yes, NAPSA has a compliance section with 15 asserted inspectors/prosecutors. The Pension Act is however silent on the places of inspections and does not provide any specific provision for the inspection of private households.  <b>WCF:</b> Yes, through inspectors asserted under the act to enter premises. The WCF Act does not expressly mention households but specifies that <i>“person authorized by the commissioner may, with a warrant and at all reasonable times enter upon any land, works, premises or other place”</i></p> <p><b>Are there rules for affiliation and payment of specific contributions to domestic workers working on a part time and/or multiple employers bases?</b>  <b>Pension and WCF:</b> there is no rule specifically applying to domestic workers. However, it is possible for domestic workers on a part time and/or multiple employers’ bases to contribute to NAPSA and WCF. The multiple employers’ basis is made possible through the use of a unique identification number for the worker and another number for the employer.</p> <p><b>Contributory minimum wage:</b>  <b>Pension:</b> 15 Kwacha per month (as specified in Pension Act) but the minimum salary is ZMW 420. Contributions to the Pension Scheme are therefore calculated based on the minimum wage as per the MWCE N0 3 of 2011..  <b>WCF:</b> minimum wage. In case of part time, the minimum wage on which the contributions due are calculated is computed to the pro rata of the number of hours worked.</p> <p><b>What is the process for registering domestic workers?</b>  <b>Pension:</b>  Fill out an application (two forms, one for the employer, one for the employee) either on-line or at the NAPSA offices.  Identification of the employer  Identification of the employee  Issuance of a Worker NAPSA’s number and of an Employer NAPSA number.  <b>WCF</b>  Completion of three forms: Employer form, Form 14 (assessment form) and Form 15 (legal status of the employer)</p> <p><b>What are the specific requirements for registering?</b>  <b>Pension:</b> provide two completed forms and employee’s copy of NRC.  <b>WCF:</b> provide three completed forms</p> <p><b>Are there any mechanisms in place to facilitate registration for domestic workers?</b>  Online application for NAPSA . WCF forms can be downloaded from WCF website</p>
Collection of contributions	<p><b>Is there a single national system for the collection of contributions?</b>  No</p>

	<p><b>Are there measures to facilitate the payment of contributions?</b>  <b>Pension:</b> Yes, bank transfer and prepayment are possible  <b>WCF:</b> Yes, annual premium, payment through bank transfer  Registration and payment at the branch offices is the most common mechanism for both Pension and WCF.</p> <p><b>Are there sanction mechanisms for employers?</b>  <b>Pension:</b> Yes, 20 percent penalties on unpaid contributions.  <b>WCF:</b> 10 percent of undeclared amount up to the maximum 9,600 OR 10 percent of the premium that was supposed to be paid (more common)</p>
Coverage of women domestic workers	<p><b>Are there special provisions in the law for women domestic workers?</b> No.</p> <p><b>Does the state subsidize contributions of (women) domestic workers?</b> No.</p> <p><b>Are there problems of discrimination against women? What are these problems?</b> Not for Pension and WCF. However domestic workers are not entitled to <i>paid</i> maternity leaves, unlike other workers.</p>
ILO standards ratification and application	<ul style="list-style-type: none"> <li>• Domestic Workers Convention, 2011 (No. 189) is yet to be ratified.</li> </ul>
Reference	<ul style="list-style-type: none"> <li>• National Pensions Scheme Act, No. 40 of 1996</li> <li>• Workers Compensation Act, No10. Of 1999</li> <li>• Minimum Wages and Conditions of Employment Act, Chapter 276 of the Laws of Zambia</li> <li>• Minimum Wages and Conditions of Employment (Domestic Workers) Order, Statutory Instruments No.3 of 2011, as amended by Statutory Instrument no. 45 of 2012</li> <li>• Employment Act, Chapter 268 of the Laws of Zambia</li> </ul>

## **Contact information**

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