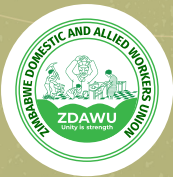


# Domestic workers' labour and employment rights



# 1. Who is a domestic worker?

The law defines a domestic worker as **any person employed in a private household to render any of the following services:**

**i. Yard or garden worker:** is a person who takes care of any or all of the yard, lawn, shrubs, hedges, fences and garden of any private household or the property of a welfare organization.



**ii. Cook or housekeeper:** is any domestic worker whose main responsibilities include housekeeping, house cleaning, laundry, ironing, cooking, dishwashing, food preparation or food service, regardless of whether or not that person also acts as a garden worker, but does not include any worker whose duties include those of a childminder or a disabled/aged minder.



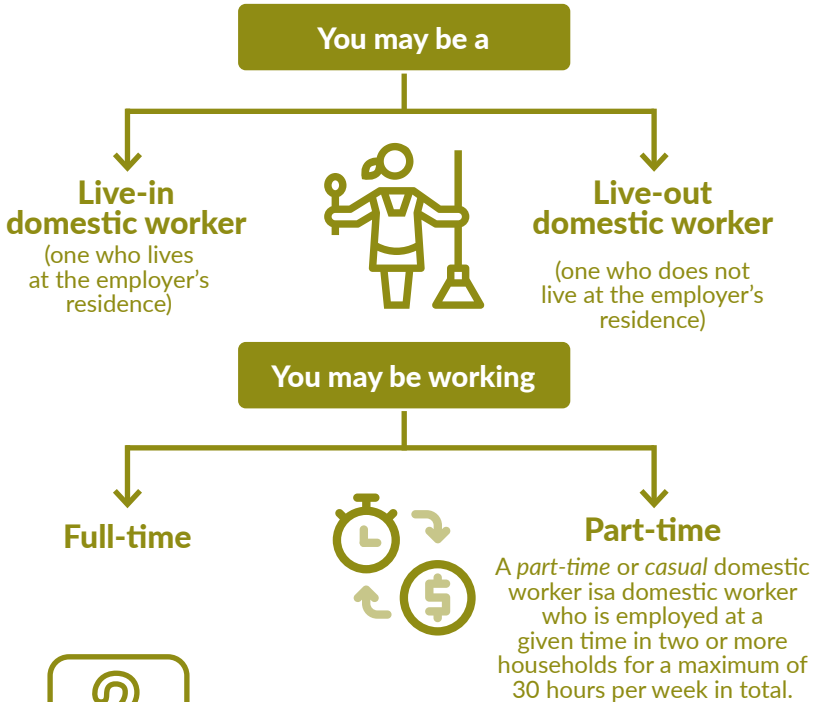
**iii. Child-minder:** is a domestic worker who takes care of any child younger than eleven years old, regardless of whether or not the domestic worker is also employed as a garden worker and/or as a cook/housekeeper.



**iv. Disabled or aged minder:** is a domestic worker who takes care of any person who is so disabled as to be unable to take care of himself/herself, regardless of whether the disability is physical, mental or related to advanced age.



These four categories are considered as “grades”. Each grade has a different minimum wage.



**Can an employer give work on a piece-work or task-work basis or on a ticket system?**

No employer should give out and no domestic worker should perform work on (a) a piece -work basis; or (b) a task-work basis; or (c) a ticket system.

**What is the minimum age to work as a domestic worker?**

16 years old is the minimum age for a domestic worker.

**Can a domestic worker join a trade union?**

Any domestic worker has the right to join a trade union.

## 2. Contract of employment



### Do I have the right to a written contract of employment?

Yes, you have a right to a contract of employment. Employers should provide a written contract of employment. If they do not provide one, ask for it!

### What should an employer give me in writing when employing me?

Employers must put in writing the following elements of the contract:

- Nature of the work, including whether it is full- or part-time and the domestic worker's level (grade)



**Important: Always make sure that the contract includes a very clear description of your duties and responsibilities!**

- Salary
- Mandatory notice period for termination
- Benefits and allowances for domestic workers, including:
  - the free use of water for domestic use
  - bonus and accommodation
  - transport and lights
  - benefits during sickness
  - vacation leave

### Why do I need a written contract?

Try to ensure that you have a written contract. It will be useful if there is an employment dispute and it is important to have a clear record of the terms and conditions of employment.

### What if I don't have a written contract?

If you don't have a written contract, you still have labour rights! Even if there are no written contracts, a verbal agreement or the fact that you have been working and getting paid is sufficient to entitle you to your rights.

**Ask ZDAWU for more details.**

## 3. Wages

### **Do I have the right to be paid a minimum wage?**

Yes, you have the right to be paid a minimum wage. You can ask ZDAWU for the latest minimum wage set by the government.

### **What if my employer does not pay the minimum wage?**

You can ask for assistance from ZDAWU if you are earning less than the minimum wage.

### **Is there a time within which my wages should be paid?**

The wages should be paid within three days of the due date.

### **How should my wages be paid?**

Employers should pay you in cash or by cheque.

### **Can I have proof of my payment?**

Employers must give you a payslip each time he/she pays you.

### **I feel that the minimum wage is too low. What can I do?**

Sometimes minimum wages are not sufficient to have a decent standard of living. Ask ZDAWU about the living wage and how you can negotiate for it!



## 4. Additional allowances

### Am I entitled to anything in addition to my wages?

In addition to your wages, you are entitled to “additional allowances” which include either in-kind benefits, such as accommodation, fuel, electricity, and water, or cash.

There are some differences for live-in and live-out workers, as described below.

i.

#### Live-in domestic workers

Employers must provide live-in domestic workers with free:



lodging



water for basic domestic needs in or about the area of the premises



lights



fuel for cooking

ii.

#### Live-out domestic workers:

Employers must provide live-out domestic workers with monthly allowances for accommodation and transport. Ask ZDAWU for the latest allowances.

# 5. Working hours, rest periods & overtime

**What is the maximum number of hours that my employer can ask me to work?**

You may not work more than 49 hours per week or 9 hours 30 minutes per day. Anything more than this is **overtime**.

**Should I be paid more for overtime?**

An employer must pay you for overtime, as follows:

- **at least one and a half (1.5) times the domestic worker's wage for overtime work.**
- **double pay for overtime work on public holidays.**

**What if I am a live-out worker?**

The employer shall not ask you to work after 7 pm unless you agree. You should be paid overtime for any work done after 7 pm.

**Can I take a rest or breaks during working hours?**

You are entitled to the following rest periods per day:

- a 30-minute meal break within the first 6 and a half hours of work
- a lunch break of at least one hour
- an additional tea break of at least 15 minutes
- not less than 24 continuous hours of rest per week
- rest during every public holiday
- If you are a female domestic worker and have a nursing child, during each working day you are entitled to at least 1 hour to nurse your child. You can combine this period with other normal break times to make it one 2 and a half hour break if that is more convenient.

## 6. Leaves and Holidays

Your employers must give you the following leaves:

### i. Vacation leave



#### How many days of vacation leave can I take?

Although you should be entitled to 30 days per year of vacation leave, in the first year of work, you need the employer's agreement to take it; the employer may not agree. After year 1, it is your right to take the vacation leave; the time will be agreed upon with your employer.

#### What happens if I don't use all my vacation leave days?

The number of vacation leave days gets accumulated each year if you don't use it. Vacation leave can accumulate up to 90 days, after which you lose your unused vacation days.

#### What happens to my accumulated vacation leave on termination?

On termination, you will be paid cash for the accumulated leave.

### ii. Sick leave



#### When can I take sick leave?

Employers must grant you sick leave if you are ill or injured or are receiving medical treatment.

#### How many days of sick leave can I take?

You can take up to 90 days of sick leave on full pay during any one-year period of service. You will need to obtain a certificate signed by a registered nurse or doctor.



**What if I have used up all my 90 days in one year and I need more days?**

You can request an additional 90 days. However you will be paid only half pay for these additional days. For these additional sick leave requests, you must have a letter from a registered nurse or doctor, stating that it is likely that you will be able to resume duty after the period of sick leave.

**What if I need more than 180 days of sick leave in a year?**

If the period of sick leave exceeds the 90+90 days, the employer may terminate the employment.

**Can I use other types of leave instead of sick leave?**

You can use vacation leave instead of taking sick leave on half pay or sick leave without pay.





### iii. Maternity leave

**How many days of maternity leave can I (a female domestic worker) take?**

You (a female domestic worker) are entitled to **98 days of maternity leave on full pay.**

**When can I take my maternity leave?**

The number of vacation leave days gets accumulated each year if you don't use it. Vacation leave can accumulate up to 90 days, after which you lose your unused vacation days.

**What happens to my accumulated vacation leave on termination?**

You can take this after 45 days of pregnancy and at least 21 days before the expected or due date of delivery.

### iv. Special leave



**What is special leave?**

Special leave is granted **with full pay for not more than 12 days in a year** for specific reasons. These include:

- Death of spouse, parent, child or legal dependent
- Instruction by a medical practitioner to not work due to an infectious disease
- Subpoenaed to appear in court as a witness
- Detained for questioning by the police
- Required to attend as **a delegate or official at any meeting of a registered trade union**

### v. Public holidays



**Can I take leave on public holidays?**

You are entitled to leave with full pay on public holidays **unless** you consent to work on a public holiday. In this case, you are entitled to the daily wage **plus** 1 ½ times the daily wage if it is within usual working hours, and 2 times the daily wage if it is outside usual working hours (overtime).

## 7. Protective clothing

### **Do I have a right to protective clothing?**

You have the right to free protective clothing. The protective clothing shall become your property three months after receiving it.

### **Do I have a right to any other health and safety protection or compensation?**

No, the current law does not provide for this.



# 8. Termination of employment

## How can I terminate my employment?

You can terminate your employment by resigning (that is telling your employer of your intention to leave) and giving a written notice in advance.

## Can my employer terminate my employment?

If your employer wants to terminate the employment, he/she must do it in **mutual agreement** in writing with you. In this case too, a notice must be given.

Your employer **may also terminate your contract without your agreement** in case of:

- i.** Incapacity, for example termination of employment due to your serious ill-health.
- ii.** Misconduct, for example where you commit an offence e.g. stealing or coming to work drunk.

## What is the notice period I or my employer must give?

The notice period differs depending on the duration of the employment relationship at the time of termination. **The table below indicates the different notice periods:**

Notice period	Duration of Employment
2 weeks	6 months or less
1 month	More than 6 months but less than 1 year
2 months	More than 1 year but less than 2 years
3 months	More than 2 years or in case of an employment contract without a time limit

### What if there is an emergency?

If you have an emergency and need to terminate your employment, you do not need to give notice to terminate the contract. The law does not specify what constitutes an emergency or compelling necessity. Check with ZDAWU if you are in this situation.

### During what periods can the notice **not** be given?

- The notice of termination **cannot** be given by the employer when you are on sick leave.
- The notice cannot be given by either the employer and/or you while you are on vacation leave.

### Should I receive gratuity on termination

If you have completed 5 or more years of continuous service with the same employer, on termination (irrespective of who terminates the employment or why), **the employer must pay you a “gratuity”** (which is an amount of money).

The gratuity amount is calculated by multiplying the number of completed years of continuous employment by a percentage of the monthly wage. The percentage varies depending on the number of years. You calculate the gratuity amount like this:

$$\text{Gratuity} = \text{Number of years of service} \times \text{percentage of the basic salary}$$

The law provides a table for calculating the amount of the gratuity. Ask ZDAWU for the details and for help calculating the gratuity.

### What is continuous service?

Continuous service is when you have been working for the same employer for a period of time. It is broken only by death, resignation, retirement or termination.

### Can I get a record of service on termination?

No matter the reason for your termination, you may request, and the employer must give you, a record of service.





## About ZDAWU

**ZDAWU** is the Zimbabwe Domestic and Allied Workers Union. The Union was established in 1980 and registered in 1985.

### Why was ZDAWU formed?

- ZDAWU was formed to protect, defend, and advance the rights of domestic workers,

### Services rendered by ZDAWU to its members

- Representation
- Information and advice
- Assistance to negotiate with employers
- Education, training, and awareness-raising programs for members
- Grievance handling
- Labour inspections through home visits

### How can you become a member of the union?

For you to become a member of ZDAWU, you have to:

- Be a domestic worker or work in a private household, in any area in Zimbabwe
- Fill in a ZDAWU registration form
- Pay the required joining fee and monthly subscription fees
- Obtain a membership card from ZDAWU

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## Contact ZDAWU

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