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Good Practices on Social Protection, Services,  
and Self-Organization by local and migrant  
Domestic Workers

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Impact of SA's Social Protection Policies on  
Domestic Workers, including Migrant  
Domestic workers  
Ghana 2011

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# Structure of the presentation

- Brief overview of the SA domestic worker sector
  - What is the legislative protection provided
  - Social protection policies
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- The composition of the domestic workforce changes by country and over time, but, everywhere, their numbers are growing.
  - The ILO estimates domestic worker employment between 4 and 10 per cent of total employment in developing countries and up to 2.5 per cent of total employment in industrialized countries.
  - While domestic work is overwhelmingly comprised of women, an important proportion of them migrants, men also work as gardeners or as guardians in private homes or as family chauffeurs.
  - Changes in the organization and intensification of work are responsible for this increase.
  - As a result, reliance on domestic work has increased everywhere across the world as a private strategy to counter mounting work-family tensions.
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# Background

- In South Africa according to the latest QLFS there is 876000 domestic workers with almost 1 million employers
  - Other research indicates that there is about 1 million domestic workers in the country
  - Migrant domestic workers are very difficult to count because of the large number of undocumented workers flooding our country
  - Domestic workers registered with the UIF amounts to 647126 (July 2011 figures)
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# What are the legislative protection provided i.t.o. labour legislation

- Need to look at the whole regime to determine where we are located:
    - Constitution enjoins the state to recognize the rights of all persons
    - LRA (and the mechanisms that it establish) provides for access to dispute resolution mechanism, The right to dispute resolution
      - Access to the labour court
      - Right to establish unions and employers organisation
    - BCEA provides for conditions of employment but also the establishment of sectoral determinations – which has been established
    - Sectoral determinations – establishing conditions of employment
    - Minimum wage coverage
    - Unemployment Insurance coverage – maternity benefits sick leave benefits
    - Social Security coverage
    - Skills development
  - Major gap - Compensation for Occupational Injuries
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# Social Security protection

- Different legs of social security:
    - Labour related:
      - Unemployment Insurance Protection  
UIF – simplified registration process
        - sick leave and maternity benefits
      - Currently in the process of establishment of a provident fund for domestic workers
  - Exclusion of domestic workers from compensation for injuries on duty
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# So what is the efficacy of our legislation

- Should not only be measured against compliance and enforcement
  - The impact should be measured against what its intended to achieve:
    - giving voice to domestic workers
    - addressing the plight of poverty
    - addressing the levels of employment in the sector
    - Skills development
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# So here is the cut.....

Effect on poverty alleviation			
At the individual worker level			
2001	2007	2010	
71%	57%	45%	
At the household level			
2001		2009	
Ultra Poor	Poor	Ultra Poor	Poor
45.3%	28.9%	36.6%	24.4



# And again

Change in real monthly wages by sectoral determination (covered workers only)

<b>Sectoral Determination</b>	<b>2001</b>	<b>2011</b>	<b>Mean annual growth rate 2001-2011</b>
	700	1300	90%
<b>Changes in employment</b>			
	881120	<b>1,191,333</b>	5.2%

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# Migratory regime

- Relaxed requirements for workers in the SADC region
  - Bilateral agreements in some sectors – need to include domestic workers (Currently in discussion with Lesotho government)
  - In the process of regularising “irregular” migrants
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# In providing a work permit:

- Determine whether there is a skills need in the country
  - Compliance with labour legislation
  - Inspectors are sent out to determine whether:
    - the workplace does exist and whether it is conducive
    - Employer pays at least the minimum wage to its current employees
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# But where are our priorities

- In providing social protection:
    - Acknowledgement that domestic workers should enjoy the same rights as any other workers
    - Provide a floor of rights
    - Enforce that floor of rights!!!– (law developed through social dialogue - create buy-in – voluntary compliance driven
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# What informs our approach....

- High levels of vulnerability – child labour – trafficking
  - 60% of the income of low income workers are spent on the basics – FOOD – need to protect that
  - Increase in the levels of domestic worker employment from our neighbouring state – especially undocumented workers
  - This should be the first level of social protection
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# Our Enforcement approach

- Labour inspections geared towards vulnerable workers
  - Training our inspectors on the gender dynamic of domestic workers
  - CCMA - quick and easy access to justice
    - articulation of voice- equal status
  - Labour Court
  - Challenge however- systems and institutions generally geared to respond to formal economy – the debate in our current labour reform process
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## Further work .....

- Creation of awareness of broader issues that affect domestic workers – child labour and human trafficking (especially internal) amongst others
  - Pilot study – what happens to the children of domestic workers when their mothers are at work for the whole day
  - Skills development – geared towards keeping domestic workers at their current level.
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Thank You

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