



REPUBLIC OF GHANA

**LABOUR (DOMESTIC WORKERS)
REGULATIONS, 2020
(L.I. 2408)**

LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020

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In exercise of the power conferred on the Minister responsible for Labour by section 174 of the Labour Act, 2003 (Act 651), these Regulations are made this 11th day of June, 2020.

Purpose and Application

Purpose

1. The purpose of these Regulations is to
 - (a) protect the rights of a domestic worker; and
 - (b) define the employment relationship between a domestic worker and the employer of that worker.

Application

2. These Regulations apply to
 - (a) a domestic worker; and
 - (b) the employer of a domestic worker.

Contract of Employment

Contract of employment

3. (1) In furtherance of section 13 of the Act, a person who employs a domestic worker shall enter into a written contract of employment as set out in the First Schedule with that domestic worker.

(2) The contract of employment referred to in subregulation (1) shall provide for the following:

- (a) the emoluments that the domestic worker is entitled to;
- (b) the frequency of the payment of wages;
- (c) the mode of payment of wages;
- (d) whether lodging and meals are to be provided;
- (e) the hours of work;
- (f) the rest periods;
- (g) overtime work;
- (h) the holiday period;
- (i) the leave period;
- (j) the required responsibilities of the domestic worker;
- (k) the minimum qualification or skill of the worker who carries out the domestic work;
- (l) the training or skills development to be provided by the employer;

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- (m) health care including requirements for registration with a Health Insurance Scheme;
- (n) pre-employment and post-employment medical examination to be undertaken;
- (o) the background checks required to be conducted; and
- (p) referees and guarantors to be contacted.

(3) For purposes of paragraph (j) of subregulation (2), the responsibilities of a domestic worker include the responsibilities set out in the Second Schedule.

(4) Without limiting subregulation (2), the contract of employment may provide for any additional benefit that the domestic worker is entitled to.

(5) Where the domestic worker or the employer is unable to read or write, or requires assistance in the execution of the contract, section 3 of the Illiterates Protection Act, 1912 (CAP 262) shall apply.

Deposit of contract of employment

4. (1) The employer shall deposit the contract of employment with the appropriate District Labour Officer within one month of entering into the contract.

(2) Where the employer and the domestic worker amend the contract of employment, the employer shall deposit the amended contract of employment with the appropriate District Labour Officer within two weeks after the amendment of the contract of employment.

Register of contract of employment

5. (1) A District Labour Officer shall keep and maintain a register for contracts of employment deposited under regulation 4, at the District Labour Office.

(2) The District Labour Officer shall ensure that the register is available for inspection during normal working hours.

*Wages and Benefits***Wages**

6. (1) An employer of a domestic worker shall not pay the domestic worker a remuneration that is less than the National Daily Minimum Wage.

(2) Subject to section 67 of the Act, an employer of a domestic worker shall pay a domestic worker the agreed wages or remuneration stated in the contract of employment.

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(3) An employer shall specify in the contract of employment the quantum of any benefit-in-kind to be provided by the employer to the domestic worker.

(4) Where a domestic worker works after the agreed hours of work, the additional hours of work shall be regarded as overtime and the employer shall pay for the overtime work.

(5) A domestic worker shall not be required to do overtime work unless the contract of employment has a fixed rate for overtime work as agreed to by the parties.

Statutory deductions

7. (1) An employer of a domestic worker shall not make any statutory deduction from the wages of the domestic worker that is inconsistent with sections 69 and 70 of the Act and the provisions of the National Pensions Act, 2008 (Act 766).

(2) In accordance with the National Pensions Act, 2008 (Act 766), the employer of a domestic worker may register a domestic worker as an informal employee and ensure that provision is made for the domestic worker to pay periodic contributions in accordance with Act 766.

(3) An employer of a domestic worker shall deduct the portion of the Social Security contribution of the domestic worker concerned from the wages of the domestic worker and pay the amount to the appropriate institution or scheme.

(4) Subject to subregulation (3), an employer of a domestic worker shall not deduct any amount from the wages of a domestic worker for union dues or for any other purpose unless that domestic worker requests for the deduction in writing to the employer.

Living standard

8. Where a person employs a domestic worker to live-in with that person, that person shall provide the domestic worker with facilities that are necessary to ensure adequate living conditions, including

- (a) decent living conditions that guarantee the privacy and safety of the domestic worker;
- (b) access to toilet and bath facilities, and
- (c) adequate food, if provided.

*LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020**Rest Periods, Leave Periods and Public Holidays***Rest periods**

9. (1) A domestic worker is entitled to a daily rest period of at least eight consecutive hours.

(2) In any undertaking with respect to domestic work

(a) where the normal hours of work are continuous, a domestic worker is entitled to at least thirty minutes rest in the course of work, but the rest forms part of the normal hours of work;

(b) where the normal hours of work are in two parts, the rest period shall not be less than thirty minutes and shall not form part of the normal hours of work; and

(c) there shall be a rest period of at least twenty-four hours in one week for that domestic worker.

Annual leave

10. A domestic worker is entitled to annual leave in accordance with section 20 of the Act.

Sick leave and medical care

11. Where an employer of a domestic worker provides for the medical care of the domestic worker, that employer shall ensure that the domestic worker is registered under a Health Insurance Scheme.

Maternity leave

12. A domestic worker is entitled to paid maternity leave in accordance with section 57 of the Act.

Public holidays

13. An employer of a domestic worker shall grant the domestic worker leave from work on a statutory public holiday and pay a full daily wage except that where the domestic worker is required to work during a statutory public holiday the employer of that domestic worker shall pay the domestic worker double the amount of the normal wage.

*Rights at Work***Freedom of association**

14. A domestic worker may, in accordance with section 79 of the Act, form or join a trade union and is entitled to the collective bargaining rights of the trade union.

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Forced labour

15. An employer of a domestic worker shall, in accordance with section 116 of the Act, ensure that the domestic worker is not subjected to any form of forced labour.

Training

16. (1) An employer of a domestic worker may train and retrain the domestic worker at the expense of that employer and the training may include informal and other forms of training as agreed upon between the employer and the domestic worker.

(2) Training in subregulation (1), shall be of a nature that is relevant to and useful for the employment of the domestic worker.

Prohibition of sexual harassment and domestic violence

17. (1) An employer of a domestic worker shall ensure that the domestic worker is not subjected to any form of sexual harassment and violence at the work place of the domestic worker.

(2) A domestic worker may report any case of sexual harassment or domestic violence to the nearest District Labour Officer and other relevant authorities including the Ghana Police Service and the Commission on Human Rights and Administrative Justice in accordance with the Act and the Domestic Violence Act, 2007 (Act 732).

(3) A domestic worker shall not perpetuate sexual harassment or domestic violence against the employer of that domestic worker, a dependent of the employer or an occupant of the household of the employer.

Termination of contract of employment

18. (1) A contract of employment of a domestic worker may be terminated in accordance with sections 15 and 17 of the Act.

(2) Where the domestic worker cannot read or write, the parties to the contract of employment shall give notice of the termination to the appropriate District Labour Officer in accordance with section 17 of the Act.

(3) Without limiting section 63 of the Act, a contract of employment of a domestic worker is considered to be unfairly terminated if that domestic worker terminates the contract of employment because of the

- (a) ill-treatment of the domestic worker by the employer, having regard to the circumstances; or

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(b) failure of the employer to take action on repeated complaints of sexual harassment of the domestic worker by the employer or a dependent of that employer or an occupant of the household of that employer.

(4) Where a domestic worker terminates a contract of employment as a result of sexual harassment or domestic violence, the domestic worker may lodge a complaint with the District Labour Officer.

(5) The employer of a domestic worker specified under subregulation (4) shall pay that domestic worker

(a) any outstanding remuneration due that domestic worker;

(b) a minimum of two months salary;

(c) lodging expense for one month if the domestic worker lives on the premises of the employer; and

(d) any other benefit determined by the District Labour Officer or a representative of the District Labour Officer.

(6) Subregulation (5), does not preclude a domestic worker or the employer from seeking any other relief in a court.

(7) Where the court establishes that an employer of a domestic worker or a dependent of that employer or an occupant of the household of that employer has committed sexual harassment or domestic violence against the domestic worker, the contract of employment shall be deemed terminated.

*Monitoring and Compliance***Monitoring and compliance**

19. Upon the receipt of a complaint from a domestic worker, the District Labour Officer shall conduct an inspection of the respective household within the district to ascertain compliance by an employer with the provisions of these Regulations.

Enforcement of contract of employment

20. (1) A domestic worker and an employer of that domestic worker may resolve any contractual dispute in accordance with the Alternative Dispute Resolution Act, 2010 (Act 798).

(2) The choice of an alternative dispute resolution procedure shall not derogate from the right of the domestic worker to enforce a contract of employment by due process of law.

*LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020**Miscellaneous Provisions***Precedence of Regulations over contract of employment**

21. (1) A contract of employment shall not contain a provision that confers a benefit on a domestic worker which is less favourable than any benefit specified in these Regulations.

(2) Where the provision of a contract of employment provides for any term or condition that is inconsistent with these Regulations, that provision is void to the extent that it denies a domestic worker the minimum benefits provided in these Regulations.

Interpretation

22. In these Regulations, unless the context otherwise requires,

“domestic work” includes

- (a) domestic chores performed in any home or domestic setting;
- (b) informal work performed by a domestic worker who also performs household chores in the home of an individual;
- (c) assistance in petty commercial activity;
- (d) security services; and
- (e) gardening; and

“skills training” includes training on child minding, food preparation and household first-aid.

*LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020***FIRST SCHEDULE**
Model Contract of Employment
(regulation 3(1))

1. Name of Employee:
2. Address of Employee:
3. Contact Details of Employee (electronic mail address, telephone number):
.....
4. Name of Employer:
5. Address of Employer:
6. Contact Details of Employer (electronic mail address, telephon number):.....
.....
7. Location of Workplace:
8. Date of Appointment:
9. Period of Probation (not more than six months):.....
10. Job Description:
11. Wage / Basic Salary.....
12. Frequency of Payment:
13. Mode of Payment:
14. Other Benefits (allowances and benefits-in-kind):
15. Pension Contributions:
16. Lodging / Meal Arrangements (where applicable):
17. Hours of Work:
18. Rest Periods:
19. Overtime Rate:
20. Leave Entitlements
 - (a) Annual Leave:
 - (b) Sick Leave:
 - (c) Maternity Leave:
21. Training to be provided (if any):
22. Health Care Entitlement (if applicable):
23. Name of Referee / Guarantor:

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24. Address of Referee / Guarantor:

25. Contact Details of Referee / Guarantor (electronic mail address, telephone number):
.....

EMPLOYER

EMPLOYEE

.....
SIGNATURE AND DATE

.....
SIGNATURE AND DATE

NAME AND SIGNATURE OF
WITNESS:

NAME AND SIGNATURE OF
WITNESS:

.....

.....

DATE:.....

DATE:.....

*LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020***SECOND SCHEDULE****Responsibilities of a domestic worker***(regulation 3(3))*

1. Child minding or baby sitting.
2. Minding the aged relative of the employer.
3. General household chores including
 - (a) cooking;
 - (b) marketing;
 - (c) laundry;
 - (d) general tidying and cleaning of house;
 - (e) ironing;
 - (f) removal of refuse for collection;
 - (g) setting and cleaning of dining table; and
 - (h) any other household chore.
4. Driving including
 - (a) general driving duties and errands; and
 - (b) washing cars.
5. Gardening including
 - (a) weeding and maintenance of the garden; and
 - (b) watering of garden and pot plants.
6. Security including
 - (a) day time security services; and
 - (b) night time security services.
7. Assistance in petty commercial activity including
 - (a) preparation and sale of cooked food;
 - (b) food processing;
 - (c) baking; and
 - (d) store keeping.

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HON. IGNATIUS BAFFOUR AWUAH (M.P.)

Minister responsible for Labour

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