

CORRECTED -
Give to Minister

Reply of the Minister of Labour and Social Welfare

on Domestic Workers

11 February 2015

1. I am pleased to learn that there is general support among all of the political parties for the measures that I announced yesterday to begin a course that will eventually lead to decent wages and conditions of employment for domestic workers. I am surprised that some few of the Honorable members who are members of Cabinet Committee on Lands and Social Issues appear to either question the wisdom of Cabinet's decision or to find it hard to adapt to change.
2. Since a number of the members have asked the same questions, I will not necessarily answer each one of you directly, by name.
3. The new measures regarding domestic work should signal to the public, and especially ^{to} the employers of

domestic workers, that they will no longer be able to rely on cheap labour to perform domestic work. This marks the beginning of a new regime for domestic work and all of us must adapt to the new conditions.

4. It should not be assumed that everyone will be able to afford full-time domestic help. Some households may decide to take on the responsibilities of cleaning, cooking, children care and gardening, rather than to hire someone to do this work for them.

5. **At the same time, it is important to understand that the minimum wage is the not the wage rate that Government thinks that employers should pay to domestic workers. It is only a minimum. This means that the law does not permit you to pay less than the amount stipulated as the minimum by law.** If any of the honorable members are paying less than the minimum wage at present, you can count yourselves among the many Namibians who have simply continued an unacceptable practice

carried over from the apartheid days. This practice will come to an end on 1 April. We encourage all of you to pay above the minimum wage, which should be seen as a rate for entry-level workers without experience or skills in domestic work.

6. A number of members have expressed concern about how their domestic workers will be able to afford to hire domestic workers to look after their own families when they come to work. I remind you that the domestic workers are the first to demand the higher wages and better conditions, so you need to become their advocates. In fact, I can anticipate that the upcoming Congress of the Domestic Workers Union may demand an increase in the minimums. IN any case, I would recommend that employers pay their workers enough money, ^{to hire} ~~well~~ domestic worker or to pay for alternate childcare arrangements. An employer can provide for fees for sending the domestic worker's child to a crèche, to a child minder, etc

7. Another way for families to address the problem of childcare is for those who now hire child minders to negotiate with their employers, and in that regard, I include the Parliament, the Government, private companies and NGO's to provide child care for their children as a benefit of employment.
8. To those of you who expressed concern about who is going to look after ^{the} elderly, especially your own parents, I can assure you that one good way to insure proper care is to hire a qualified care-giver and to pay that person at least what the law requires. Should we take advantage of our fellow Namibians, who also have parents, to ensure that our parents will not suffer?
9. Speaking of the elderly, I am aware that some of our Honourable members who have reached the age of 60 have also taken advantage of the \$600 social pension for the elderly. Surely you could use this

amount and then top it up to pay a decent salary to your domestic worker.

10. Perhaps I omitted to note, yesterday, that Section 14 of the Labour Act 2007 provides for circumstances in which an application may be lodged for exemption from the wage order or any portion thereof.
11. Hon Ulenga, the presence of undocumented workers in Namibia is an issue that needs to be addressed by the Ministry of Home Affairs. However, the employers of undocumented workers, are not relieved from the requirements of the Wage Order.
12. A question was raised by Hon. Katjivivi concerning the choice of the term “domestic worker”. “Domestic worker is a generic term, which includes gardeners, child-minders, housekeepers, cooks, drivers etc. and it is taken from the applicable international labour standards. This does not mean that you must call your housekeeper a “domestic

worker”, but merely that your housekeeper is protected by the minimum terms and conditions applicable to all categories of employees falling under the term “domestic worker.”

13. Hon. Ndjoze-~~Oyo~~: *Oyo*

The Wage Order provides that the employer must pay the cost of transport, in addition to the minimum wage.

14. I will answer the four questions of Hon. Kuugongelwa-Amadhila

1. The Ministry will conduct a one-year awareness campaign to support the implementation of the new measures. It will also introduce a toll-free number ^{or} of sms line to answer questions and to receive complaints. The latter will assist in enforcement also.

2. The Ministry has already **gazetted** a standard contract of employment for domestic work,

along with the Wage Order and will also disseminate it through additional avenues.

3. The age of entry into domestic work is 18 years of age. **This means that employers cannot hire children (person under the age of 18) to perform domestic work, unless ~~and~~ exemption is granted by the Minister.** This is because the Labour Act provides that children may not be employed in work that may that “ *may place the child’s health, safety, or physica, mental, spiritual, moral or social development at risk.*” The intention in banning child domestic work is to protect our children.

4. The Wage Order provides that live-in employees are entitled to receive visitors at home at reasonable intervals and for reasonable period^s of time, in consultation with the employer. This means that the employer cannot deny visitor^s, but can negotiate mutually

acceptable arrangements for the visits. If employers seek exemptions from this provision in terms of Section 14 of the Labour Act, they will have to offer conditions that are not less favorable than the existing ones.

15. To Hon. Nghidinwa, Namholo, lilonga and others who propose setting lower minimums, I can only say that these amounts were arrived at after extensive consultations and research by ^{the} Wage^s Commission, which includes experts and representatives of Namibian employers and workers. If a family with a joint income of \$4000 per month gives priority to hiring a full-time domestic worker, they could still hire one without failing below Namibia's poverty level\$. On the other hand, they may decide on alternate arrangements that can meet their most important needs, such as child car^e. Further, it is not possible or practical to set minimums according to the incomes of employers, which is tantamount to means testing for employer.^s

Government

16. Our ~~Ministry~~ does not support lowering the new statutory minimum, but we do encourage those who earn more to pay more to their workers. Our ~~ministry~~ ^{Government} is not prepared to introduce a minimum wage that will do nothing more than perpetuate the poverty of the working poor. The policy of the SWAPO party is to tackle poverty head on, not to entrench it by law.

17. I took note of the comments of the Honourable Speaker at the end of the session yesterday concerning the standing rules and the limitations on questions concerning a Ministerial statement. Although I have no idea why the rule was not enforced, I am happy that members had the opportunity to obtain clarification about the new Wage Order and to express their views.

Hon Attoni— Thank you for having a

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