



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF LABOUR AND SOCIAL WELFARE

No. 135

2012

NOTICE OF CONVENING MEMBERS OF WAGES COMMISSION AND TERMS OF REFERENCE OF INVESTIGATION AND INVITATION FOR WRITTEN REPRESENTATIONS ON TERMS AND CONDITIONS OF EMPLOYMENT FOR DOMESTIC WORKERS: LABOUR ACT, 2007

In terms of section 111(3) of the Labour Act, 2007 (Act No. 11 of 2007), I give notice of the convening of the Wages Commission for purposes of investigating the terms and conditions of employment of domestic workers in accordance with the terms of reference set out in the Schedule, and the members of the Commission are:

1. Dr. Libertine Amadhila, chairperson;
2. Dr. Hilma Shindondola Mote, representing the interests of registered trade unions;
3. Mrs. Veronica De Klerk, representing the interests of registered employers' organizations;
4. Mr. Clement Daniels; and
5. Mr. Uahatjiri Nguajake.

The Commission must complete the enquiry by 30 November 2012.

The Commission must submit its report on the enquiry to me no later than 15 February 2013.

I therefore invite interested persons to make written representations concerning the terms and conditions of employment of domestic workers, including the matters set forth in the terms of reference, no later than 30 July 2012. The written representations should be delivered to the Wages Commission, Room A103, Ministry of Labour and Social Welfare, 32 Mercedes Street, Khomasdal.

I. NGATJIZEKO

MINISTER OF LABOUR AND SOCIAL WELFARE

Windhoek, 14 May 2012

SCHEDULE

TERMS OF REFERENCE FOR WAGES COMMISSION FOR DOMESTIC WORKERS

Terms of reference of Wages Commission are as follows:

1. To investigate, report and make recommendations on proposed minimum wages, conditions of employment of domestic workers through Namibia and on other matters incidental thereto.
2. For the purpose of the investigation, "*domestic work*" means *work performed in or for a household or households* and "*domestic worker*" means *any person engaged in domestic work within an employment relationship*.
3. Without derogating from the generality of the foregoing, the Commission must investigate, report and make recommendations on the following subjects:

Child domestic workers

- (a) minimum age for domestic workers;
- (b) measures to ensure that child domestic workers have access to education or training opportunities;
- (c) types of domestic work that by their nature and circumstances are likely to harm the health safety and morals of child domestic workers.

Minimum Wages

Minimum wages for domestic workers, in light of the following -

- (a) whether regional or urban-rural differences require different levels of minimum wages and conditions of employment;
- (b) whether minimum wages of domestic workers should vary according to the duties to be performed (for example, gardener, child-minder, cleaner, elder-care giver or combination of functions) or recognized qualifications;
- (c) whether any portion of the basic wages of domestic workers should be permitted in-kind, and if so, what type of in-kind payments should be permitted and what should be the maximum percentage of minimum basic wage that may be paid in-kind;
- (d) whether minimum wages and conditions of employment should be different for live-in domestic workers and those who reside away from the workplace.

Other conditions

Minimum conditions of employment for domestic workers, including -

- (a) standard written contract of employment for domestic workers;
- (b) register of attendance and of regular and overtime work of domestic worker;
- (c) Compensation for periods during which domestic workers are not free to dispose of their time as they please and must remain at the disposal of the household (stand-by or on-call periods);
- (d) Minimum standards of accommodations for live-in domestic workers;
- (e) Should domestic workers who are required to live-in be charged for food provided by the employer;
- (f) work-related medical-testing;
- (g) prohibition on testing for HIV/AIDS;
- (h) special health and safety measures.

Other protections

- (a) trade union access to domestic workers at workplace;
- (b) a code of conduct for domestic workers and employers of domestic workers;
- (c) whether a special complaint and mediation mechanism is needed to address disputes involving domestic workers;
- (d) access of labour inspectors to the work place.

Duration and Review

- (a) the period covered by the recommended minimum wages and conditions;
- (b) at what intervals should periodic reviews of the recommended minimum wages and conditions be conducted;
- (c) whether provision should be made for cost of living increases or other automatic adjustments of minimum wages and conditions.

4. In conducting its investigation, the Commission must consider -

- (a) the aims of Article 95 of the Namibian Constitution, with respect to labour matters;
- (b) adherence to and action in accordance with ILO Convention 189 and recommendation 201 on Decent Work for Domestic Workers;
- (c) the objective of providing terms and conditions of employment for domestic workers that are not less favourable than those applicable to other employees in terms of the Labour Act, 2007;
- (d) the ability of employers of domestic workers to pay minimum wages and conditions of employment if any recommendation is made a wage order;
- (e) the cost of living in Namibia or in any part of it;

- (f) the minimum subsistence level in any area;
 - (g) the goal of achieving a decent standard of living for domestic workers;
 - (h) the value of board, lodging to other benefit provided by any employers or categories.
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