



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$6.40

WINDHOEK - 24 December 2014

No. 5638

### CONTENTS

*Page*

#### GOVERNMENT NOTICES

No. 257	Regulations relating to domestic workers: Labour Act, 2007 .....	1
No. 258	Wage order for setting minimum wage and supplementary minimum conditions of employment for domestic workers: Labour Act, 2007 .....	2

## Government Notices

### MINISTRY OF LABOUR AND SOCIAL WELFARE

No. 257

2014

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

Under section 135 of the Labour Act, 2007 (Act No. 11 of 2007), and after consultation with the Labour Advisory Council, I have made the regulations set out in the Schedule.

**D. SIOKA**

**MINISTER OF LABOUR AND SOCIAL WELFARE**

Windhoek, 16 December 2014

### SCHEDULE

#### Definitions

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

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

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

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

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

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

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

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

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

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## **MINISTRY OF LABOUR AND SOCIAL WELFARE**

No. 258

2014

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

Under section 13 of the Labour Act, 2007 (Act No. 11 of 2007), I have, after considering the report of the Wages Commission, made the wage order set forth in the Schedule.

**D. SIOKA**

**MINISTER OF LABOUR AND SOCIAL WELFARE**

Windhoek, 16 December 2014

### **SCHEDULE**

1. Definitions
  2. Application of Regulations
  3. Application of the Wage Order
  4. Effect of the Wage Order
  5. Minimum Wage
  6. Duty to pay full monetary remuneration
  7. Transport Allowance
  8. Accompanying employer on employer's vacation
  9. Provision of food
  10. Accommodation for live-in domestic workers
  11. Health and Safety Requirements
  12. Freedom of Association and Trade Union Access
  13. Written Contract of Employment
  14. Code of Conduct
- Annexure

### **Definitions**

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

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

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

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

“the Regulations” means the Regulations Relating to Domestic Workers published in Government Notice No. 257 of 24 December 2014; and

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

### **Application of Regulations**

2. This Order is subject to the Regulations.

### **Application of Order**

3. This Order -
  - (a) applies to all domestic workers, including domestic workers placed with households by a private employment agency;
  - (b) does not apply to domestic workers covered by any collective agreement in the agricultural sector.

### **Effect of Order**

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

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

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

### **Minimum wage**

5. (1) With effect from 1 April 2015 the minimum wage for a domestic worker, to whom this Order applies, is -

- (a) N\$1218 per month;
- (b) N\$281.09 per week;
- (c) N\$56.21 per day; or
- (d) N\$7.02 per hour.

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

- (a) N\$ 10.53 per hour for overtime as contemplated in section 17(2) of the Act;
- (b) N\$14.04 per hour for work on Sundays as contemplated in section 21(5) of the Act;
- (c) N\$14.04 per hour for work on public holidays as contemplated in section 22(7) of the Act.

(3) With effect from 1 April 2016, the minimum wage referred to in sub-item (1) must be increased by 5% plus a percentage equal to the increase in the consumer price index for the preceding 12 months.

#### **Duty to pay full monetary remuneration**

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

#### **Transport allowance**

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

#### **Accompanying employer on employer's vacation**

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

#### **Provision of food**

**9.** An employer must, without charge, provide suitable food in reasonable quantity to meet the dietary needs of an employee who is a -

- (a) live-in worker; or
- (b) live-out worker who is entitled to a meal interval contemplated in section 18 of the Act.

#### **Accommodation for live-in domestic workers**

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

- (a) a lockable room, with -
  - (i) a room key;
  - (ii) good ventilation;
  - (iii) electricity, if available to the household;
  - (iv) a bed and mattress;
  - (v) heat, if such is the prevailing condition in the household; and

(b) access to clean drinking water, toilet and bathing facilities.

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

### **Health and safety requirements**

**11.** (1) An employer of a domestic worker must, without charge -

(a) upon hiring, provide that domestic worker with -

(i) a uniform; and

(ii) appropriate and effective personal protective equipment; and

(b) replace the uniform and protective equipment contemplated in paragraph (a) at reasonable intervals.

(2) The employer of a domestic worker must provide to that worker upon hiring, without charge, a health and safety induction, and that induction must include at a minimum -

(a) possible hazards relating to the domestic workers' duties, including potentially dangerous equipment and toxic substances;

(b) proper use and maintenance of personal protective equipment; and

(c) safe work techniques relating to domestic work.

(3) The employer must comply with all regulations relating to domestic workers promulgated pursuant to Section 135 of the Act.

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

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

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

### **Written contract of employment**

**13.** (1) Every employer of a domestic worker must, upon hiring the domestic worker, provide that domestic worker with a written contract of employment set out in form DW1 in the Annexure which sets forth the agreed upon terms and conditions of employment.

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

(3) The employer must retain copies of this contract for a period of the most recent 5 years of the domestic worker as contemplated in section 130 of the Act.

### **Code of conduct**

**14.** Any code of conduct for domestic work promulgated pursuant to section 137 of the Act must be taken into account in interpreting and analysing the provisions of this Order.

**ANNEXURE**

FORM DW1

**REPUBLIC OF NAMIBIA**  
LABOUR ACT, 2007 (Act No 11 of 2007)**STANDARD CONTRACT OF EMPLOYMENT FOR DOMESTIC WORKER****INSTRUCTIONS**

1. The contract must set out the terms and conditions of employment of the domestic worker, as agreed by the employer and the domestic worker.
2. "Domestic worker" means an employee performing work in or for a household, including a child-minder, cook, driver, gardener, housekeeper and a worker placed by a private employment agency to perform services in or for a household.
3. The contract is subject to the Wage Order for Domestic Workers (Government Notice No.258 of 2014) and the Labour Act, 2007 (Act No. 11 of 2007), which set out the applicable *minimum* terms and conditions of employment, and the Social Security Act, 1994 (Act No. 34 of 1994).
4. The parties to the contract are encouraged to negotiate terms more favourable than the minimum terms and conditions of employment, but they may not agree to terms and conditions that are less favourable.
5. Prior to signing the contract, the employer must explain, or cause to be explained, the provisions of the contract in a language that the domestic worker understands.
6. The employer must retain copies of this contract for a period of the most recent 5 years of the domestic worker as contemplated in section 130 of the Act.
7. A guidance note containing the statutory minimum terms and conditions of employment and other relevant information is attached hereto as Appendix 2. A star (\*) in the contract refers to the guidance note.

**CONTRACT OF EMPLOYMENT FOR DOMESTIC WORKER**

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

**1. PARTIES TO THE CONTRACT**

Name of employer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cellphone: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Social Security Employer Number \_\_\_\_\_

*and*

Name of employee \_\_\_\_\_

Address \_\_\_\_\_

Identity Number: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cellphone: \_\_\_\_\_

Social Security Employer Number \_\_\_\_\_

## 2. PLACE (S) OF WORK

(a) Address: \_\_\_\_\_

(b) (Tick one) Live-in  Live-out

## 3. JOB DESCRIPTION

(a) Job title \_\_\_\_\_

(b) (Tick one) Full-time  Part-time

(c) The duties of the domestic worker are listed on the attached Appendix 1.

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

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

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

## 5. MONETARY REMUNERATION AND BASIC WAGES\*

(a) "Monetary remuneration" consists of all monetary payments that the employer is obliged to pay to, and on behalf of the employee, including the basic wage, transport allowance and any other allowances or monetary benefits that the parties agree to.

(b) Basic wage: N\$ \_\_\_\_\_ per month/ per week/per day/per hour (circle the applicable interval).

- (c) Pay period (*tick appropriate box*): daily  weekly  bi-weekly  monthly
- (d) Time of payment of full monetary remuneration: Not later than one hour after the end of the agreed pay period.
- (e) Method of payment (*tick appropriate box*): cash  cheque  bank transfer

Banking details (*in case of bank transfer only*)

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

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

## 6. OVERTIME \*

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

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

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

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

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

## 9. SOCIAL SECURITY\*

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

## 10. SICK LEAVE\*

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



**11. COMPASSIONATE LEAVE \***

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

**12. MATERNITY LEAVE \***

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

**13. VACATION LEAVE \***

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

**14. PROVISION OF FOOD \***

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

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

- (1) The employer must provide accommodation with the following minimum conditions, without charge:

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

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

**16. OTHER ALLOWANCES AND BENEFITS \*** (*Any additional monetary benefits should be specified, with relevant details*)

- a. Medical aid \_\_\_\_\_
- b. Pension \_\_\_\_\_
- c. Housing allowance \_\_\_\_\_
- d. Paid study leave \_\_\_\_\_
- e. Other \_\_\_\_\_

**17. HEALTH AND SAFETY OBLIGATIONS \***

- (a) The employer must provide upon hire:
  - i. a uniform and appropriate and effective personal protective equipment, and must replace them at reasonable intervals; and
  - ii. appropriate health and safety induction training.
- (b) The employee must -
  - i. take reasonable care to ensure his or her own health and safety and the health and safety of any other person under his or her care; and
  - ii. cooperate with the employer to maintain safe working environment.

**18. FREEDOM OF ASSOCIATION\***

The employee has a right to belong to a trade union of his or her choice.

**19. CODE OF CONDUCT**

The parties must abide by any code of conduct for domestic work established pursuant to the Labour Act, 2007.

**20. CHANGES TO THE CONTRACT**

Any change to this contract must be agreed to by both parties in writing.

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

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

**22. COMMENCEMENT DATE OF CONTRACT**

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

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

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

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
EMPLOYER

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

## APPENDIX 1

**DOMESTIC WORKER'S JOB DESCRIPTION***Indicate functions required by a √ in the appropriate block*

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

## APPENDIX 2

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

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

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

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

**1. Ordinary hours of work (section 16) and meal intervals (section 18)**

- 1.1 An employee’s ordinary hours of work may not be more than 45 hours in any week.
- 1.2 The maximum daily hours are:
  - a) nine hours on any day if the employee works five days or fewer in a week; or
  - b) eight hours on any day, if the employee works for more than five days in a week.
- 1.3 An employee is entitled to a meal interval of one (1) hour for every five (5) hours of continuous work.
- 1.4 Any work required of the domestic worker during the mandatory meal interval is regarded as overtime worked (section 17).

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

- 2.1 “Basic Wage” means the employees’ minimum wage excluding overtime, night work pay, allowances and bonuses.
- 2.2 Effective 1 April 2015, the minimum wage for domestic worker is:
  - a) N\$1218.00 per month;
  - b) N\$281.09 per week;
  - c) N\$56.21 per day; or
  - d) N\$7.02 per hour.
- 2.3 Effective 1 April 2016, the minimum wage must be increased by 5% plus a percentage equal to the increase in the consumer price index for the preceding 12 months.
- 2.4 If an employee is paid on a basis other than hourly, the basic hourly wage must be determined as follows (section 10):
  - (a) For an employee paid daily - divide the daily rate by the number of ordinary hours of work of each day.

- (b) For an employee paid weekly - divide the weekly rate by the number of ordinary hours of work of each week.
- (c) For an employee paid fortnightly - divide the fortnightly rate by two times the number of ordinary hours of work each week.
- (d) For employees paid monthly - divide the monthly rate by 4,333 times the number of hours ordinary worked each week.

### **3. Deductions from remuneration (item 5 and regulation 3)**

- 3.1 The employer must pay to the employee the full amount of the minimum wage or higher wage agreed upon, minus lawful deductions.
- 3.2 The employer may not deduct from the remuneration of the employee the value of in-kind payments or contributions, such as food, clothing or housing as contemplated in regulation 3.

### **4. Overtime (Section 17)**

- 4.1 Any work performed in addition to the ordinary working days and ordinary working hours shall be treated as overtime.
- 4.2 The employer may not assign overtime work unless the employee agrees on each occasion that the employer requests overtime work.
- 4.3 An employer may not assign or permit an employee to work overtime in excess of three hours per day or a total of ten hours per week.
- 4.4 The employer must pay for overtime work at the hourly rate of:
  - (a) one-half (1.5) times the hourly basic wage for work on Monday through Saturday;
  - (b) Two (2) times the basic hourly wage for work on a Sunday or public holiday that is not part of the employees' normal schedule;
  - (c) As an alternative to (b) an employer may pay an employee one-half (1.5) times the employees' hourly basic wage for each hour of overtime worked, but only if the employer grants the employee an equal period of time away from work and the employee agrees to the arrangement.
- 4.5 The minimum overtime rates are:
  - a) N\$ 10.53 per hour for overtime worked on Monday through Saturday; and
  - b) N\$14.04 per hour for overtime worked on a non-regularly scheduled Sunday or public holidays.
- 4.6 Where the employee's wage is higher than the minimum overtime must be calculated in accordance with 4.4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12.1 Annual leave is calculated as follows:

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

- 12.2 The employer may determine when the annual leave is to be taken, provided that it is taken not later than four months after the end of the annual leave cycle (12 consecutive months of employment); or six months after the end of the annual leave cycle, if, before the end of the four months period, the employee agrees in writing to such an extension.

**13. Provision of Food (Wage Order)**

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

**14. Accommodation (item 8)**

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

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

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

**15. Other allowances and benefits**

The employer and employee may agree to additional benefits.

**16. Health and safety (sections 39 and 135 and item 9)**

- 16.1 The employer must provide the employee with a uniform and appropriate and effective personal protective equipment upon hire, free of charge, and replace them at reasonable intervals.

- 16.2 The employer must provide health and safety induction to the employee upon hire that will include, at a minimum:

- a) possible hazards relating to the employee's duties, including potentially dangerous equipment and toxic substances;
- b) proper use and maintenance of personal protective equipment; and
- c) safe work techniques relating to domestic work.

**17. Freedom of Association (Sections 6 and 65 and item 10)**

- 17.1 The employee has the right to be a member of a trade union.

- 17.2 Access to the employer's premises for trade-union related activities shall not be unreasonably denied and shall be treated in accordance with Section 65 of the Labour Act, 2007.
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