



INTEGRATED LEGAL CONSULTANTS

# AN OVERVIEW OF THE LABOUR (DOMESTIC WORKERS) REGULATIONS, 2020, L.I 2408



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It is not unusual for domestic workers in Ghana to be subjected to abuse and harsh working conditions, which include non-payment of wages, physical abuse, no rest days, among others. This is despite the fact that Article 17 of the 1992 Constitution of Ghana provides for every person to be treated equally before the law. With the coming into force of the Labour (Domestic Workers) Regulations, 2020, (L.I 2408) a governance framework for the regulation of domestic work will be established and a full labour protection for domestic workers will be ensured.

The Regulations came into force on the 23<sup>rd</sup> of July, 2020 and per Regulation 1 of L.I 2408, its purpose is to protect the rights of a domestic worker and define the employment relationship between a domestic worker and the employer of that worker, with the aim of protecting the rights of domestic workers and to define the relationship between an employer and a domestic worker.

Regulation 3 of L.I 2408 requires an employer and a domestic worker to enter into a written contract of employment which will stipulate the conditions of service and related matters. Emoluments that the domestic worker is entitled to, the frequency of the payment of the wages, the mode of payment of wages, whether or not lodging and meals are to be provided, hours of work, leave period among other terms must be clearly stipulated in the contract of employment.

Section 175 of the Labour Act, 2003 (Act 651) states that:

*“...a domestic worker is a person who is not a member of the family of a person who employs him or her as a househelp...”*

L.I 2408 defines domestic work to include: security services, domestic chores performed by a person in any home or domestic setting, gardening, assistance with petty commercial activity and informal work performed by a domestic worker who also performs household chores in the home of an individual. Thus, L.I 2408 attempts to expand the scope of domestic workers beyond that stipulated by the Labour Act (Act 651).

Some of the conditions introduced by L.I 2408 in relation to domestic workers are:

1. Domestic workers must be given employment contracts and the employment contracts must be lodged with the District Labour Officer within one month of entering into the contract.
2. Regulation 6 requires a domestic worker to be paid not less than the National Daily Minimum Wage, which is currently GHs 11.82 (Eleven Ghana Cedis, Eight Two pesewas) a day. Thus, the Regulation attempts to expand the scope of wages as provided in section 67

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of Act 651, which provides that an employer of a domestic worker shall pay a domestic worker the agreed wages or remuneration stated in the contract of employment. This means that there is now a stipulated minimum wage applicable to domestic workers.

3. Again, according to Regulation 6, 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. Domestic workers are not required to work overtime unless the contract of employment has a fixed rate of overtime.
4. Where they work overtime, they are entitled to be paid overtime for hours worked after the agreed hours of work.
5. Domestic workers are entitled to daily rest periods of at least eight (8) consecutive hours as provided under Regulation 9.
6. Domestic workers are entitled to rest periods of at least twenty - four (24) hours in a week.
7. Regulation 10 provides that, domestic workers are entitled to annual leave in accordance with Section 20 of Act 651 of at least fifteen (15) working days with full pay in any calendar year of full service.

8. Domestic workers are not required to work on statutory public holidays. If they do, they must be paid double the amount of the normal wage under Regulation 13.
9. Per Regulation 18, a contract of employment of a domestic worker may be terminated in accordance with Sections 15 and 17 of Act 651. Domestic workers are entitled to notice or salary in lieu of notice in the event of termination of the contract of employment.
10. Employers of domestic workers must deduct the portion of the Social Security contributions of domestic workers from their wages and pay the amount in addition to the employers' contribution to the appropriate institution or scheme

With the passage of L.I 2408, it is expected that the abuse of domestic workers and the sometimes indecent conditions of service if not eradicated will be reduced to the barest minimum

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October 2020