Note explicative communiquée au Revising Committee
au cours de sa révision : 11/15
sur la

Section 556

As a rule, it is admitted in English and American law that a domestic servant resides in the same house with the master and has his employment in the house (the English say: menial servants, from the Latin words intra maenia that is to say between walls). This includes certainly: boys, house-coolies, cooks, chauffeurs, syces, laundresses, gardeners, watchmen, etc. The French jurisprudence completes the criterion by specifying that the domestic servants have duties concerning especially the person and properties of the master, whilst workmen are used of for some manual work concerning trades, concerns, industrial undertaking: from this, the French jurisprudence takes physicians or teachers (governess) who are engaged by a person in order to permanently wokk for him exclusively as domestic servants.

Many other cases may arise which are delicate, and, being matter of facts, are to be decided by jurisprudence. For instance workmen whose work is not manual, but intellectual (such as clerks, reporters of papers, etc.) claim not to be called workmen but employees. Of course they do not come under section 556, and it is not usual that they be engaged and paid by the day, but they have some contract with monthly payment.

ดาวน์โหลดจากระบบ TUDC โดย Shiori Tamura หมดอายุ 14/02/2563

11th. September 1923