Impact of SA’s Social Protection Policies on Domestic Workers, including Migrant Domestic Workers

Ghana 2011
Structure of the presentation

- Brief overview of the SA domestic worker sector
- What is the legislative protection provided
- Social protection policies
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.
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).
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
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
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
So here is the cut……..

<table>
<thead>
<tr>
<th>Effect on poverty alleviation</th>
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<td>At the individual worker level</td>
<td></td>
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<tr>
<td>2001</td>
<td>2007</td>
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<tr>
<td>71%</td>
<td>57%</td>
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<tr>
<td>At the household level</td>
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<td></td>
<td></td>
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<tr>
<td>2001</td>
<td>2009</td>
</tr>
<tr>
<td>Ultra Poor</td>
<td>Poor</td>
</tr>
<tr>
<td>45.3%</td>
<td>28.9%</td>
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Change in real monthly wages by sectoral determination (covered workers only)

<table>
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<tr>
<th>Sectoral Determination</th>
<th>2001</th>
<th>2011</th>
<th>Mean annual growth rate 2001-2011</th>
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<tr>
<td></td>
<td>700</td>
<td>1300</td>
<td>90%</td>
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Changes in employment

|                        | 881120 | 1,191,333 | 5.2%                           |
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
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
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)
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
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
Further work ..........

- Creation of awareness of broader issues that effect 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.
Thank You