



## **The Extent to which the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia is being Implemented and its Impact on the Living Conditions of the Domestic Workers in Kitwe.**

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### **ABSTRACT**

*The paper examines the importance of the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia and how it improves the standard of living conditions of domestic workers in (Kitwe) Zambia.*

*The objectives of the study are: To look at the extent to which the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia is being implemented and its impact on the economic and social well-being (living conditions) of the workers. And evaluate the factors considered in fixing the minimum wage and examine the challenges and issues surrounding implementation of Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia. Establish the challenges both the employers and employees are facing in the compliance and implementation of the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia. To find out the gaps that may be critical in the implementation of the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia. What measures can be put in place to ensure compliance of the Minimum Wage Act and Conditions of Employment Act Cap 276 of the laws of Zambia.*

*The researcher used a non-experimental design for this research as it was carried out in an uncontrolled and natural setting of the community under study. Furthermore, the data analysis used was descriptive because the researcher wanted to get the overall picture of the DW's knowledge and opinions about the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia and how effective and efficient it is in improving the standard of living of domestic workers in Kitwe*

*The main method used by the researcher for data collection for the 100 respondents was a structured questionnaire (see Appendices) because some could not read or communicate in English the researcher translated the questions in the language (mostly bemba) that they were most comfortable with*

*The researcher found out that there was no compliance with the Minimum Wage and Conditions of employment Act 276 of the laws of Zambia, because most DWEs did not implement it, this is in line with the researcher's alternative hypothesis that the Minimum Wage and Conditions of Employment Act 276 of the laws of Zambia is not being implemented thereby not improving the living standards of domestic workers.*

*Chapter three (3) which is literature review provides information on what other countries have done concerning the implementation of minimum wage as a requirement by the ILO, it also gives the importance of implementing the minimum wage towards the improvement of domestic workers standards of living, chapter four (4) is the data analysis, which provides information that the researcher gathered based on the questionnaires that were distributed it highlights the challenges that the government faces in implementing the Minimum wage and Conditions of Employment Act Cap 276 of the laws of Zambia, such as non-compliance by DWEs despite it being law. The report highlights that the MLSS is under staffed, there is no enough man power to carry out inspections to ensure compliance, and another issue is that there is no correlation between decentralization of districts and number of labour offices in the respective districts.*

*And it makes recommendations on what the government can do in order to ensure compliance by the domestic work employers, such as the need to adequately fund MLSS, so as to enable them to employ enough manpower to carry out these inspections. The government should also consider exchange programmes with South Africa which has made head way the enforcing of minimum wages, so that our officials can learn how to develop and implement strategies and policies that help us predict the challenges and opportunities surrounding the sector.*

*Government should introduce toll free phone lines that could operate 24/7, that will cater for everyone in terms of languages, this will enable government to continue raising awareness about minimum wage, as people will be able to call and learn more about the minimum wage. The information on the Ministry of Labour and Social Security should be updated to include the Minimum Wage and Conditions of Employment Act, to educate more people.*

*Government should ensure that having a DW without a written contract is a punishable offence. The unions should help maid centres determine their membership fees, so that they are not exploitative to the DWs.*

*Trade unions should go flat out to educate their members about the Minimum Wage and Conditions of Employment Act 276 of the laws of Zambia and encourage their members to belong to maid centres as they will be able to hold these centres accountable for the working conditions of DWs, this may also improve the union numbers and it will be a great avenue for financial gain for both parties.*

**Keywords:** *Minimum Wage and conditions of Employment Act Cap 276 of the laws of Zambia, standard of living, Domestic Workers, Domestic Worker Employers, Zambia.*

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## Introduction

The informal sector is the largest employment sector. The 2014 Labour Force Survey shows that about 347,031 informal sector workers were employed in private households in Zambia. Thus, domestic workers employed in private households currently make up around 6.3 percent of the labour force in Zambia (Labour Force Survey, 2014). However, domestic work tends to be among the lowest paid in the Zambian labour market, earning about one-fifth of the national average wage. Minimum wage is the salary which constitutes the floor of the wage structure, its objective is to protect workers who occupy the lowest position in wage distribution. Minimum wages have been defined as “the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract”. (ILO 135, 1970). In Zambia wage setting is conducted mainly through the process of collective bargaining under the Industrial and Labour Relations Act Cap 269 of the laws of Zambia or through Statutory Minimum Wages and Conditions of Employment Act Cap 276 of the laws of Zambia, and through the Tripartite Consultative Labour Council for the Domestic workers who do not belong to Trade Unions.

This definition refers to the binding nature of minimum wages, regardless of the method of fixing them. Minimum wages can be set by statute, decision of a competent authority, a wage board, a wage council, or by industrial or labour courts or tribunals. Minimum wages can also be set by giving force the force of law to provisions of collective agreements. The purpose of minimum wages is to protect workers against unduly low pay. They help ensure a just and equitable share of the fruits of progress to all, and a minimum living wage to all who are employed and in need of such protection. Minimum wages can also be one element of a policy to overcome poverty and reduce inequality, including those between men and women, by promoting the right to equal remuneration for work of equal value. (Wage Indicator 2013).

Minimum wage systems should not be seen or used in isolation, but should be designed in a way to supplement and reinforce other social and employment policies. Several types of measures can be used to tackle income and labour market inequality, including pro-employment policies, social transfers, and creating an enabling environment for sustainable enterprises. The purpose of a minimum wage, which sets a floor, should also be distinguished from collective bargaining, which can be used to set wages above an existing floor. One of the means through which government ensures the well-being or improved living conditions for its citizen is through introduction of national minimum wage legislation, and the mechanism for reviewing it. This is to prevent the exploitation of workers by their employers. Zambia is, therefore not an exception. The interest of the Zambian government in the labour welfare dates back to colonial era when it enacted various labour laws seeking to regulate labour relations and promote the welfare of workers. “The Government under the Patriotic Party (PF) suggested for upward review of the National Minimum Wage and conditions of employment (general) statutory order 70 of 2018, which was amended in Subsequently, a new National Minimum Wage Act was signed into law in 2018, it mandates employers in Zambia to pay their workers nothing less than 993.60 kwacha, which was effected on 12th September, 2018.” (Lusaka times, 2018).

### 1.1 Background

Minimum wages are now well established labour market policies in the world (Ncube, 2005). The role of the minimum wage has now been connected to social justice and growth (Cunniah, 2012). Trade union strategies and labour market policy, the primary law regulating minimum wage setting in Zambia is the Minimum Wages and Conditions of Employment Act (CAP. 276). This law (Act No. 25 of 1982 and 13 of 1994), was enacted on 21st August 1982 to repeal and replace the British Colonial law: ‘Minimum Wages, Wages Councils and Conditions of Employment Act’ in order to; make provision for regulating the minimum wage levels and minimum conditions of employment in Zambia. Laws relating to minimum wage policy development have become very critical because wage policies are needed to ensure that wages increase along with labour productivity growth for equitable and sustainable growth (source ILO-ITC Training Course on Building Effective Wage Policies, 2010).

The Act of Parliament is periodically updated through the passing of Statutory Instruments (SIs) that outline revised wages and allowances for qualifying employees. The minimum wage law empowers the state through the Minister of Labour and Social Security to inter alia; prescribe minimum wages and other related conditions of employment. These relate to sectors where collective bargaining is either not effective or not possible. In fact, almost all the countries in the world have developed complex legal mechanisms and institutions intended to protect the interest of working population and to help guarantee minimum standard of living by keeping the poor out of poverty traps (Botero, Djankov, La Porta, Lopez-deSilane, & Shleifer, 2004).

The reason why governments intervene in the labour market is based on the notion that free markets are imperfect. The imperfect markets give rise to the creation of rents in the employment relationships. These unfair labour practices are the basis for the state to enter into the labour market to protect vulnerable workers from as manager of conflict, while at the same time act as an entrepreneur to ensure social conflicts between labour and capital are minimized for continued sustainable economic development and growth. When material condition required for continued productivity is achieved, businesses will be able to flourish and remain competitive in order for profits to be realized part of which can be used to meet labour costs such as minimum wages and other conditions of service. When demand for labour is met, there is likely to have stable and continued social structure of accumulation, thus it can lead to higher savings and increased investments, which in turn leads to higher productivity and higher returns on investment (ibid).

### ***1.1.2 Minimum wage history in Zambia***

In Zambia, the minimum wage determination and coverage is administered in accordance with the Minimum Wages and Conditions of Employment Act Cap 276 Of the laws of Zambia. In accordance with the provisions of this said law, there is no uniform national minimum wage rate applicable to all in Zambia. What applies in terms of minimum wage payment is that national minimum wage is segmented according to category of workers. The Minimum Wage Act of 1948 is still considered to this day to be one of the most important pieces of labour legislation in Zambia. To protect the most vulnerable workers, Zambia has policies on minimum wages which cover the following categories of workers: domestic workers, shop workers and general workers. The principal law for these protected workers is the Minimum Wages and Conditions of Employment Act Cap 276 of the laws of Zambia.

In terms of coverage and application, Statutory Instruments number 69-71 of 2018 signed by the Minister of Labour and Social Security, do hereby provide for an increase in minimum wages for domestic and general workers effective September 2018. The current law does not cover for employees falling out of the envisaged sectors to which the current Statutory Instruments are applicable. The minimum wage rates have been adjusted as follows: (Ministry of Labour and Social Security, 2018).

This power may be exercised only in circumstances where collective bargaining is not possible or effective. It should be noted that there is a requirement that in exercising the power, the Minister must consult and involve the social partners. In practice the Minister determines the terms on the basis of recommendations made to him and emanating from consultations with trade unions and employers organizations including their central organizations. There are three statutory wages determinations made under the Minimum Wages and Conditions of Employment Act covering general workers, shop workers, and domestic workers (Statutory Instrument No. 69, 70 and 71 of 2018), read together with and a general determination orders (Statutory Instruments of 2011). The general determination covers all employees except employees of the Government, local Councils, household domestic service, and more importantly employees in occupations where terms are regulated through the process of collective bargaining under the Act.

The Minimum Wages and Conditions of Employment (General) Order 2011 defines minimum wage as the lowest wage that may be paid to an employee while the Minimum Wages and Conditions of Employment (Domestic Workers) Order 2011 defines minimum wages as the lowest wages which may be paid to a domestic worker. The Minister (for Labour) may prescribe wage rates for different categories of workers in an employment through a statutory order if he/she is of the opinion that there is no other effective way of regulating the minimum wages or working condition for those groups especially in the absence of collective bargaining.

In pursuance of this provision, Minister for Labour has issues three different statutory instruments, i.e., Minimum Wages and Conditions of Employment (General) Order, 2011, the Minimum Wages and Conditions of Employment (Shop Workers) Order, 2011, and the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011 sets minimum wage and working conditions for certain employment groups. These Statutory Orders were first amended in 2012 and now in 2018 whereby the minimum wage rates have been increased. The total minimum wage includes allowances like Transport Allowance, Lunch Allowance and Housing Allowance. All of these allowances are specified under different statutory wage orders.

Procedure for making a statutory order regulating wages is not prescribed by the Minimum Wages and Conditions of Employment Act Cap 276 of the laws of Zambia. However, the Act stipulates that the relevant trade union must be consulted before making any statutory order regarding a group of workers. Law does not impose any frequency of adjustment in minimum wage rates. However, any person affected by a statutory order made under this section may apply to the Minister for a review of such order.

Currently, Labour Office under the Ministry of Labour and Social Security does all the monitoring related to compliance with the law. The Government through the Ministry of Labour and Social Security has the legal mandate to suspend the operating licence of the defaulting entity. Noncompliance with the Minimum Wages and Conditions of Employment Act Cap 268 of the laws of Zambia results in a fine of up to 2,500 penalty units and/or imprisonment for 6 months.

In accordance with the Employment Act Cap 268 of the laws of Zambia, an employer is under the obligation to pay the worker when due and payable on hourly, daily, fortnightly, monthly basis. The piece rate employees have to be paid on the completion of their tasks however wages of piece rate, daily/hourly employees can be accumulated and paid after month, if agreed between the parties. Law requires payment of wages at regular intervals within five (5) days on the completion of wage period for which wages are payable. Wages are paid in legal tender directly to the employee or, on written request, by cheque or postal order or money order or directly to the bank account. Wage payment can also be made to the person authorised by the employer in writing. Payment of wages should not be made in any shop, store or canteen or in places where intoxicating liquor is sold, except in the case of employees employed to work therein. In kind payment, in addition to wages, is allowed.

This payment is customary or agreed to by the employee or provided for in a collective agreement or in accordance with any written law, provided that any such payment, being an allowance in kind, shall be for the personal use and benefit of the employee, and his family, and it must not be in the form of intoxicating spirits or noxious drugs. Deduction from wages is allowed in case of contribution in any fund or scheme approved by the Minister; damage/loss done by the worker; repayment of loan; and such other amounts as may be prescribed by the Minister through statutory instrument. Deduction is prohibited from wages payable to an employee or any amount paid to such employee as an advance of wages in consideration of, or as a reward for, providing employment for such the employer must keep the record of wages and the deductions made from the wages.

### *1.1.3 Minimum wage history in other countries*

After years of relative neglect, minimum wages are again perceived as a useful and relevant policy tool which can make a major contribution to social justice by improving the lives of low-paid women and men worldwide. A number of countries around the world have experienced positive changes which have contributed to this change in perception. In the United Kingdom, for example, a survey by political experts has identified the national minimum wage introduced in 1999 as the most successful government policy of the past 30 years. In emerging countries, too, minimum wages are making a strong comeback.

In Brazil the reactivation of the national minimum wage since 1995 is widely credited together with Bolsa família, a cash transfer programme for the recent reduction in poverty and inequality (Berg and Tobin, 2011). In South Africa, wage floors were introduced in 2002 to fight the racial discrimination introduced under apartheid and to support the wages of millions of low paid farm workers, hospitality workers, domestic workers and others in sectors where unions are weak. In China, new regulations were issued in 2004 in the face of growing concerns about increasing wage inequality. Finally, in Egypt and other countries rejuvenated by the “Arab Spring”, governments have been forced to respond to the demands for minimum wages by young revolutionaries and trade unionists.

According to John (1997), the enactment of the Minimum Wages Act in 1948 was the result of both internal and external factors. Internal factors included the increase in the number of factories and wage earners during the first half of the twentieth century, as well as the growing number of industrial unrests and strikes of workers who rebelled against their “starvation wages”. External factors included the adoption by the International Labour Organization (ILO) in 1928 of Convention No. 26 on minimum wage fixing in trades in which no effective collective bargaining takes place or where wages are exceptionally low. Minimum wage can simply be defined as the smallest hourly wage that an employee may be paid as mandated by Law. The committee of experts in the International Labour Organisation 1996 General Survey of Reports relating to Convention No. 131 on minimum wage fixing explains that minimum wage may be understood to mean the minimum sum payable to a worker for work performed or services rendered within a given period, whether calculated on the basis of time or output, which may not be reduced either by individual or collective agreement, which is guaranteed by law and which may be fixed in such a way as to cover the minimum need of the worker and his/he family, in the light of national economic and social conditions.

Earlier in 1967, the International Labour Organisation meeting of experts on minimum wage fixing and related problems had explained that the concept of the minimum wage contains three basic ideas. The first is that the minimum wage is the wage considered sufficient to satisfy the vital necessities of food, clothing, housing, education and recreation of the workers, taking into account the economic and cultural development of each country. The second is that minimum wage represents the lowest level of remuneration permitted, in law or fact, whatever the method of remuneration or the qualification of the worker. Third is that the minimum wage is the wage which each country has the force of law to uphold and which is enforceable under threat of penal or other appropriate sanctions.

Zambia is a landlocked republic situated in south central Africa, with a surface area of 752,612 square kilometres. The 2015 Living Conditions Monitoring Survey (LCMS) results show that the population of Zambia was estimated at 15.5 million in 2015. The population is mainly concentrated in rural areas at 58.2 percent compared to 41.8 percent in urban areas. In the period 2005-2015, the economy grew at an annual average of about 7.5 percent, largely due to the copper price boom (World Development Indicators, 2016). This growth rate was marginally above the Sub-Saharan average of 5 per cent, resulting in an economy with a Gross Domestic Product (GDP) at market prices (constant 2010 USD) of USD26.2 billion in 2015. Economic growth outlook remains strong as the economy is projected to grow at 7.5 per cent per year up to 2017 (World Bank, 2015).

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## **2. Material and method**

The researcher used a non-experimental design for this research as it was carried out in an uncontrolled and natural setting of the community under study. Furthermore, the data analysis used was descriptive because the researcher wanted to get the overall picture of the DW's knowledge and opinions about the Minimum Wage Act and how effective and efficient it is in improving the standard of living of domestic workers in Kitwe.

Data collected using the questionnaire was analysed using IBM-SPSS V.20 SPSS, while the qualitative data was coded and arranged in line with the research questions. First, the questionnaires were coded then data were entered and analysed, bearing in mind the research questions, methodological constraints and the literature used (O'Leary, 2010:231). The researcher used SPSS because it is user-friendly (ibid: 234); the researcher's interest was to generate descriptive statistics measuring central tendencies. The researcher used frequency tables showing percentages representing different variables.

Notably, most of the minimum wage literature does not discuss the role played by unions in bargaining for workers' wages. Tijdens and Klaveren (2011: 28) and Van Klaveren et al. (2009: 4) note that union representation in Zambia is becoming weaker. Its density is about 10% of the whole labour

force or between 60% and 66% of the formal sector. The researcher feels that, to a great extent, this shows that representing informal workers could be an uphill battle.

Nevertheless, general assumption is that unions are for workers with skills. Alternatively put, unions may not find it easy to represent “unskilled” workers (Cahuc et al. 2001: 338). As Dinkelman and Ranchhod (2012:4) reveal, in South Africa unions do not find it easy to organise DWEs due to their scale. Perhaps then it is not easy to improve DW wages through bargaining due to low bargaining power. To emphasise the importance of representation and it being able to improve worker situations, Cahuc et al. (2001: 338) quote (Folques: 1996), who gives an example of how France’s “comit’ es d’ entreprises” representation led to over 50% of industries with collective agreement cover having the required minimum wage.

Bonner and Spooner (2011: 87) note a global increase in informal work and argue that this has reduced trade union membership. They stress that there is great pressure for these unions to organise workers in the informal sector, especially after the 2002 ILC ILO resolution on “decent work and the informal economy,” which they claim raised trade union awareness and stimulated changes in “international trade union policy.” However, like Zambia, there exists skepticism as to how this is a possibility.

The study utilised non-probability sampling methods, particularly purposive sampling. In purposive sampling the researcher made a subjective judgment on who to include. Thus the researchers approached the people that the researcher believed were most likely to be knowledgeable about the problem at hand so as to get relevant information. The justification for doing so is that a sampling frame was not easily available to the researcher to facilitate the use of probability sampling methods. Also, this was primarily a qualitative study. Therefore, ensuring statistically proportionality of the sample was not necessary as the aim was not to generalize findings to the rest of the population.

In this study, secondary data was sourced from different published works such as books, past studies related to the subject, journals and official records on the subject matter. The internet was also consulted in order to access what has been published in other parts of the world on the topic. Consulting other publications was useful in identifying shortcomings in their methodology or in the theoretical knowledge available on the issue. This helped in guiding the study to focus on those areas where more research is needed and avoiding those which have been exhaustively researched. This prevented it from being a mere repetition of what has already been done thereby ensuring that it remains relevant. The study deployed thematic analysis. Thematic analysis can be used to make sense of seemingly unrelated material. It can be used to analyze qualitative information and to systematically gain knowledge and empathy about a person, an interaction, a group, a situation, an organization or a culture (Gorder, 2008).

Researchers use thematic analysis as a means to gain insight and knowledge from data gathered. The method enables researchers to develop a deeper appreciation for the group or situation they are researching. By using thematic analysis to distil data, researchers determine broad patterns that will allow them to conduct more granular research and analysis. It is highly inductive in that themes emerge from the data that is gathered and are not imposed or predetermined by the researcher. Using their findings, researchers can apply a statistical analysis to validate themes. In practice, depending on the context of the research study, thematic analysis could include a bit of grounded theory, positivism, interpretivism and phenomenology (Becta, 2004).

In this study, thematic analysis involved reading through all responses to the questions and grouping them in to common categories called themes. The general pattern of the themes was then analyzed to identify what the common views are on each question and also what the minority views are. This way, each different opinion was given due consideration.

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### 3. Results and Discussion

When the researcher interviewed an officer from the Ministry of Labour and Social Security, he explained that the government has been committed to ratifying C189. Despite the government leaving management of industrial relations to the employers, the government had to intervene and increase the minimum wage for DWs to prevent further exploitation by DWEs. Most DWs are usually recruited through networks, such as family, friends, neighbours, fellow DWs and maid centres. Which makes them part of the informal sector, which is the largest employer.

There are certain factors that help measure the impact of the minimum wage, such as how the minimum wage is enforced and the size of the informal sector. For Zambia, about 80% of workers are from the informal sector. Furthermore, it is said that the minimum wage’s role in improving the lives of low-paid workers will be limited. This might be because of the weak legal and institutional framework surrounding it that affects the efforts of actors involved in domestic work. Concerning law enforcement, any impact will be minimal if force is used through penalties and sanctions for would-be offenders (Kapatamoyo 2012).

Due to such informality, the government is trying to protect employee wages from unlawful deductions and by providing minimum wage legislation with required conditions of service (Kapatamoyo 2012). Additionally, it has worked with ILO and ZFE to develop a code of conduct for DWEs (Wage Indicator 2013). DWs are among the lowest paid and the fact that what occurs in this sector is not regulated makes things worse because the employee is at the mercy of the employer, who tends to have more bargaining power when determining wages is concerned (Kapatamoyo 2012).

The researcher interviewed an officer from ILO, who said that:

*“The increment of the Minimum Wage has enabled DWs to be regarded as human as well as workers who make a contribution to the economic development of Zambia. Although on the other hand some DWEs are thinking that they are over paying their DWs, whilst other DWEs cannot afford to pay the stipulated minimum wage which makes it difficult the DWEs to comply with the minimum wage. While some DWEs have become exploitative as they feel they are paying too much to their DWs”.*

In another interview that the researcher had with an officer from FFTUZ, he said:

*“despite the minimum wage having been increased it is still not very helpful to most DWs as it is very little for most of them to afford the basic needs, and he stated that there was an increase in cases of non-adherence by most DWEs, alarming levels of unemployment are a contributing factor the DWs accepting very little wages, as they are desperate for employment which in the end are vulnerable to exploitative DWEs.”*

The researcher found out that, despite the Minimum Wage and Conditions of Employment Act Cap 276 of the laws of Zambia being a Statutory Instrument seeming to increase DW wages, the level of non-compliance is still high. This may be due to the weak institutional and legal framework surrounding this occupation, and society's perception of this occupation (female dominated). DWs are more aware of the issues affecting them. Education and literacy seem not to give an explanation in relation to negotiating, and awareness of the minimum wage, this constraint may be attributed to government not enforcing the law and penalizing the offenders and setting an example to would be offenders. Another reason is how society perceives domestic workers. When the researcher asked an officer from Ministry of Labour and Social Security about how the government was monitoring compliance by the DWEs, he said: *“the Ministry has few employees as the government has not employed a lot of labour inspectors to conduct the inspections as the current laws do not give power to the inspectors to inspect private households.”* Therefore there is need to increase and strengthen awareness of compliance and emphasise on the punishment by offenders and would be offenders.

Wage Indicator (2013) also states that there is no system in place to make follow-ups regarding compliance, which is left in the hands of the employer. Therefore, compliance needs state regulation that works. The research has been a descriptive one concerning the nature of DWs' work in Kitwe. The researcher finds that most DWs like the occupation and become DWs because they are poor and have to look after their children. From the findings and the analysis of the data collected, the Null hypothesis that states that the Minimum Wage and Conditions of Employment Act Cap 276 is being implemented, leading to improved standard of living has been rejected and the Alternative hypothesis that states that the Minimum Wage and Conditions of Employment Act Cap 276 is not being implemented and worker's standard of living has not improved has been accepted.

#### **4. Conclusion and Recommendation**

The purpose of this study was to analyse if the Minimum Wage and Conditions of Employment Act was being implemented and hence improving the standards of living of DWs. From the findings, it was discovered that the Minimum Wage and Conditions of Employment Act is not being implemented by most employers because they do not take compliance of the Act seriously as the law is not very stiff on the offenders, therefore the standards of living of DWs not improving. This might be because of the weak legal and institutional framework surrounding it that affects the efforts of actors involved in domestic work. Concerning law enforcement, any impact will be minimal if force is used through penalties and sanctions for would be offenders (Kapatamoyo 2012).

##### ***Recommendations***

- Government should make mandatory for DWEs to employ maids from maid centres (who should be members of UHDWUZ), this may encourage more DWs to get affiliated with maid centers therefore increasing the numbers for UHDWUZ (membership) and also pay for union membership and recruitment charges through maid centres before hiring Domestic workers.
- Domestic work bargaining might be strengthened by making domestic work skills professional and their qualifications more recognized. Maid centres could be the right place through which to offer such training. This may stop the exploitation of DWs by centres and DWEs hence DWs will feel empowered.
- Furthermore, they will be able to represent the domestic workers more effectively as the domestic worker employers would be members of LEAZ (a member of Zambia Federation Employers) through maid centers. This could bring the parties closer to signing a recognition agreement since membership would exceed the required 25 plus. There is a difficulty of organising informal workers since most of them are poor and cannot afford membership fees. The unions would also find it easier to bargain for domestic workers, and employers would be more accessible since they would belong to an agency that is a member of Zambia Federation of Employers, unlike in the current situation. Of course, there would be challenges in this model, such as the possibility of a number of maid centres becoming monopolies; domestic worker employers not registering with maid centers and so on. However, I am confident the government could regulate this. Some domestic workers may still shun maid centres due to a fear of recruitment fees, but with proper awareness and government regulation this could be reduced. This would ensure greater protection to domestic workers, especially as domestic worker employers would not have any excuse but to have signed contracts and thereby also comply with the Statutory Instrument on minimum wages; also make the unions financially stronger through increased membership.

##### ***Other recommendations***

- The government should consider increasing the funding to Ministry of Labour and Social Security, so that they are able to employ more man power to carry out inspections in respect of enforcing the SI.

- Despite the decentralization taking place in the country through creation of new districts, this does not tally with the number of labour offices in these new districts, government should consider opening up labour offices, to enable close monitoring of implementation of the minimum wage Act, and to also enable employees to lodge complaints to the labour offices if need be.
- The government should quickly ratify Convention 189, and also ensure that DWs are paid when they go on maternity leave. And also consider improving some working conditions of the DWs, this may stop the discrimination of DWs.
- There is need for the government to carry out exchange programmes with South Africa which has made head way the enforcing of minimum wages, so that our officials can learn how to develop and implement strategies and policies that help us predict the challenges and opportunities surrounding the sector.
- Government should introduce toll free phone lines that could operate 24/7, that will cater for everyone in terms of languages, this will enable government to continue raising awareness about minimum wage, as people will be able to call and learn more about the minimum wage. The information on the Ministry of Labour and Social Security should be updated to include the Minimum Wage Act, to educate more people.
- Government should ensure that having a DW without a written contract is a punishable offence. The unions should help maid centres determine their membership fees, so that they are not exploitative on the DWs.
- Trade unions should go flat to educate their members about the minimum wage and encourage their members to belong to maid centres as they will be able to hold these centres accountable for the working conditions of DWs, this may also improve the union numbers and it will be a great avenue for financial gain for both parties.

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