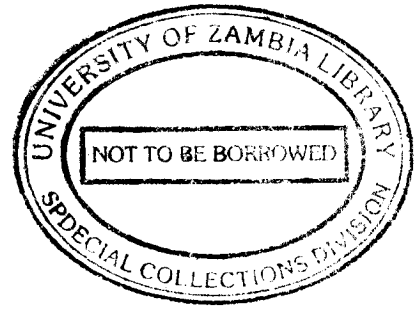


where our work is, there let our joy be.....



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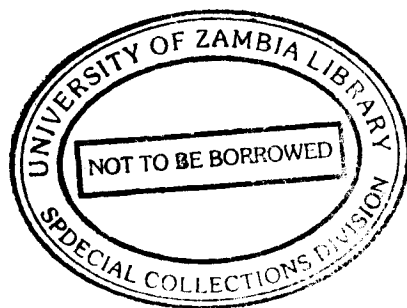
**DOMESTIC WORKERS : ARE THEY GETTING A RAW DEAL FROM
THEIR EMPLOYERS AND THE GOVERNMENT AT LARGE???**

BY

MARGARET KAPAMBWE

**AN OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF
ZAMBIA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF
BACHELOR OF LAWS (LLB)**

____NOVEMBER, 2005



THE UNIVERSITY OF ZAMBIA

SCHOOL OF LAW

I RECOMMEND THAT THE OBLIGATORY ESSAY PREPARED UNDER
MY SUPERVISION

BY

MARGARET KAPAMBWE

ENTITLED:

DOMESTIC WORKERS: ARE THEY GETTING A RAW DEAL FROM
THEIR EMPLOYERS AND THE GOVERNMENT AT LARGE
BE ACCEPTED FOR EXAMINATION. I HAVE CHECKED IT CAREFULLY
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MR MUDENDA

(SUPERVISOR)

02/12/2015

DATE

DECLARATION

I, MARGARET KAPAMBWE, COMPUTER NUMBER: 20045646, DO
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RESEARCH PAPER ARE ENTIRELY BASED ON MY OWN FINDINGS.
THE WORK USED HEREIN THAT IS NOT MY OWN, I HAVE
ENDEAVOURED TO ACKNOWLEDGE.

I THEREFORE TAKE FULL RESPONSIBILITY FOR THE CONTENTS,
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01-02-2025

DATE

A handwritten signature in black ink, appearing to be 'MK', written over a horizontal line.

SIGNATURE

DEDICATION

This work is dedicated to my late mom and dad for imparting in me the spirit,
Determination and confidence that with God on my side, I can reach unattainable
Boundless heights, not even the sky is the limit.

This is for you...

I am more than a Conqueror through Christ Jesus who strengthens me.

Romans 8:37

ACKNOWLEDGEMENTS

It is with great gratitude that I record my indebtedness to the various people that have inspired and encouraged me at different stages of my life and also to recognize friends and family who have silently and some not so silently given me their support and love in all my academic and non-academic pursuits. First and foremost, I would like to thank the **almighty God** for this life I have and also for his steadfast love and never- ending mercies toward me which have made me what I am today. I owe everything I am and have to him.

My sincere gratitude goes to my supervisor, Mr. Mudenda for his encouragement, Patience and critical comments which tremendously helped to successfully finish this work.

To my family, Julia, Mercy, Chanda, Chilufya, Chris, Mulenga, Catherine, Dick, Twilile, Kalumbu, Chipso, Luyando, Kupelwa, Junior, Chitala, aunt Juliet, Sharon – thank you all for your love and unwavering support. I will always love you... I would never ask for a better family.

Chiti, keep the flame of love, care and companionship burning- thank you for believing in me and encouraging me to study hard. I would also like to thank kasonde for being such a warm, understanding, considerate and loving friend through the years. To Daliso, thank you for being you.

My gratitude and thanks also go to Ndala, for helping me type chapter one. Mwape from chamb, for availing me the data from the internet. Mr. Ngulube and Mr. Tembo from Tembo, Ngulube and Associates.

Etambuyu, Maya, Agatha, Tinta, Nana, Mundi, Lomse, John, Sunga, you made my stay on campus worthwhile and proved to be friends indeed. I shall hold the special happy and sad moments we shared. You are my circle of friends I shall forever hold dear. Thanks for putting up with me when I was being overbearing and for endeavoring to understand me. You truly made my life on campus memorable. To my classmates, Angela, Kahumbu, Mary, Kabanda, Kanyembo, Richard, Namuchana, Abigail, Monica, Gina, Mercy, Gift, Chiti, Mweshi, Natasha C, Natashsa S, Kanji, Mubanga, Benson, Mando, Mau, Alfred, Chola, Mwape, Victor, Nzala, Mukumba, Kondwani, Gideon, Fred, Mr. N'gandu, Exnobot, Evaristo, Benaiah, Joe, Joseph, Brigadier, Mateyo, Gama, Lawrence, Choka, Terence, James Frank. S, and the rest of the 4th class of 2005, we soldiered on... even in the midst of hardships and stress. Knowing you all has added value to my life. I thank the Lord for you all for making life exciting both in academic and social circle

To Milimo, for helping print this work and for everything else you did for me during my time at Campus. To my roommates, Sarah and Mutinta.

To you all I say thank you and may our good lord bless you abundantly.

ABSTRACT

Every worker, despite his line of work or industry, be it domestic or office work is entitled to a fair remuneration and good conditions of service.

In this day and age where the worker is at the mercy of the employer, a situation most exploited by the employer in awarding wages, it is imperative that workers are educated on their rights if effective protection of the workers is to be realized.

Conditions of service should no longer remain purely in the employers' determination but should be a matter of law and human rights.

Whatever is called a human being has human rights. Consequently, a domestic worker by virtue of being human is endowed with human rights and freedoms which should be observed, protected and upheld. A domestic worker therefore, is one who carrying his human rights as a person joins employment and should acquire other rights by virtue of the contract of employment. It can not be said that at the time he or she joins employment, he loses his human rights because he has not lost his humanity, the basis of human rights. Thus, he or she should be allowed to demand for better conditions of service basing his or her arguments on the fact that he is first and foremost a human being despite being a domestic worker who should be assured of a fair living wage to secure for him and his family a decent living. This is very cardinal for him as it not only helps him/her to have his needs satisfied but will also ensure that he puts in his/her best performance.

It should be realized that domestic workers are human beings and like their employers, they too need to have a decent living. They do not sell their labour in order to be exploited but to earn a decent living. There should therefore be certain mechanisms put in place to ensure that domestic workers are treated humanely and receive their rightful and just dues. Any employer who pays his/her workers less than they need to afford essentials of life is violating their human rights.

It is sincerely hoped that this work will contribute to the labour struggles for the betterment of the Zambian domestic worker.

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1.1. Zambia, like any other developing country is faced with numerous problems such as high unemployment levels, high mortality rate due to the HIV/AIDS pandemic and high poverty levels just to mention but a few. There has been a relentless deterioration in the living standards of living the people. According to statistical information, about 67 per cent of the Zambian population lives in abject poverty.¹ This has been aptly put by a University of Zambia lecturer who says;

“ It is common knowledge that most Zambian people are living in poverty and dying young and in large numbers due to high poverty levels”²

This unsatisfactory state of affairs means that 20 per cent of the population of about 11 million can be said to be living above the poverty datum line. Unfortunately this all consuming vortex has spared very few, because not even the so called income earning workers have been exempted especially that most of them receive meager wages and their conditions of service, if any, leave much to be desired.

1.1. What is the image or picture that comes to your mind when you think of workers or labourers in Zambia? Maybe it is the miner, on his head a hat with a lamp and in his hands a strong pick, going deep into the earth to dig out copper to keep our economy going? Or is it the secretary working in a large office in a government ministry, typing away all day and filing the reports that she knows are necessary for efficient service of the people? Or maybe a retiring employee of a big company being honoured for 35 years of dedicated and competent work.³

¹ Jesuit Centre for Theological Research

² Dr Edgar Bwalya, The Post, December 14, 2002.

³ <http://www.jctr.org.zm/publications/htm>

These are among the few number of people who come to mind when we think of workers and labourers. Yet we also know very well, that these workers are only a small fraction of the Zambians who work very hard to keep our country, poor as it is, moving forward. The workers for the mines, for government ministries, for large companies, are working in what is called the formal sector. Regularly employed, receiving a pay cheque each month (large or small), offering the government income tax that enables government to operate.

But out of a potential work force of five million Zambians, less than 500,000 are in the formal economy. There are many more thousands of others who are in what is called the informal economy. They lack the protection of laws and in most cases the concern of organized trade unions.⁴

There is one group of Zambians in the informal sector that we seldom hear about. They do not belong to the big unions, they do not march in the Labour Day parades, and they do not receive all the advantages of regular pay and well-ordered benefits. These are the domestic workers who clean homes, cook meals, mind children, weed gardens, guard houses.

Domestic work is among the lowest status, least regulated and poorest remunerated of all occupations.⁵ Domestic workers have been placed among the most vulnerable persons living in abject poverty due to deplorable conditions that they are subjected to and the

⁴ ibid

⁵ <http://www.indianngos.com/issue/child/labour/resources/articles5.htm>

more than insufficient income they earn. Often these domestic workers are young women, called in from villages to work in a relative's home in a town or city. They work long hours, are paid very little, live in poor surroundings, and they are expected to keep quiet about their bad conditions of their work. Often members of the household may even sexually abuse them. If they complain they are sent packing, back to the village or out onto the streets.⁶

Typically, there are no specified hours or tasks allocated to domestic workers. They do what their employer asks them to, at any time of day or night if they are live-in domestics. Both the 24-hour nature of the job and the type of household tasks assigned to domestic workers has been well documented in existing studies⁷. Domestic workers spend an average 15 hours or more working each day, seven days a week, and are generally on call day and night⁸. Typical tasks include cooking, washing and ironing clothes for the family, cleaning, gardening, shopping, and looking after the employers' children- including escorting them to and from school and carrying their bags.

Live-in domestic workers spend almost all of their time inside the employers' households and, even if they have time off during a day, are commonly not allowed to leave the house. Having friends is often discouraged as this represents a distraction from the workers' duties.

⁶ *ibid*

⁷ *Ibid*

⁸ *Supra*

Sleeping and eating arrangements typically separate domestic workers from other members of the household and reinforce their sense of inferiority. **Nansokolo**⁹, a young domestic worker of Chibolya Compound told of how she has to eat different, lower-quality food from her employer. At breakfast, for example, she must serve the family and complete a number of tasks before she is allowed to eat. Domestic workers rarely have a place of their own to sleep, and are expected to sleep in any available space, such as the kitchen floor or on the bedroom floor of their employers children¹⁰

The inevitable question is, do the Zambian domestic worker have legal protection to ensure that they not only receive a living wage but also receive a sustainable one?

There has been very little effort put in place to eradicate poverty among this category of workers. There is no specific legislation to protect domestic workers and their rights to adequate remuneration and conditions of service. There has been very little talk in relation to this subject. Whatever little has been said has had very little impact on the situation as there has been no improvement seen in the heart wrenching poverty levels among this group of workers. They are totally isolated and ignored in the society.¹¹ For instance, they are among the few category of workers who have been excluded in legislation prescribing the minimum wages and conditions of service for workers in Zambia. They are amongst the most vulnerable workers open to abuse and violation as there is no law that specifically seeks to safeguard their interest.

⁹ Names have been changed to protect the identity of the workers

¹⁰ *ibid*

¹¹ <http://www.irinnews.org/AIDSreport.asp?ReportID>

It is for this reason that this work intends to critically analyse the possibilities of improving domestic workers' conditions of service and providing safeguards that will ensure that they receive a fair and living wage. This work will also look at the consequences of incorporating or enacting legislation specifically for this category of workers.

1.2. Interest for this subject has been aroused by the current more than unsatisfactory conditions these workers are subjected to, resulting in them leading most unfavourable lives. They wallow in abject poverty with no voice to champion their cause. This is a situation we are all aware of but pretend is not there, and it is people like us who conduct studies and dress well that are practicing it.¹²

Domestic workers have no conception of 'rights' as they are viewed as a foreign concept.¹³ There is a significant level of antagonism to domestic workers' rights by the employers. Rights are seen as something that would spoil these workers and make them irresponsible. This is most unacceptable in this day and age when upholding human rights is paramount and should be addressed.

There is a wide outcry by domestic workers across the country for improved conditions of service and better wages. One might wonder whether domestic workers just want to be extravagant and unrealistic in their demands or is this the dawn of their realization that

¹² *ibid*

¹³ *ibid*

they have sacrificed for too long, their rights have been violated for a long time and its high time they asserted their rights?

The reason for emphasizing on the right to receiving a fair and living wage and improved conditions of service generally is that, it is income which enables people to have access to food, clean water, shelter, clothing and other basic needs for survival as observed by the United Nations Development Programme (UNDP) in one of its reports:

“ Human development is a process of enlarging people’s choices. Enlarging people’s choices is achieved by expanding human capabilities and functions. At all levels of development the essential capability of human development are, to lead long and healthy lives, to be knowledgeable, have access to resources needed for a decent standard of living. If these basic capabilities are not achieved, many choices are simply not available and many opportunities remain inaccessible, income is certainly one of the main means of expanding choices and well being.”¹⁴

That is why wages or payment for work is so important. It is both for the worker’s livelihood and support of family, and also for recognition of the contribution made by the worker for the improvement of our human community. It is in work that people cooperate with each other in building up the nation.¹⁵

From the foregoing, it is crystal clear that deprivation of adequate income to an individual leads to other forms of deprivation making it impossible for an individual to have a decent and meaningful existence.

¹⁴ UNDP Human Development Report 1998, in JCTR Bulletin, 2000

¹⁵ <http://www.jctr.org.zm/publications/1may03.htm>

There is therefore every need to highlight the inadequacies of the current body of laws so as to adequately provide for the domestic workers as well. The current trend where they receive wages that are inadequate to sustain them needs to be checked, as it is a violation of their rights.

1.3. Definition of a Domestic Worker

A domestic worker is one who performs such duties in the home of the employers cleaning the house, looking after children, disabled, sick or the old, gardening, driving for the house hold and it may also cover independent contractors who are domestic work as well as employment services that are provided for a domestic worker.¹⁶ But above all, a domestic worker is a human being, who carrying his human rights as a person joins employment and should therefore, acquire other rights by virtue of the contract of employment, not being subjected to inhumane conditions of service.

1.4. Layout of Thesis

To discuss this important subject this thesis has been divided into six chapters. In chapter two, the background of the problem shall be presented and the situation as it presently stands will be outlined. The third chapter will critically analyse the position of domestic workers in relation to their human rights. It will examine the various human rights documents. In chapter four, an examination of various Zambia's legislation will be taken. It will discuss whether they are any mechanisms in place to safeguard domestic workers

¹⁶ Sectoral Determination for the Domestic Worker Sector, 2002, Pretoria: Department of labour

and whether Zambia has adhered to the international labour standards and conditions of service in relation to said category of workers. The fifth chapter shall concentrate in exploring possibilities of incorporating or enacting legislation dealing with domestic workers. It will also look at the various opinions of people in relation to this matter. This chapter will further highlight the possible difficulties and drawbacks that could be faced as result of enacting legislation that specifically addresses the situation. The sixth, and final chapter will ideally contain a conclusion and give recommendations on the improvement of domestic workers' conditions of service.

1.5. In summation of this chapter, in this day and age where the worker is at the mercy of the employer, a situation most exploited by the employer in awarding wage, it is imperative that these workers are educated on their rights if effective protection of the workers is to be realized. Conditions of service should no longer remain purely in the employer's determination but should be a matter of law and human rights. There should be certain mechanisms put in place to ensure that domestic workers are treated humanely and they receive their rightful and just dues. Any employer who pays his/her workers, domestic workers inclusive, less than they need to afford essentials of life is violating their human rights. It is hoped that this work will contribute to the labour struggles for the betterment of the Zambian domestic worker.

CHAPTER TWO

2.0. In an ideal environment, work is supposed to be a source of one's joy and pride. It is supposed to enrich and fulfill oneself. Indeed, humans are expected to work hard to produce the good things that will sustain them. But work should not be seen only as a punishment, but also as a dignity, as something very worthwhile. Every worker is supposed to derive some satisfaction and some happiness from their jobs because they spend the most part of the day, and consequently the most part of their adult life at their work places, it is therefore supposed to be a source of one's joy and pride. Thus, if the work place is a happy place where they can achieve some sense of belonging and well being, then they are able to put in their very best and production is at its peak. In such an environment, both the employer and the employee are happy. On the other hand, if their place of work is a source of discontentment and outrage, it leads to frustration and despondency towards work, consequently leading to mediocre performance by the workers. It is thus of utmost importance that every worker's conditions of service should be adequate if at all this worker is to be productive in whatever he/she is doing.

Various aspects of human rights such as definitions, characteristics, which shall be examined in chapter 3 show that workers rights are human rights. Human rights occupy a very critical position in today's modern world and it is for this reason that one would not hesitate to argue domestic workers' rights from the human right's perspective. This is needed in many countries, Zambia inclusive, where domestic workers are subjected to very disheartening conditions at work. The trend is common in most parts of the world

where they are treated like slaves.¹ The practice and treatment availed to domestic workers is highly unacceptable in this day and age when upholding human rights is paramount.

2.1. Domestic work is among the lowest status, least regulated, and poorest remunerated of all occupations, whether performed by adults or children.² The role of maid implies a 'subservient' and 'inferior' status. It is thus, a well-known fact and one, which should not attract debate to hear of ill treatment of domestic workers. The grave abuse of domestic workers' rights is not only barbaric but is based in most cases, on the greediness on the part of employers. Sometimes people who have a lot of money are very negligent about the conditions of their workers, even the workers in their own homes.³ They seem not to care about the needs of the workers as long as the work is done-meals cooked, rooms cleaned, gardens weeded, and so on. Sometimes, they even cheat their workers out of their wages.⁴ It is good to reflect on the harsh words of the Bible about employers who cheat their workers. "Do not cheat a poor and needy hired servant. Each day before sun set, pay him for that day's work. He needs the money and has counted on getting it. If you do not pay him, he will cry out against you to the lord, and you will be guilty of sin".⁵

Employers have also taken advantage because domestic workers have very limited job opportunities. Most of them are school drop-outs due to lack of finances in most cases.

¹ <http://www.Lrf.org.zm/Newsletter/FebMarch/domestic>

² <http://www.indianngos.com/issue/child/labour/resources>

³ <http://www.jctr.org.zm/publications>

⁴ Ibid

⁵ <http://www.jctr.org.zm/publications>

This being the case, once they find a job, they tend to brave the most deplorable and cruelest conditions in order to hold on to these jobs. Being well aware of this state of affairs, employers tend to subject them to almost inhuman treatment because they know fully well that they depend on these jobs for their very livelihood. Their dependence on the employer makes them very vulnerable to exploitation and abuse by these employers. In most cases they have been made to believe that they are of inferior status in society and do not deserve better. They are made to believe that by actually employing them, the employer is doing them a great favour to quash any kind of rebellion from them when they are subjected to despicable behavior. They are made to feel as if they are forever 'indebted' to their employers for at least giving them a job and should thus never question or complain against them. Take the story of **Chilufya**, of Ngombe Compound who is a grade 10 drop out and now works as a domestic worker in Roma Township. She was forced to stop her schooling because her father could not afford to continue sending her to school after he was laid off from work. Things became very bad that she and her younger siblings had to find means in order to help out financially by doing piecework. She says that had her employer not given her a job when she did, she would have been forced in to prostitution in order to survive. She thus feels that her 'madam' did her a great favour and she can never complain despite the bad treatment she receives at her hands. Her employer has in turn taken advantage of her vulnerable and subservient attitude. Her employer makes a point of reminding her that without her she would have been roaming the streets. That she is nothing without her and she should actually worship the ground she walks and should never complain. There are a number of occasions she has been insulted and physically handled. Chilufya says she is now only a shell of the

once vibrant girl she used to be. She no longer has any sense of self worth and dignity and feels that she is of inferior status and should not question her superiors. It has been so strongly embedded in her that she does not deserve any better so she must take whatever comes her way with a pinch of salt. She is not allowed to any personal contact with her employers unless it is of utmost importance. When she does have any personal contact, she is to keep her face bowed and to be on her knees. She says that the rare occasion her boss ever bothers with her is when she wants to give her a taste of her wrath and abuse. She recalls that there are a number of occasions when her boss has slapped and pulled her ears for petty things such as humming while sweeping the houses, or for coughing or sneezing. She further narrates that there was an instance her boss spat in her face because she found her sitting on a chair instead of the floor where she 'belongs'. She says that her working environment always reeks of tension and fear. She is always afraid that she will do something that will spark her employers' rage towards her. She feels like a leper as she is not supposed to have contact with the rest of the family unless it can not be avoided, otherwise, she is supposed to keep to herself in the kitchen or outside the house, she is not supposed to use any other door in the house apart from the kitchen door. She is not allowed to use utensils used by the rest of the household, or to use the toilet and bathroom for fear that she can contaminate it with germs from her shanty compound. One would not be wrong in assuming that Chilufya holds on to this despicable treatment due to a fat wage. Wrong!!! She only gets a mock wage of K70, 000 per month. She says that she stays on because there are no other alternatives for her, whatever kittle she gets at least helps with her family even though she says it does not make much difference but she says it keeps her from selling herself on the streets. But she adds with a reminiscent

shadow of a smile on her lips that it would really be good if things would change for the better for her and other domestic workers across the country who are badly treated, “because there are a lot others out there in a similar situation as me, some even worse off, therefore, life would certainly be much better if we had good conditions of service and reasonable wages, we depend on them for our livelihood”. The conditions under which Chilufta is expected to work are demeaning and are only befitting a slave.

Sadly enough, Chilufya’s case is only one of the many cases in which employers mistreat their domestic workers under the misconceived notion that these workers do not deserve any better. This should not be the case, despite them not having good educational backgrounds and coming from very poor families, they are also humans just like any other employee and employer in this country. Despite all their misfortunes and misgivings, they also have rights by virtue of being human and therefore ought to be fairly treated just like any other employee in Zambia. It should be realized that just like their employers, they are also human beings who need a fair wage in order to have a decent living. They do not sell their labour in order to be exploited but to earn a decent living.

One employer interviewed, **Mr. Kizito** stated in no uncertain terms that all domestic workers are a nuisance. Once you give them an inch, they will go a mile; they lose respect and become pompous and arrogant for nothing. Thus, they should constantly be reminded that they are nothing, absolutely nothing in order to keep them in check and rightful place.

Employers should realize that as much as these domestic workers need them, they in turn need these workers. From the findings of this research, it would be argued that a large number of households in this country depend on domestic workers for the smooth running of their domestic affairs. Without them, these households would come to a total standstill. They do all the dirty, messy work that no one else wants to do, they ensure that the house and surroundings are kept clean, tidy and immaculate, meals are cooked and served on time, clothes are washed, ironed and neatly packed, children are taken to school, picked, washed and fed at the right times, garden is watered, car washed, someone to look after the house and many other small things that do not even cross the minds of many house owners because there is an 'unseen' efficient domestic worker to take care of such business for them. At the end of a long tiring day, many career women and men, who spend very little time at home, and can not be bothered by things like cleaning the house, cooking and so on go home knowing that every thing is sparkling and is in its proper and rightful place, this is all because of the hardworking ministrations of the domestic worker who walks away with a very unreasonable wage at the end of all this hardwork. Domestic workers are thus a vital part of our community and should not be disregarded or overlooked. They are at the heart of the proper management and smooth running of their employers' homes and their communities at large.

Consequently, both parties, which are the domestic worker and the employers, should realize that they need each other to make the situation work in a mutually flexible and beneficial manner.⁶

⁶ Sectoral determination for the domestic worker sector, 2002, Pretoria: Department of Labour

The term that the employer shall pay his worker a reasonable wage is so cardinal for both the employer and the employee as payment of reasonable wages ensures peace.⁷

2.2. The wages domestic workers get out of their toil and abuse leaves much to be desired. The average domestic worker in Zambia gets an average of K100, 000 with the least getting in the range of K 40,000-50,000 per month. These mock wages are for workers who have no specified hours or tasks allocated to them. They do any thing and everything their employer might demand of them and at any time of day and night.⁸ They are abused and mistreated simply at the cruel and greedy whim of their employers. They are treated as slaves, their masters being the employer who exercise immense power over them. They have no say whatsoever over their lives once in the employer's house. They are to be dealt with as the employer pleases.

The story of **Chanda**, an orphan of Mutendere Compound is rather a saddening one. She narrates that she was overjoyed when she found a job as a live-in domestic worker at a big house in Chelston. All her life, all she had known was poverty in her grandparent's one roomed house, which they shared with her other three cousins whose parents had also passed on. She certainly thought that all her problems had come to an end and the beginning of happiness. However, her rosy dreams were soon shattered. She was told that she was not going to get any payment, as they would provide lodging, food, and any other basic requirements she might need. This was not what she had envisioned; she had thought that she would be able to get money so that she would help out financially at

E. Jacques, **Equitable Payment: A General Theory of Work Differential Payment, and Individual Progress** (London: Heinemann Educational Books Ltd, 1963)
<http://www.indianngos.com/issue/labour/resources>

home. But she decided to take it because it was better than nothing. The children of the house often belittled and insulted her at the encouragement of their mother. She was expected to just smile at all this. She had to wake up as early as five in the morning in order to start preparing the children (three of them) for school, their breakfasts, and pack food for school and then breakfast for her employers and porridge for the one and a half year old twins. She had to take the children to school, which was quite a distance from the house, and then go and pick them up again. She had to look after the twins, who she says were very taxing, clean the house and surroundings, water the garden and flowers, and cook all the meals. When the children got back from school, she had to ensure that she pampers their unnecessary whims and demands or else she would get a beating from their mother. She was not allowed to go to sleep or rest until the last of the family members had retired to bed in case one of them needed anything. Additionally, since she had to sleep on the floor of the twin's bedroom, she was expected to get up and soothe them back to sleep whenever they woke up at night. She says that due to this and the fact that she had to wake up at five, she only used to sleep for an average of four hours. She further adds that she was supposed to take her meals alone in the kitchen and was not allowed to have any meals unless the rest of the family was at home. As a result, there were days when she would starve for the whole day because the rest of the family was not home. She says that after enduring this for eleven months, she decided to quit when the husband of the house started making sexual advances towards her, making the wife increasingly cruel towards her. She says she could not take it any more and therefore decided to leave. She left without anything to show for all the hard work she had put in and the abuse she had endured. She finally adds that "sembe bana ni pasako chabe olo ni

100 pin na yamba katemba pa kuvutika kwanga” meaning that at least they would have just given me a K100, 000 for all my suffering so that I would have started a small business.

2.3. Unfortunately, there is no law she would have invoked to help her against her employers because there is no law designed to safeguard domestic worker’s interests. They suffer the fate of working extremely hard and for indefinably long hours, whilst lacking conditions of service and future security.

International standards of employment conditions do not apply when engaging servants. They are sometimes treated like some kind of commodity. Take the case of **Juliet**⁹ for instance; who narrates painfully that her would be employers examined her eyes, feet, ears and other body parts, like she was some kind of merchandise. She says that she was later told that she would not be given the job because she was too plump thus, implying laziness and her skin was a bit on the ‘dirty side’. She further adds that one other reason she was sent away is because she does not understand English, being unfortunate enough not to have been sent to school due to the fact that her parents could not afford to send her to school. She was told that she would pollute the children of the house with the local languages. She says that from that day, her self-esteem has been greatly affected and she has never been able to look at herself in the same way.

⁹ Names have been changed to protect the identity of the workers

vulnerability to exploitation and abuse. In cases where the domestic workers have to live far from their homes, without any contact from their family, they tend to be more vulnerable and intimidated. Take the case of **Gebisa**, who was taken from her hometown kafue to go and work in Kapiri. She says that she felt very isolated and lonely and her dependence on her employer grew.

Servants residing in premises of their employers are often denied use of facilities such as toilets, telephone or kitchen utensils. When something misses, the domestic worker is prime suspect even if it turns out it is the relatives who have committed the crime.¹⁵ The poor domestic servant is usually dismissed, beaten or handed to the police.

Sometimes it is the mistress of the house who creates problems if she suspects that her husband is going about with the servant. Masters also tend to sexually harass their domestic servants, threatening dismissal if they ever refuse them sexual favours.¹⁶ Further, most people are employing young people who are below the age stipulated by labour laws.

Information is scarce about this 'invisible' child work force because each child is separately employed and works in the seclusion of a private house, unlike children in a factory or on the street.¹⁷

¹⁵ <http://www.lrf.org.zm/Nessletter/FebMarch/domestic>

¹⁶ *ibid*

¹⁷ <http://www.Indianngos.com/issue/child/labour/resources/articles5.htm>

They do not exist as a group and are difficult to reach and to count. Their jobs are invisible too; domestic work as earlier alluded to belongs in the informal labour market, is unregistered and does not show up clearly in employment statistics. The invisibility of child domestic workers also derives from the fact that the majority are girls. Doing domestic work in a household other than their own is seen as merely an extension of their duties, and the concept of employment is missing. In addition, since the status of a girl living in the household may be blurred with that of the family, her presence in the home may not show up in census or household survey data. The prevalence of under-age domestic work in any setting is especially difficult to assess.

Knowledge about child domestic workers remains patchy for other reasons as well. In societies where using children as domestic workers is not recognized as child labour but as a normal feature of society, motivation to inquire into their situation is likely to be limited.¹⁸ Indeed, even among children's rights advocates, there may be a reluctance to take special notice of child domestic workers, who are seen as a cared-for rather than an exploited group.

Despite these difficulties, some researchers and non-governmental organizations (NGOs) have undertaken studies, in countries where the practice of child domestic work is common.¹⁹ Sadly, Zambia has been included among the countries under research showing that indeed, there is a practice of child domestic work in this country who are badly treated.

¹⁸ *ibid*

¹⁹ *ibid*

The information generated by these studies generally shows that, although wide social, cultural and economic differences exist in practice, domestic work has features which distinguish it from other forms of child labour such as, they are poorly paid, often work in isolated and difficult living conditions, since it is possible for very young children to undertake light household tasks, the age of entry can be as young as five, many child domestics do not handle their earnings, some are unpaid, the earnings of others are commonly given to parents or people often referred to as aunties but who in reality are unrelated recruitment agents, most of them live in, and are under the exclusive, round-the-clock control of the employer who is normally the female head of the household, the live-in domestic is cut from her family, has little opportunity to make friends, and almost no social exchange with peers, they have little freedom or free time.

About ninety percent of child domestics are girls; ²⁰their powerlessness within the household renders them especially vulnerable to sexual abuse.

This is the worst form of child labour because they are like a commodity for the family they work for. They are totally isolated and ignored; they have no private life and do not even know how to play. Their educational needs are also overlooked, and yet, that is where they most want to be.²¹ **Kalumbu** of Kafue narrates that she was taken in to work as a domestic by a lady she refers to as “aunt” (her mother’s distant friend) when she was only 13 years old at the death of her parents. She says that was the end of her happy care-free child hood. She could not play games as the other kids of her age were doing. She

²⁰ ibid

²¹ ibid

was always locked up in the yard attending to household chores. If she asked to be go and play with the other kids, she was told that she was being ungrateful and insolent. She says that what she envied and desired most was to go to school and get an education as the other kids where doing. But, sadly enough, there was no one to pay her school fees.

Although most of them have heard about HIV/AIDS, their knowledge of the disease remains very limited. When asked what she knows about HIV and AIDS, **Twilile** of John Howard, whose aunt brought her from the village to ‘help out’ with house hold chores, says that all that she knows about it is what her late grandmother told her that it is a disease from God which had come to wipe away all the wicked people and that the good people can not die of the disease. She further adds that she has no clue as to how one can get this evil disease. This is rather unfortunate because her lack of knowledge about the disease makes her even more vulnerable to the disease.

There is rampant sexual abuse of domestic workers usually by the male employers. **Agatha**, a 16-year-old orphaned domestic worker told of how, to secure a job and continued support to her grandmother and four siblings, she has to succumb to the luring of her employer, who perpetually coerces her in to sleeping with him when ever his wife is away. The poverty levels in Zambia are therefore forcing more and more children to work as domestics and consequently, the threat of exploitation.

There are also cases where their female employers sexually abuse male domestic workers. However such information is very hard to come by, as the male domestics are

However, with such high levels of adult poverty, one would ask why people chose to employ children under the prescribed age as domestic workers. It is not normal for a child younger than 18 to be working 24 hours for all the 7 days of the week.

Research²⁴ has shown that people prefer younger domestic workers as they are more malleable and cannot take their husbands. Most child domestic are between the 12 and 17 years. It is also known, however, that significant numbers of children in various countries routinely begin working as domestic workers well before they reach adolescence. In Haiti, for example, many children as young as five may be separated from their families to work as ‘stay-withs’²⁵

Particular religious or ethnic groups regarded as subservient have traditionally supplied others with domestic workers. In India and Nepal, for example, children of low status groups may be bonded to an employer to work as domestic workers. In countries with minority populations, children from indigenous groups are sent to work as domestic workers in the households of the majority population. This is especially true where the child domestic worker’s ethnic background might reinforce the employer’s attitude of superiority and the child’s sense of isolation.²⁶

One of the major obstacles to ceasing the practice is the significant level of antagonism to children’s rights by communities, who viewed it as a foreign concept. Rights are seen as something that would spoil the kids and make them irresponsible. Most employers are not

²⁴ *ibid*

²⁵ *Supra*

²⁶ *ibid*

comfortable with their employees knowing about their rights because it threatens their authority “Singing about human rights to the young domestics will only confuse and make them pompous for nothing, as far as I am concerned, I do not want my servant to be polluted with this nonsense from the west”, retorts **Mrs. Kasase**, an employer of two domestic workers and pays them very little, no wonder she is against them knowing their human rights.

However, it should be recognized that Zambia cannot afford to be romantic and lose sight of the reality that due to the poverty situation prevailing in the country; many of these children do not have a choice. The available research²⁷ suggests that child domestic workers most commonly come from poor, often too large, rural families. There is also considerable evidence of fostered children being obliged to work as housemaids²⁸. Moreover other factors that determine the likelihood of children becoming domestic workers must also be taken into account, such as orphan hood. In most such cases, especially those involving orphaned children, the older children usually have to find some kind of employment to help sustain the others. They are thus a source of income. **Mapenzi**, a 14 year old domestic worker of George compound says she has no option but to work despite the bad conditions and little pay that she gets, in order for her and her other two siblings to have at least one meal a day and a roof over their head, however modest this might be. She adds that at least it keeps the younger siblings off the streets.

²⁷ <http://www.indianngos.com/issue/child/labour/resources>

²⁸ *ibid*

Due to situations such as mapenzi's, we cannot close our eyes to the harsh realities of our society and say that children should not work. But we can say that there is need to come up with action and practical suggestions to prevent abuse. People can no longer afford to be complacent about this situation.

Some governments are conducting studies to learn more about child labour. In South Africa, for one, they undertook a large national household survey in 1999 to assess the extent and nature of child work, including domestic work by girls and boys.²⁹ Zambia can also take a leaf from South Africa and learn more about domestic labour so as to put policies in place, which can safeguard the interests of this category of workers.

2.5. There is therefore, every need to look into the plight of this category of workers for they are humans and as such, are entitled to rights and freedoms of which it is the government's responsibility to safeguard.

²⁹ *ibid*

CHAPTER THREE

3.0. *The origins of human rights are to be found in the ideas of natural law and natural rights.*

In the 19th and 20th centuries, assertions of certain fundamental rights of man became common in constitutions of developed countries. However, the major international instrument to recognize fundamental rights came in 1948 in the form of **The Universal Declaration of Human Rights**¹. Human rights occupy a very critical position in the modern world and it is for this reason that one would not hesitate to argue domestic workers' rights from the human rights perspective.

This chapter therefore seeks to show that domestic workers' rights are human rights, thus their violation is tantamount to violation of human rights. This is particularly needed in a country like Zambia and many other countries across the world where domestic workers receive slave wages and are subjected to inhuman conditions.

3.1 According to Jenks², in a contemporary society the conception of human rights has broadened to include, in addition to civil liberties necessary to guarantee personal freedom, a wide range of economic and social measures necessary to enable the individual the exercise of that freedom, to enjoy in an industrialized society the good life

¹ Adopted by the General Assembly of the United Nations resolution 217(111) of 10 December, 1948

² Jenks.c.w. (1960) **Human rights and international labour standards**, (London: Stevens and Sons), P.127

which political philosophers from Plato and Aristotle onward, have regarded as the essential object of the state. Jenks further adds that:

Just and favourable conditions of work, just and favourable remuneration, rest and leisure including reasonable limitation of working hours and periodic holidays with pay, special care and assistance for motherhood and childhood. There are elements in a civilized standard of life for the individual and in a common welfare of the community which cannot be achieved in an industrialized society without collective effort and agreement, which may take the form of action by the state, or that of negotiation and cooperation between parties in industry, or some combination of these whereby the state prescribes minimum standards and higher standards are agreed upon by the parties³.

Every worker therefore, despite his line of work or industry, be it domestic or office work is entitled to a fair remuneration and good conditions of service.

3.2. It must be pointed out that there is no one agreed definition of what human rights are.

This is probably due to the fact that some people look at human rights in terms of their religious convictions while others view them in terms of their cultures or traditions.

However, in the most general sense, human rights are said to be rights, which belong to every human being or individual as a consequence of being human, independent of acts of law⁴.

³ ibid

⁴ Donnelly. J. (1985) The concept of human rights, London: Croom Helm Ltd, P. 1

One definition of human rights is given as those claims asserted and which should be legally recognized and protected to secure for each individual the fullest and freest development of personality and spiritual, moral, and other independence. They are conceived of as rights inherent in individuals as rational, free- willing creatures neither conferred by positive law nor capable of being abrogated by positive law⁵.

Consequently, whatever is called a human being has human rights. The same is therefore also true of a domestic worker as he or she is a human being. Human rights belong to human beings by virtue of being human. In other words, human center on human beings and they exist because a human being exists.

3.3. One of the characteristics of human rights is that they are Universal. This implies that they belong to each and every individual regardless of race, colour, sex, origin or status. They belong to every human being, whether domestic worker or employer. The universality is rooted in the inherent dignity of every human being. Article 1 of the **Universal Declaration of Human Rights (UDHR)** states that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. It further provides that:

*Everyone who works has the right to just and favourable remuneration. Ensuring for himself and his family an existence worth of human dignity, and supplemented, if necessary, by other means of social security.*⁶

⁵ Walker, D.M. (1980) Oxford Companion of Law, Oxford: Clarendon press, P.591

⁶ Article 16(3) of the UDHR.

The international community is therefore, through the UDHR and many other instruments such as the International Labour instruments agreed on the fact that worker's rights are human rights. It therefore follows that since domestic workers fall under the category of workers, they are entitled to all such rights.

Secondly, human rights and all fundamental freedoms are the birth right of all human beings. There are inherent in every one and exist independent of the will of either an individual or a group of people. They are neither obtained nor granted through any human action. They are neither privileges nor contingent upon any duties but entitlements against the state⁷. The state therefore, has an obligation to ensure that the rights of all its citizens, domestic workers inclusive are protected.

Another characteristic of human rights is that inalienable. This implies that they can never be separated from a human being. Nobody can deprive any body of his or her rights and no body can renounce these rights. A human being is born with human rights and dies with them. Margaret McDonald calls them natural rights. She observes that:

Natural rights being part of the very nature, of a human being attach to all human beings everywhere and all societies. His natural rights attach by virtue of his reason to every man as to his arms and legs. He carries them about with him from one society to another. He cannot lose them without losing himself⁸.

⁷ Rhoda. E. Howard (1986) **Human Rights in common wealth Africa** (New Jersey: Rowmans and Littlefield) P.16

⁸ Waldron .J. (ed), (1984), **Theories of rights**, (London: Oxford university press), P. 27

In light of this, since human rights attach to every human being as does his arms and legs, one can safely argue that when a person gets employed, he does not lose his rights but enters the job with them and simply incorporates those other rights he will acquire by virtue of the contract of employment into those he already possesses. What this means therefore, is that whenever an employee fights for better conditions of service, he should be able to argue that poor conditions of service do not befit a human being. Even where a contract of employment is silent on certain issues, the law implies terms in that contract such as the right to receive a reasonable wage. Domestic workers thus, have a right to fight for a better pay from a human rights' perspective because they are human beings who deserve a decent living, which they can only afford if they are well paid.

Another important characteristic of human rights is that on the principle of equality of all human beings⁹. Domestic workers should therefore be treated without discrimination.

Though there could be differences in wages on the basis of different trades in particular industries, every one should get enough to sustain themselves and their families. The principle of equality as espoused by the international instruments is based on humanity and nothing else.

The unequal treatment of human beings has led to a number of problems as Bounarroiti points out:

From the unequal distribution of wealth and power arise all the disorders which nine-tenths of the inhabitants of all civilized countries justly complain. From thence result

⁹ Article 1 of the UDHR

*to them privations, sufferings, humanitarians and slavery. Each citizen should therefore be given enough*¹⁰.

Consequently, there should be an empowerment of domestic workers by giving them enough to reduce their suffering which would only be achieved by increasing their income to reasonable levels. It is through money that an individual has purchasing power.

Since workers' rights talk about man, they form part of human rights. In this regard, domestic workers' rights are human rights and should therefore be strictly observed and upheld.

3.4. Every right implies that there is a corresponding duty attached to it. When a person says he has a right, an interest or claim that is recognized and protected by law, it means that there is a duty on somebody else who has to perform or forebear so as not to disturb the enjoyment of that right.

Traditionally, government or states have been regarded as the principle duty holders. However, individuals and other non- state entities can also be duty holders. They have a duty to either forebear or act to ensure that every one enjoys human rights. Employers can be duty holders. They are supposed to respect the rights of their workers. They are to ensure that every worker who is in their employ operate in an environment that befits a human being.

¹⁰ History of Babeuf's conspiracy of equality in John Rees, (1971) **Equality: Key Concepts in Political Science** (London: Macmillan) P. 29

Domestic workers are supposed to be given reasonable working conditions and enough in wages so as to ensure that such workers do not suffer from want. This implies that wherever and whenever workers suffer from want, hardly affording the basic essentials of life due to poor wages, there is a violation of their fundamental human rights.

One of the rights provided for¹¹ is the right to Self-determination, the right of everyone to enjoy the highest standard of physical and mental health. A human being cannot attain the highest standard of physical and mental health if perpetually wallowing in poverty. It is for this reason that every government should strive to eliminate poverty through creating employment opportunities and ensure that those already in employment receive sustainable wages and subjected to good conditions of services. **Article 7** of the ICESCR provides that:

The parties to the covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure in particular remuneration which provides all workers with fair wages to ensure a decent living for themselves and their families.

This clearly implies that whenever any category of workers is not enjoying favourable conditions of work and fair wages to sustain themselves and their families, as is the case with domestic workers, there is a violation of article 7.

¹¹ Article 1 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

3.5. In summation, it is clear from the origin, definitions and characteristics of human rights that workers' rights are part of human. A human being joins any sort of employment carrying his human rights. It cannot be said that at the time he joins employment, he loses his human rights because he has not lost his humanity, the basis of his human rights. He should therefore be allowed to demand for better conditions of service based on the fact that he is a human being despite being a domestic worker. He or she should be assured of a fair and living wage to secure for him and his family a decent living. This is cardinal because not only does it help him to have his needs satisfied but also ensures that he puts in his best when it comes to performance of his work.

It is possible to ensure protection of domestic workers' rights in any country where there is respect for human rights. It should be realized that a domestic worker is a human being and like his employer, he too needs to have a decent living. Moreover, in a civilized society, a worker does not sell his labour in order to be exploited but to earn a decent living. According to Elliot Jacques:

A well-ordered society must provide work that enriches the individual by allowing him to exercise his full wit and capacity in his work. Each man must be assured of his due measure of reward and standard of living which he can enjoy without experiencing the bitterness of want¹².

Every domestic worker should hence be given enough so as to protect him against suffering from want.

¹² Jacques.E. (1963) **Equitable payment: A general theory of work differential payment and individual progress** (London: Heineman Educational Books Ltd), P. 25

CHAPTER FOUR

4.0. This chapter will critically examine Zambian Legislation dealing with workers and whether domestic workers have been adequately provided for under current legislation. It will further look at whether there are any safeguards against the exploitation of this category of workers.

4.1. The biggest single influence upon formal or official wage and labour policy in underdeveloped countries has probably been that of the **International Labour Organization (ILO)**. ILO is the United Nations specialized agency responsible for the workers' welfare throughout the world. The ILO's system of conventions for adoption by law in member states, and of recommendations as their labour policies, its tripartite annual labour conferences, its industrial and regional conferences and committees, its reports and publications, its advisory missions have contributed a very powerful means of pressure, a persuasion and education in labour and social matters.¹

The first major Act of the ILO in the field of wage policy was its **Minimum Wage Convention of 1928**. This calls upon member states to create or maintain machinery whereby minimum rates of wages can be fixed where no arrangement exists for the effective the effective regulation of wages by collective agreement or otherwise where wages are exceptionally low.² The recommendation attached to this convention suggests

¹ Turner.A.H. (1965), **Wage trends, wage policies and collective bargaining: The problems for underdeveloped countries** (Cambridge: Cambridge University Press) P.25

² ibid

that in fixing minimum rates, the wage authority should take account of the necessity of enabling the workers concerned to maintain a suitable standard of living.

It must be stated that it is not possible for the ILO to give a precise benchmark as to how much every worker throughout the world should be paid. This is due to the fact that candidates differ from one country to another. However, what the ILO purposes is a wage that will enable workers to maintain a suitable standard of living. A suitable standard of living is one where a worker easily affords all basic essentials of life such as shelter, food and clothing not only for himself but also for his family.³

It is the wish of the ILO that all workers are paid adequately so as to protect them against want. The adequacy of any pay should be measured in terms of his power to buy the stated essentials.⁴

This is therefore a very important convention for domestic workers. Since Zambia has ratified this convention, the domestic workers have every right to demand that the Government ensures that this category of workers get a wage that will enable them a suitable standard of living. Employers of this category of workers should not pay them anything less than what they need to afford the basic essentials of life, as is the present case.

A salary is one of the most important aspects in every worker's life. It determines the choices a worker will have in meeting his needs. It is for this reason that every worker

³ ibid

⁴ ibid

world over fights for a better or reasonable wage. The wage structures for domestic workers represent a disparity between the cost of basic essentials and the wages. They get between K50 000 and K300 000. However, they are very few who get above K150 000, the majority get in the range of K50 000 – K120 000.

4.2. The above wages are to be contrasted with the cost of essentials. According to a survey conducted by the **Jesuit Centre for Theological Reflection** (JCTR) in August 2005, the basic needs basket was K1, 358, 990.⁵ This shows that for every household to be said to be free from poverty, they needed to have about K1, 358, 990. This implies that whichever household had an income falling below that amount was in danger of poverty. The bleakness of the situation can therefore be seen in the case of the domestic workers. With the kinds of wages they get (ranging between K50,000 and K300,000), they can all be said to be wallowing in abject poverty. There is thus every need to address this more than unsatisfactory state of affairs in a country which purports to uphold its people's human rights.

4.3. There are basically four pieces of legislation in place to principally provide for the welfare of employees in Zambia. These are the constitution,⁶ Employment Act,⁷ Industrial and Labour Relations Act ⁸and the Minimum Wages and Conditions of Employment Act. ⁹

⁵ See Appendix 1

⁶ Chapter 1 of the laws of Zambia

⁷ Chapter 268 of the laws of Zambia

⁸ Chapter 269 of the laws of Zambia

⁹ Chapter 276 of the laws of Zambia

4.4. A constitution has been defined as a formal document having the force of law by which a society organizes a government for itself, defines and limits its powers and prescribes relations of its various organs inter se and with the citizen.¹⁰ It is the grand norm of the land and starting point for everything.

The constitution contains civil, political, economic, social and cultural rights. Among the directives placed under part IX to guide principles of state policy are that the state shall endeavour to create conditions under which all citizens shall be able to source adequate means of livelihood and opportunity to obtain employment and that the state shall recognize the right of every person to fair labour practices and safe healthy working conditions.¹¹

When the constitution talks of recognition of every person's right to fair labour practices and health working conditions, it talks about the right of every person in employment to get a living wage and other conditions of employment suitable for his needs and those of his family. In light of this, it can thus be argued that domestic workers should not be subjected to the inhuman conditions that they are currently subjected to because the grand norm provides for the protection of every worker in Zambia.

Zambia is a party to the international covenant on **Economic, Social, and Cultural rights** (ICESCR), the principle source of international social welfare obligations for those states which have ratified it. In article 6 of the covenant, states parties undertake to ensure

¹⁰ Nwabeuze.B.O. (1973), **Constitutionalism in the emergent states** (Madison: Fairleigh Dickson university press) P.2

¹¹ Article 112 of the constitution of Zambia

the right to work and to earn a living wage is recognized. In Article 7, states parties recognize the right of every one to the enjoyment of just and favourable conditions of work which ensure remuneration for work of equal value and a decent living for themselves and their family.

As noted by the **Limburg principles**,¹² economic, social and cultural rights are an integral part of human rights law. As much as the covenant recognizes that some economic rights require resources to be implemented, it is equally noted that some rights can be readily implemented. Such rights include the right of everyone to the enjoyment of just and favourable conditions of work of which ensure fair wages and equal remuneration for equal work and one that ensures a decent living for the employees. These rights do not require resources to be realized. Therefore, the argument advanced by many world governments, especially third world governments that the realization of these rights is beyond their resources due to financial constraints cannot stand.

Zambia should learn from the example of South Africa where the question of justiciability of economic and social rights was extensively debated during the drawing up of the national constitution that led to some of the rights enshrined in the ICESCR, UDHR, and the African charter of human and people's rights being addressed in the constitution.¹³

¹² Limburg principles on the implementation of the international covenant on economic, social and cultural rights

¹³ R. Simbulo, (2000) '**Economic and Social Rights in Zambia: The Quest for Justiciability**' in The Human Rights Observer, Vol. 23 (Lusaka: The Inter- Africa Network for Human Rights and Development) P.7

4.5. The Industrial and Labour Relations Act regulates labour relations in the country.

Under this Act, an employee has the right to take part in the activities of a trade union and to absent himself from work without leave of the employer for the sole purpose of taking part in the activities of the trade union.¹⁴ Though a trade union has been registered to further the domestic workers' cause, its effectiveness is yet to be seen. It is not publicized, thus, very few people know of its existence. In most cases, their employers forbid the few domestics who are aware of the union's existence to participate in such 'unbecoming' activities. This is the case of **Beatrice**, a domestic worker of Libala who says although she has heard of the union, she is not a member because her employer does not want her to become involved because she says such activities breed arrogance and stupidity. She told her that she should first leave her job before joining such 'rubbish' (union). Therefore, due to such attitudes of the employers, most employees are unable to join the union because they are scared of their employers.

4.6. Under the Employment Act, employees enjoy many rights and privileges. Among them include repatriation, holidays with pay under section 15. In the case of summary dismissal, the employee is entitled to wages and other allowances due to him up to date of such dismissal.

Part VII of the Employment Act deals with the protection of wages. Section 48(1) gives provisions as to when wages become due and payable. Subsection (2) which stipulates that wages of an employee shall be paid at regular intervals not later than the fifth day following the date upon which they fall due is very important although it is in most cases

¹⁴ Section 5 of the Industrial and Labour Relations Act

violated by employers in Zambia. Employers of domestic workers are the worst culprits of this offence. Late payment of wages in this sector is so rife that it has reached a level where it is regarded as a normal course of life for the employees. Take the case of **Etambuyu**, a domestic worker of Chawama compound who says that there are many instances when three to four months go by without her employer paying her. This is a violation of the workers' right to receive their wages on time for which the employer must suffer a penalty if found guilty.

However, the sobering thought is that under the Act, the definition given of an employee excludes a casual employee therefore, the provisions of the said Act do not apply to a casual worker. Consequently, domestic workers are excluded from the protection, rights and privileges this Act provides because they are usually employed as casual employees. There is therefore every need to change this legislation and include domestic workers as well so that they can also enjoy such privileges as other workers in the country enjoy. For instance, if they were included in this legislation, they would be entitled to holidays because at present, they are not entitled to any free days. They work like slaves every day of the week including weekends.

4.7. Furthermore, the law in Zambia has set minimum standards for the protection of employees, especially those not adequately covered by any effective mechanism of regulating wages and other terms and conditions of employment. This law is the **Minimum Wages and Conditions of Employment Act.**¹⁵ One of the latest sets of

¹⁵ Chapter 276 of the laws of Zambia

regulations is the Minimum Wages and Conditions of Employment (General) order, 2002.

Sadly, domestic workers are among the few exceptions to which the Act does not apply. The General Order covers minimum wages as well as conditions and terms of employment such as hours of work, overtime, annual leave, paid sick leave, maternity benefits, retirement benefits, funeral assistance, to name but a few.

It is most regrettable that domestic workers have been excluded because they have some of the worst conditions of service you can get anywhere in Zambia today. They are in a precarious position. Government should therefore as a matter of urgency move in and provide some protection to this vulnerable group. They also should be made to enjoy the protection and rights provided for all the other workers in the country. Does it mean that just because they are domestic workers, they do not have needs just like any other worker, are some workers more human and entitled to better rights and privileges than others, does the right to work entail that some workers have the right to work and be entitled to better conditions than others? Certainly not. All workers must be adequately provided for in legislation. Excluding few categories of workers from legislation is discrimination and therefore should not be condoned. It should be addressed by ensuring that those categories of employees that had been excluded from legislation are provided for.

4.8. At present, the various pieces of legislation meant to protect workers (which should include domestics) leave much to be desired because domestic workers have been expressly excluded in most of them meaning that they do not enjoy the protection accorded to other employees in the country, making them the most vulnerable to exploitation and abuse. Most of domestics interviewed said that they did not understand why they were turned away whenever they gathered the courage to take a complaint against their employers to such organizations such as the **Legal Resources Foundation** (LRF). An interview with one of the paralegals¹⁶ at the LRF revealed that most domestic workers were turned away because there was no law providing for them. She said that most of the complaints were those to do with leave pay or other such benefits but there was nothing that could be done because there is no such provision in the law for domestic workers. She said it was rather disheartening that whenever they get two cases, one dealing with a domestic and any other worker and both asking for their leave pay because they have worked for more than six months as the law stipulates, the other worker will get relief while the domestic will have to be turned away with nothing even if she might have worked for a longer period than the other worker. Even where a domestic worker works for fifteen years as in the case of **Chipokota** of Linda Compound, there is nothing to show for it because she is not entitled to any benefits under the law. The next chapter will therefore ideally discuss various recommendations to provide safeguards against the exploitation of domestic workers.

¹⁶ Mrs Mutambalilo of Matero Legal Resource Foundation Centre

RECOMMENDATIONS AND CONCLUSION

5.0. Having examined the slavish conditions under which domestic employees labour and having shown that they are not adequately provided for under legislation, with some legislation such as The Minimum Wages and Conditions of Employment Act expressly excluding them from the Act, it is vital and of utmost importance that various recommendations be made and a conclusion drawn.

5.1. The recommendations come from the deepest conviction that they are of paramount necessity if Zambia is to boost about respect for its work force and the protection of its people's human rights, fundamental freedoms and liberties.

- There is need to ensure that all workers in Zambia enjoy adequate and equal protection of the Labour Laws. Domestic workers do fit the definition of employee given under section 3 of the Employment Act, thus they qualify to be provided for under any legislation dealing with employees. Consequently, legislation such as The minimum wages and conditions Act should be amended to include domestic workers under its provisions. They should not totally be disregarded, as is the present case. That is the reason why domestic workers' employers pay them scant wages and are able to get away with it leaving the domestic worker with no remedy because there is no specific law to protect the a worker.

- Domestic workers should be accorded better conditions of service, conditions befitting a human being possessing human rights and freedoms. They should not be exploited, failure to which there should be sanctions.
- The need to ensure that every worker is paid a living wage need not be emphasized. A living wage should be interpreted not only to mean income from employment providing means for satisfying both economic and social needs. It implies something more than simply a subsistence wage, which provides only for the basic necessities of food, clothing and shelter¹. It is for this reason that the United House and Domestic Workers Union in Zambia urged employers employing house and domestic workers to increase their salaries by not less than 70 percent of the current salaries this year².
- Furthermore, based on the South African legislation³, it would be recommended that domestic workers must be paid for every hour or part of the hour they have worked. That different wages are prescribed depending on where the domestic works and the number of hours worked per work. In addition, every domestic worker must get an annual wage.
- There should be prescribed ordinary hours per week. Any domestic worker should not work more than these ordinary hours per week. They are only supposed to work for instance, for 9 hours per day, anything other than that would be overtime and they should be paid for it. This would be tremendous help because typically, there are no specified hours allocated to domestic employees resulting in gross abuse of them. The trend is to make them work for absurdly long hours. For

¹

² [http: www.times.Co.zm/news](http://www.times.Co.zm/news)

³ Sectoral determination for the domestic worker sector, 1st Sept. 2002

instance, Mable of Rhodes park has to report for work at 6 o' clock and stays on until 19 hours when her employers come back from work. She is not allowed to rest during the weekend as she is supposed to work on both Saturday and Sunday as well. She works for all the seven days of the week in a month for only K90, 000. There should therefore be a provision that employers who extend their domestic workers' working hours should be ready to pay them overtime if they exceed the ordinary prescribed hours per week.

- Deductions for equipment or tools provided at the workplace, uniforms or work clothing, meals taken during working hours, accidental burning of clothes during ironing and accidental breakages should not be allowed. There is a very good example of Eunice of Kafue's Jonase's compound who narrated amidst sobs that in the month of July, her employer deducted K60, 000 from her salary of K100, 000 in order to cover for the cutlery she had accidentally broken in that month. This is not fair and should not be allowed. Accidents do and can happen to the best of us.
- However, the increase of domestic worker's salaries on the part of the employer should not be viewed in a myopic manner. From the broader view, the Zambian economy has a great impact on what the domestic worker will take home. This is so because if the domestic workers' employer earns very little due to the poor economy, it will be an impossible fruitless exercise to demand that that employer pays his or her domestic adequately. According to the 'nemo dat' principle, one cannot give what one does not have; therefore, such an employer cannot pay the domestic money, which he simply does not have. He can only pay the domestic as

much as he has, which in this case, will clearly not be enough because he is not adequately paid as well. Thus, there is every need to advocate not only for the improvement of the conditions of services and wages of domestic workers, but also for every worker in Zambia, be it in the private or public sector. If this is done, domestic workers will also resultantly benefit.

- Furthermore, the Zambian legislature can take a leaf from the South African department of labour and enact a piece of legislation specifically regulating the employment of domestic workers. This law⁴ lays down conditions of employment for domestic workers such as hours of work, leave, holidays, particulars and termination of employment. It also prescribes the minimum wage employers are required to pay. It applies to all employers and employees in the domestic worker sector. The South African Government realized how vital and instrumental domestic workers are, that is why they enacted legislation for them. They play a major role in the smooth running of the household and ensure that when the employer get home from a stressful day at work, they are assured of finding in its rightful place. Most homes are a haven of peace, orderliness, comfort and leisure from which one can derive a peace of mind due to the ever efficient and capable ministrations of domestic workers. They are therefore a pillar in many homes without which these homes would come to a stand still. Many people, especially those in strategic positions and leading very busy lives need domestic workers to do all those mundane dirty, stressful tasks which they do not have time to do for themselves and in cases where they do have the time, they would not be bothered

⁴ The Sectoral Determination for the Domestic worker sector which came into effect on 1st September, 2002

with such tasks. Consequently, there is every justification to provide protection to these vital employees so that they are not abused and so that they will put in their best.

- I must hasten to point out a major set back, which might arise as a result of domestic workers demanding hefty salaries or for a fixed minimum wage. Most of them would resultantly be laid off work because most of their employers would be unable to afford paying the huge salaries. This would therefore lead to loss of employment for many domestics. It should therefore not just be a matter of demanding for high wages without considering the negative repercussions this would have. Thus, the issue of mass wage increment should be dealt with the greatest caution lest it leads to some unintended results. There is need to look at the broader picture. Moreover, demanding for a fixed minimum wage for domestic workers would adversely affect the few who are already very well paid, such as for example, those working for diplomats under the United Nations. A fixed minimum wage would thus cause great discontentment and dissatisfaction to this group of domestic workers. Thus, when considering these issues, there is need to strike a balance between the differing interests and needs.
- Child and aged domestic workers should be protected. There should be laws put in place to specifically safeguard them and their interests. The study carried out calls for more formalized work agreements to be drawn up as well as non-formal methods of education, including HIV/AIDS messages.
- The domestic workers' union would go far in advocating for its members rights but thus far, it has failed to make any felt impact. This is due to lack of funds

and publicity. The lack of funds incapacitates the union from carrying out its mandate effectively. Sadly enough, at the time of this research, the union did not even have a central administration base. It can thus be tentatively suggested that the union is disorganized and it would need finances and good organization to enable it be effective. It also needs wide and massive publication to enable it reach the targeted people. Information brochures setting workers' rights and other relevant information for the betterment of domestic workers should be distributed. Additionally, there are a lot of domestics who are illiterate, therefore, the rights set forth in the information brochures should be translated in to local languages for easier understanding by these workers. The information can also be explained verbally to domestic workers, in a language they can understand to make it easily accessible to them.

- The government should be a party to international instruments setting forth rights particularly relevant to domestic workers. For example, parliament should advocate for the strict observance of International Covenant on Economic, Social, and Cultural Rights, the International Labour Organisation convention and many such documents.
- There is need to develop and adopt codes of conduct governing the employment of domestic workers and ensure their effective implementation, including establishing appropriate mechanisms to monitor compliance.
- Parliament should amend the labour laws to incorporate employment contract provisions for domestic workers and so make them mandatory terms and conditions of employment. It should empower the department of labour to ensure

employer compliance with these mandatory terms and conditions of employment, including through imposing penalties, seeking injunctive relief and requiring specific performance of these obligations and also to provide the department of labour with the resources necessary monitor employer compliance.⁵

- The department of labour should develop an initiative for live- in domestic workers including outreach, independently initiated investigations and litigation to monitor their employment relationship instead of relying in compliant- driven mechanisms to enforce labour laws on their behalf.⁶
- Employers should submit annually proof of compliance with codes of conduct provisions, including proof of wage payment and hours worked signed by both parties. Employers who fail to comply with codes of conduct provisions must be disciplined appropriately.⁷
- Maintaining records of domestic workers' contact information and employment contracts is critical for the effective monitoring of workers' employment relationships, and maintaining disaggregated data by sex is critical for evaluating the participation of women.⁸
- Cases of domestic workers violation and exploitation should be investigated and prosecuted. Additionally, there should be an established time frame for the resolution of domestic worker complaints alleging violations.

5.2. In conclusion, it should be stressed that domestic workers are a vital and necessary part of the community. Without them, many households would come to a

⁵ file: A: hidden in the home/abuse of domestic workers

⁶ ibid

⁷ ibid

⁸ ibid

standstill. They are usually at the heart of the efficient administration of many households. Employers should therefore realize that they need these workers to enable for a mutually, flexible and beneficial environment. On the contrary, the treatment availed to domestic workers leave much to be desired. Their conditions are disheartening to say the least. Their day starts and ends at very unconventional hours. Their employers whom they refer to as 'bwana' or 'master' oscillate between verbal and physical abuses. They are treated less than dogs because how would one explain a situation where someone forces another human being, endowed with recognized human rights, values and dignity, created in the God's image to eat and drink from a dirty tin. The food they eat if they are lucky to be given some, are leftover bits and pieces from the bwana's table and they are only given hand me downs for clothes. They have been totally stripped of their human dignity and respect to a point where they have been made to feel as if they not worthy of any thing better. They feel as though they are less human than their employers.⁹ It is most shameful that in this day and age where upholding human rights, some people are still being subjected to inhuman treatment. They work tirelessly like machines. Most employers feel a worker has no say in any matter, they are expected to work regardless of their basic social, physical and psychological requirements.¹⁰ The reality however is that only machines have no say in the way they are being used, although even in this case, they show protest by simply shutting down if abused. The only other example one can give of such machinery is a slave, who by virtue of their cast, are not entitled to be human but machines. Consequently, it can be argued that this new form of slavery is taking

⁹ As is the case of Mulenga who says that "nanga ife ndife Bantu, choncho si ti pendewa" meaning that they are not human and are not counted at all.

¹⁰ The post newspaper, 5th July, 2005

root in our nation.¹¹ Domestic workers do not sell their labour in order to be exploited but to earn a decent living, which they rightfully deserve. People should not be paid out of charity but justly, if one cannot pay justly, then do not employ the domestic worker.

The ill treatment of domestic workers has run its full course and should no longer be left unchecked. There is only so much any category of persons can take before they react and in the case of these workers, they have suffered injustice and violation for far too long and it is now time they embraced the winds of change for the betterment of their plight.

¹¹ *ibid*

JCTR BASIC NEEDS BASKET: LUSAKA

August 2005

(A) COST OF BASIC FOOD ITEMS FOR A FAMILY OF SIX IN LUSAKA

Commodity	Kwacha	Quantity	Total
Mealie meal (breakfast)	40,400	3 x 25 Kg bags	121,200
Beans	6,000	2 Kgs	12,000
Kapenta (Siavonga)	33,700	2 Kgs	67,400
Dry Fish	50,000	1 Kg	50,000
Meat (mixed cut)	14,700	4 Kgs	58,800
Eggs	5,100	2 Units	10,200
Vegetables (greens)	1,800	7.5 Kgs	13,500
Tomato	2,500	4 Kgs	10,000
Onion	2,200	4 Kgs	8,800
Milk (fresh)	8,090	1 x 2 litres	8,090
Cooking oil	17,400	2 x 2 litres	34,800
Bread	2,400	1 loaf/day	72,000
Sugar	4,400	8 Kgs	35,200
Salt	2,000	1 Kg	2,000
Tea (leaves)	9,600	1 x 500 g	9,600
Sub-total			

513,590

(B) COST OF ESSENTIAL NON-FOOD ITEMS

Charcoal	34,200	2 x 90 Kg bags	68,400
Soap (Lifebuoy)	1,300	10 tablets	13,000
Wash soap (Boom)	2,800	4 x 400 g	11,200
Jelly (e.g., Vaseline)	5,800	1 x 500 ml	5,800
Electricity (medium density)	113,000		113,000
Water (medium density)	34,000		34,000
Housing (medium density)	600,000		600,000
Sub-total			

845,400

Total for Basic Needs Basket

1,358,990

Totals for previous months: 2005	Jan	Feb	Mar	Apr	May	June	July
Amount	1,340,840	1,333,170	1,331,950	1,331,920	1,352,130	1,349,650	1,361,770

(C) SOME OTHER ADDITIONAL COSTS

Item	Kwacha	Item	Kwacha
Education (PTA/user fee per year)		Transport (bus fare round trip):	
Upper Basic (grades 8-9)	K65,000-K150,000	Chilenje-Town	K3,800
Secondary (grades 10-12)	K200,000-K240,000	Chelston-Town	K4,400
Health (clinic / hospital fee)		Matero-Town	K3,600
Monthly Scheme (per person)	K1,500	Fuel (cost at the pump)	
No Scheme Emergency Fee	K8,000	Petrol (per litre)	K5,810
Mosquito Net (private shop)	K18,000-K27,000	Diesel (per litre)	K5,500
		Paraffin (per litre)	K3,860

"Umutengo wafya kulya nauya sana mulandu wa mafuta eo babikileko, but muma companies tabalatubikilako ama salaries." - woman in Chawama

(D) SOME COMPARATIVE FIGURES OF WAGES--"TAKE HOME PAY"

	Teacher	Nurse	Guard with Security Firm	Secretary in Civil Service	Police Officer (Constable-Chief Inspector)	Kamwala Shopkeeper (Assistant-Manager)
Pay Slip	K407,000 to K913,000	K577,000 to K1,861,000	K120,000 to K715,000	K493,000 to K989,000	K375,000 to K679,000	K75,000 to K250,000

This survey was conducted on 25th - 26th August 2005 by the Social Conditions Research Project of the Jesuit Centre for Theological Reflection. Average prices were calculated on the basis of prices gathered from retail outlets at Northmead, Town Centre (Shoprite), City Market, Chawama, Chinda, Kabwata, Matero and schools, clinics/hospitals around Lusaka. The August Basic Needs Basket is approximately US\$317 based upon an average middle exchange rate of 4290 Kwacha per US\$ at the end of August.

Jesuit Centre for Theological Reflection, P.O. Box 37774, 10101 Lusaka, Zambia
 Tel: 260-1-290-410 Fax: 260-1-290-759 E-mail: socialjctr@zamnet.zm Internet: www.jctr.org.zm
 Location: Luwisha House, Plot 5880 Great East Road (opposite UNZA main gate), Lusaka

Basic Needs Basket (2002-Present): The Cost of Essential Food and Non-Food Items for a Family of Six Living in Lusaka

	Basic Needs Basket Total		Basic Food Items Sub-Total (Kwacha)	Essential Non-Food Items Sub-Total (Kwacha)		Basic Food Items				Meat (Mixed Cut)				Eggs (20 eggs)		Veg. (Greens)		Tomato		Onion		Milk		Cooking Oil		Bread		Sugar		Salt		Tea (Leaves)		Essential Non-Food Items				Electricity Medium Density	Water Meter Density
	Kwacha	Sub-Total		Kwacha	Sub-Total	Meal 3 x (25 kg bags)	Beans 2 kgs	Kapenta 2 kgs	Dry Fish 1 kg	Meat 4 kgs	2 Units	7.5 kgs	4 kgs	2 litres	2 x (2 litres)	30 loafs	8 kgs	1 kg	500 g	Charcoal 2 x (90 kg bags)	Soap (Lifebuoy) 10 tablets	Wash-Soap (Paste) 4 x (400 g)	Jelly 500 mL																
Jan-02	829,250	324,650	504,600	108,000	9,600	39,000	12,500	30,600	6,200	8,250	8,000	4,400	21,200	43,500	18,400	1,100	5,900	36,000	8,000	7,600	3,000	75,000	25																
Feb-02	823,510	324,510	499,000	108,900	8,600	39,000	11,600	28,400	6,400	8,250	6,800	8,000	4,600	22,200	46,500	18,360	1,100	5,800	30,000	8,000	8,000	3,000	75,000	25															
Mar-02	824,600	327,300	497,300	108,600	8,600	38,400	12,000	29,600	6,000	9,000	8,000	9,600	4,600	22,200	45,000	18,400	1,100	6,200	28,000	8,000	8,000	3,300	75,000	25															
Apr-02	825,500	326,300	499,200	102,600	8,400	37,300	13,200	30,400	6,000	9,000	10,000	10,400	4,600	22,200	45,000	20,000	1,200	5,000	30,000	8,000	8,000	3,200	75,000	25															
May-02	814,350	317,150	497,200	97,200	8,600	35,000	12,000	30,400	6,000	10,500	8,800	9,200	4,600	22,800	45,000	20,400	1,250	5,000	28,000	8,000	8,000	3,200	75,000	25															
Jun-02	827,950	330,350	497,600	103,500	8,600	37,000	13,000	30,000	6,200	11,250	12,000	8,400	4,800	24,000	45,000	20,400	1,200	5,600	28,400	8,000	8,000	3,100	75,000	25															
Jul-02	831,350	334,250	497,100	108,000	8,800	36,800	13,500	28,800	6,300	11,250	11,600	8,000	5,000	24,400	45,000	20,000	1,200	5,600	28,000	8,000	8,000	3,100	75,000	25															
Aug-02	821,800	324,500	497,300	108,600	8,600	37,000	13,000	28,800	6,300	10,500	4,800	5,600	5,000	24,600	45,000	20,000	1,200	5,500	28,000	8,000	8,000	3,300	75,000	25															
Sep-02	825,100	326,500	498,600	108,000	8,400	37,300	14,000	29,200	6,800	10,500	5,200	6,000	5,000	24,600	45,000	20,000	1,200	5,300	29,200	8,000	8,000	3,000	75,000	25															
Oct-02	836,550	339,150	497,400	108,600	8,600	37,300	14,600	30,800	7,000	11,250	6,000	8,000	5,000	26,600	48,000	20,800	1,300	5,300	28,000	8,000	8,000	3,400	75,000	25															
Nov-02	863,400	337,000	506,400	118,800	9,200	40,000	14,600	32,800	7,000	12,000	6,000	8,000	5,200	28,800	48,000	20,800	1,300	5,300	36,000	9,000	8,000	3,400	75,000	25															
Dec-02	887,550	380,150	507,400	135,000	10,600	41,300	14,600	32,800	7,800	12,750	6,000	8,000	5,200	29,800	48,000	21,600	1,400	5,300	37,000	9,000	8,000	3,400	75,000	25															
Jan-03	1,029,150	401,050	628,100	129,000	11,600	46,000	14,000	33,600	7,400	17,250	16,000	8,800	5,400	32,400	51,000	22,400	1,400	4,800	36,600	9,000	8,000	3,500	87,000	34															
Feb-03	1,035,300	402,800	632,500	136,800	10,600	43,000	12,400	32,000	7,600	13,500	15,200	8,400	5,600	34,800	54,000	22,400	1,500	5,000	37,000	13,000	8,000	3,500	87,000	34															
Mar-03	1,033,750	400,050	633,700	136,200	10,000	43,000	12,800	32,000	7,600	12,750	12,800	8,400	5,600	36,000	54,000	22,400	1,500	5,000	39,200	12,000	8,000	3,500	87,000	34															
Apr-03	1,030,850	383,650	647,200	125,400	10,000	40,000	10,500	32,000	8,400	12,750	9,200	10,000	6,000	34,800	54,000	24,000	1,400	5,200	32,000	12,000	8,400	4,200	87,000	34															
May-03	1,028,650	376,950	651,700	109,500	8,600	40,000	14,000	34,800	8,400	12,750	8,800	10,400	6,400	35,600	57,000	24,000	1,400	5,300	36,000	12,000	8,400	4,300	87,000	34															
Jun-03	1,012,100	365,400	646,700	91,500	9,600	41,000	14,000	35,200	8,600	12,000	8,400	10,400	6,600	40,000	57,000	24,800	1,500	5,200	51,000	12,000	8,400	4,300	87,000	34															
Jul-03	1,005,400	357,200	648,200	81,000	10,000	40,000	18,000	36,800	8,800	12,000	8,000	8,400	6,800	36,000	60,000	24,800	1,600	5,000	52,000	12,000	8,800	4,400	87,000	34															
Aug-03	1,014,500	367,700	646,800	82,800	10,200	46,000	18,800	40,000	9,000	12,000	10,000	9,600	6,800	32,000	60,000	24,800	1,600	5,700	50,000	12,000	9,200	4,600	87,000	34															
Sep-03	1,027,450	384,450	643,000	84,000	10,400	48,000	22,000	47,600	9,600	12,750	10,000	9,600	6,400	32,000	60,000	24,800	1,600	5,500	46,000	12,000	9,600	4,400	87,000	34															
Oct-03	1,031,700	390,700	641,000	84,000	11,000	48,000	24,000	48,000	10,000	12,000	10,000	10,000	6,800	34,000	60,000	25,600	1,500	5,800	44,000	12,000	9,600	4,400	87,000	34															
Nov-03	1,032,800	383,800	649,000	82,500	10,400	47,000	25,000	44,000	10,000	12,000	11,200	9,600	7,000	32,000	60,000	25,600	1,500	6,000	52,000	12,000	9,600	4,400	87,000	34															
Dec-03	1,050,400	401,800	648,600	83,100	10,400	47,000	25,000	52,800	10,200	18,000	11,600	9,600	7,000	34,000	60,000	25,600	1,500	6,000	52,000	12,000	9,200	4,400	87,000	34															
Jan-04	1,065,900	409,000	656,900	87,000	12,000	48,000	37,000	48,800	10,000	15,000	9,600	9,200	7,000	32,000	60,000	26,400	1,500	6,300	60,000	12,000	9,600	4,300	87,000	34															
Feb-04	1,078,750	418,550	660,200	89,700	10,000	52,000	37,000	48,800	10,200	17,250	8,800	8,800	7,200	34,400	60,000	26,400	1,900	6,100	63,200	12,000	9,600	4,400	87,000	34															
Mar-04	1,094,100	434,000	660,100	90,600	12,000	52,500	41,000	49,600	10,200	16,500	9,600	9,600	7,200	32,000	66,000	27,200	2,000	8,000	63,200	12,000	9,600	4,300	87,000	34															
Apr-04	1,110,150	450,850	659,300	90,000	12,000	60,000	42,000	48,000	10,000	17,350	11,200	10,400	7,800	38,000	63,000	30,400	2,000	8,800	62,000	12,000	9,600	4,700	87,000	34															
May-04	1,113,900	456,400	657,500	87,000	9,600	68,000	40,000	50,400	10,200	19,500	11,200	10,800	8,400	36,000	63,000	30,400	2,100	9,800	60,400	12,000	9,600	4,500	87,000	34															
Jun-04	1,118,700	461,600	657,100	85,800	12,000	73,600	40,800	48,000	10,200	21,000	10,400	10,000	8,200	37,000	63,000	29,600	2,000	10,000	60,000	12,000	9,600	4,500	87,000	34															
Jul-04	1,105,100	447,000	658,100	84,600	11,600	62,000	40,000	48,800	10,200	21,000	10,000	10,000	8,200	36,000	63,000	29,600	2,000	10,000	61,000	12,000	9,600	4,500	87,000	34															
Aug-04	1,100,200	442,700	657,500	84,000	11,800	58,000	40,000	53,200	10,200	16,500	8,000	9,200	8,200	36,000	66,000	29,600	2,000	10,000	60,000	12,000	10,000	4,500	87,000	34															
Sep-04	1,097,100	439,400	657,700	84,600	11,600	56,000	37,000	56,800	10,000	18,000	6,800	8,800	8,200	34,000	66,000	29,600	2,000	10,000	60,000	12,000	10,200	4,500	87,000	34															
Oct-04	1,127,500	468,600	658,900	85,500	12,400	58,000	39,000	76,000	10,400	15,000	9,200	9,600	8,200	36,000	66,000	31,200	2,000	10,100	60,400	12,000	10,800	4,700	87,000	34															
Nov-04	1,114,800	456,200	658,600	87,900	12,400	60,000	39,200	61,200	10,400	15,000	8,800	8,800	8,000	34,800	66,000	30,400	2,000	9,600	60,000	12,000	10,800	4,800	87,000	34															
Dec-04	1,147,840	481,540	666,300	96,600	12,000	65,400	41,000	59,600	10,400	18,750	9,200	9,200	8,600	36,200	72,000	31,200	2,000	9,300	68,000	12,000	10,400	4,900	87,000	34															
Jan-05	1,340,840	492,940	847,900	99,000	12,000	70,600	40,000	62,800	10,400	18,000	10,000	9,600	8,840	36,200	72,000	31,200	2,000	9,900	73,200	12,000	10,800	4,900	113,000	34															
Feb-05	1,333,170	484,570	848,600	100,500	12,000	62,600	41,000	58,400	10,800	18,750	10,000	10,000	8,520	36,600	72,000	31,200	2,000	10,200																					

JCTR CALLS FOR SERIOUS EFFORTS AT MEETING MILLENNIUM DEVELOPMENT GOALS IN ZAMBIA

The recent meeting called by the government and the United Nations Development Programme (UNDP) to review Zambia's progress towards attainment of the Millennium Development Goals (MDGs) revealed a serious situation of hunger that deserves everyone's attention and a significant shift away from looking at hunger as a way of life, says the Jesuit Centre for Theological Reflection (JCTR).

Inadequate food not only affects education and health -- such as retarding growth in children -- but also results into loss of productivity in the nation leading to a compromise of national development. "The failure," says Muweme Muweme of the JCTR, "to reduce the number of people suffering from hunger is indicative of the fact that there are other considerations that need to be looked at in order to enable households have access to adequate food all the time other than considerations of food production, distribution, communication infrastructure, etc."

Prominent among issues to pay attention to is the question of household income in Zambia. It is a well known fact that there are serious problems of household's access to food on account of income.

The JCTR has constantly highlighted this situation through its simple but very useful monthly *Basic Needs Basket* that has revealed a general inadequacy of household incomes in relation to meeting essential needs. The *Basic Needs Basket* is compiled through gathering of prices of essential food and non-food items to estimate cost of living for a family of six in Lusaka, Livingstone, Kabwe, Ndola, Luanshya and Kitwe. The *Basic Needs Basket* only highlights the essential requirements of food such as mealie meal, kapenta, green vegetables, cooking oil, milk, etc., as well as non-food requirements such as housing water, energy, soap, etc.

In the month of August, the cost of food alone in Lusaka was recorded at K513,590 while the total for the *Basic Needs Basket* was at K1,358,990. Note that this figure does not include other essential costs such as transport, health, fuel, etc. If these are added, the cost would be much higher than K1,358,990.

At another level, the failure to reduce the number of people suffering from hunger is indicative of the inadequate attention being given to the attainment of MDGs. Zambia needs a behaviour that is consistent with identified or set priorities and a scenario where there are clearly defined links between MDGs and other national development processes taking place.

For example, in a situation where we have inadequate household incomes, it means efforts must be directed at practical ways of creating employment with clear targets of measuring the number and kind of jobs being created. "Improvement of people's lives calls for not only having clearly identified priorities but most importantly also calls for sticking to priorities day-by-day, month-by-month and year-by-year," says Muweme Muweme.

The JCTR strongly believes that there must be *drastic* measures seen in expansion of education and health, including more efforts in agricultural development as well as measures such as significant creation of quality employment opportunities and a certain work ethic for Zambia to start recording serious progress in towards meeting the MDGS.

[For more information, contact Muweme Muweme, Social Conditions Research Project of the Jesuit Centre for Theological Reflection, P. O. Box 37774, Lusaka, Zambia; tel: 260-1-290410; fax: 260-1-290759; e-mail: socialjctr@zamnet.zm; internet: www.jctr.org.zm]

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INTERVIEWS

Mr. Kevin Liwali from the Domestic Workers Union of Zambia

Chris Petrauskis, assistant in social conditions research project at Jesuit Centre for Theological Research

Mrs. Mutambalilo, (Para-legal), Resources Foundation, Matero Branch

Mr. Tutwa Ngulube, LLF, Secretariat,

Domestic workers interviewed¹

- Mable
- Eunice
- Mulenga
- Beatrice
- Nansokolo
- Chilufya
- Kalumbu
- Chanda
- Juliet
- Gebisa
- Twilile
- Chipego
- Mapenzi
- Chipokota
- Agatha

Domestic workers' employers

- Mrs. Kasase
- Mr. Kizito

¹ Names have been changed to protect their identity