

1966-06-28

Foreign service dispatches: Mozambique.

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A-214, 29 June 1966 WITH UNCLASSIFIED SECTION RECEIVED

TO : Department of State
INFO: Lisbon, Luanda, USUN

FROM : Amconsul LOURENCO MARQUES VIEIRA
SUBJECT: LABOR - New Law Regulates Working Conditions of Domestic Servants in Mozambique

DEPARTMENT OF STATE
DATE: June 29, 1966
DECLASSIFIED BY: [Signature]
REASON(S):
 EXTINCT MARKINGS
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Legislative Act Nº 2702 of May 30, 1966 has now enacted for the first time comprehensive regulations governing working conditions of household servants in Mozambique. The new law takes effect August 1 and comprises seven chapters and sixty-six articles as follows:

Chapter I (Articles 1-9) - Deals with the definition of household servants and states that persons charged with theft or sex offenses or those under 14 are not permitted to work as servants (empregados domésticos i.e. household employees). Those eligible must be in possession of a carteira de trabalho (a worker's booklet) to be issued on payment of 20\$00 escudos (US \$0.70) to the Labor Institute;

Chapter II (Articles 10-22) - Deals with a mandatory labor contract to be drawn with the participation of the employer, employee and the Labor Institute or its agents. Each contract is in theory valid for six months and may be considered as tacitly renewed if not denounced by the contracting parties with a minimum of 15-days notice. The contract for one year or fraction thereof is validated upon payment 40\$00 escudos (US \$1.40), of which 50% is paid by the employer and 50% by the employee;

Chapter III (Articles 23-31) - Deals with the responsibilities and rights of the contracting parties, mentioning the terms for payment of wages and salaries, for contract cancellation, etc.;

Chapter IV... FOR DEPT. USE ONLY
 In Out

FORM DS-323

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Drafted by: DJS Soares Rebelo / WHE Matthews:naK
Clearances: BE Byron
Contacts and Classification Approved by: WHE Matthews

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- Chapter IV (Articles 32-41) - Deals with general working conditions; indicates that the minimum basic wages are to be decreed by the Government; and grants leave with pay rights to the employee (for the first time asserted) of a 3-day period at the time of the employee's marriage, or the demise of his parents, wife or children; of a 30-day period in case of sickness duly authenticated by a medical doctor or administrative officer; of a 30-day period in case of females after their deliveries; and of a 15-day period with pay at the termination of the first full year of work for the same employer; it does not establish the basic work hours an employee (a household servant of any category) must put in for the employer, leaving the length of the work day to the mutual acceptance of the contracting parties. It does however require a full day rest on Sunday or another agreed day for servants;
- Chapter V (Articles 42-43) - Deals with the responsibility of employers to provide medical and other assistance in keeping with the legislation on work accidents for all those working on others' account.
- Chapter VI (Articles 44-61) - Deals with fines for those failing to comply with the regulations now enacted for all admissions of household servants and like categories.
- Chapter VII (Articles 62-66) - Deals with the general dispositions of the new law which exempts from fiscal stamp duty all contracts and receipts for payments to household servants, as well as the medical certificates issued on their behalf.

Comment: The new law, which applies to all races but affects principally black Africans, will, if enforced, provide a modicum of job security and somewhat better working conditions to one of the largest groups of non-agricultural employees in Mozambique. The total number of domestic servants is not known even to the Labor and Social Security Institute, but is estimated at around 50,000. Probably 98 or 99 percent of these are black Africans, and well over 90% of their employers are Europeans or Asians. Most of the domestic servants are tribally oriented, with many keeping their families in a rural environment often several hundred miles from their place of employment, visiting them for several weeks or months once every year or two. At least 80% of them are males; female domestic servants are employed almost exclusively as nannies (nursemaids for children).

The domestic servants law was originally approved in only slightly different form by the Provincial Legislative Assembly last December. It was sent to the Overseas Ministry in Lisbon for study and further approval, where it lay

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for some time amid reports that it would be killed as too radical an inter-
vention in this field of employment. It was finally approved by Lisbon and
sent back for approval in its slightly altered form by the Provincial Legisla-
tive Assembly in May, and signature by the Governor General on May 30. (END
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The law does not in itself set minimum wages for domestic servants, but provides
that they be set. An official of the Labor and Social Security Institute told
the reporting officer in confidence on June 19 that the minimum wages have been
set, but that it was not intended that their levels be published. This, he said,
is in conformity with present Government policy of not publishing any minimum
wage levels, but of proclaiming them only by circularizing the employers,
presumably so as to avoid international criticism at their level. Our source
admitted that such circularization of employers would be impractical with this
class of workers, and believed that information on the minimum wage will be
disseminated orally when individual inquiry is made about the new procedures
or by printing on the new work permit forms. The minimum wage approved for
domestic servants in the Lourenco Marques area is reportedly 500\$00 (about
US\$17.50) per month, from which deductions can be made for food, lodging, etc.

The above-mentioned labor official was not optimistic about enforcement of the
new law. He admitted that his Institute had neither the funds nor the personnel
to properly implement it, and indicated that actual enforcement would be left
almost entirely to the local administrative authorities following procedures
set by the Labor and Social Security Institute. Even if the procedures are
conscientiously applied, and enforced by administrative and police authorities,
he believed at least one to two years after the effective date of August 1 will
elapse before the law will be in general effect throughout Mozambique. (END
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Probably most domestic servants in urban areas are already receiving at least as
much pay as the proposed minimum salary, when allowance is made for discounts
for food, lodging, etc., but few other than long-time retainers enjoy the
guaranteed sick and annual leave, medical treatment, and job security elements
of the law. The new law stirred up sufficient opposition on these grounds to
cause the publication in early June in Mozambique's principal newspaper, NOTICIAS,
of two soothing editorials to the effect that the law would not really change
the present situation drastically, and, in any event, the changes which it decreed
were necessary and desirable from a humanitarian standpoint.

Encl: Copy of the pertinent regulations (Diploma : : : : :
Legislativo N^o 2.702) : : : : :
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