

**GOLDFIELDS LIBRARY**

**Labour Legislation in Emfuleni's Domestic Worker Sector:  
Awareness and Compliance**

**Christel Marais**

**B. Comm (Industrial Psychology)  
B-Tech (Labour Relations) Cum Laude**

**Submitted in accordance with the requirements for the degree:**

**MAGISTER TECHNOLOGIAE  
(Labour Relations Management)**

**Department of Human Resources Management  
at the  
Vaal University of Technology**

**June, 2007**

**Supervisor:**

**Mrs. N. MacPherson**

**GOLDFIELDS LIBRARY**



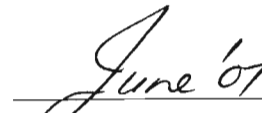
133115

<b>Vaal University of Technology</b>	
File No:	11184450
Item No:	111436852
Order No:	
2009-08-31	
Price:	
Call No:	344.6801 MAR
<b>LIBRARY STOCK</b>	

## Declaration


I hereby declare that the work contained in this thesis is my own work and has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

I further give permission for my thesis to be available for photocopying and for interlibrary loan, and for the title and summary to be made available to outside organisations.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

## **Acknowledgements**

A word of thanks can be so little when you want to say so much. Appreciation is a bigger word, but it still cannot contain all the feelings of gratitude that I experienced during the course of this research towards those who were always more than willing to help, encourage and inspire me.

## **Dedication**

This thesis is dedicated to

**Winnie Beanett Mogoje**

Thank you for being such an integral part of our family life.



## **Abstract**

Sectoral Determination 7: Domestic Worker Sector was proclaimed by the Minister of Labour, Membathisi Mdladlana, and has stipulated the minimum employment conditions for the domestic worker sector since 1 September 2002. The purpose of this study evolved from the problem statement which clearly indicated the need for the assessment of awareness and compliance within the domestic worker sector. A detailed literature review enabled the researcher's orientation to the historical context of the sector as well as the need for transformation. Ultimately, the Determination's stipulations guided the assessment of both awareness (knowledge) and compliance (actions that correspond with legislative obligations) during an empirical review. A survey design was used to obtain responses from both domestic workers and employers of domestic workers, who were not necessarily in a direct employment relationship, within the Emfuleni Local Municipal District. Collected data was statistically captured and analysed. Descriptive statistics indicated that both employers and domestic workers have limited awareness with regard to the stipulations of Sectoral Determination 7. Results further indicated the difficulty in making a general pronouncement regarding compliance levels. It is suggested that compliance should be considered per individual stipulation of the Determination. The study concludes with the researcher's recommendation that more must be done to raise awareness within the sector amongst both employers of domestic workers and domestic workers. It was also recommended that more labour inspectors be made available not only to ensure the enforcement of Sectoral Determination 7 (compliance) but also to facilitate the creation of continuous awareness.

### **List of key words:**

Domestic worker, Sectoral Determination 7, Awareness, Compliance and Minimum wages.

## Table of contents

	Page
<b>Chapter 1: Introduction and overview</b>	
1. Introduction	1
2. Problem Statement	1
3. Purpose of the study	4
4. Research questions	4
5. Objectives of the research	4
6. Importance of the study	5
7. Research methodology	5
7.1 Literature study	5
7.2 Empirical study	6
7.2.1 Target population	6
7.2.2 Sample selection	6
7.2.3 Research design	7
7.2.4 Measuring instrument	7
7.2.5 Statistical analysis	8
8. Provisional chapter outline	8
9. Conclusion	10
 <b>Chapter 2: Domestic Worker Sector in South Africa – Past and Present</b>	
1. Introduction	11
2. Clarification of concepts	12
2.1 Domestic Work	12
2.2 Sectoral Determination 7	15
2.3 Awareness	16
2.4 Compliance	18

	<b>Page</b>
3. Domestic service as a social and historical phenomenon in South Africa	20
3.1 The evolution of domestic work	21
3.1.1 “Slavery”	22
3.1.2 Subordinate position of women in society as a whole	23
3.1.3 Movement from rural to urban areas	24
3.2 Nature of the domestic worker sector	27
3.2.1 Characteristics of domestic workers	27
3.2.2 Rationale for employing a domestic worker	28
4. The call for transformation of the domestic worker sector	29
4.1 Social rationale	30
4.2 Economic rationale	33
4.2.1 Household as a production unit	33
4.2.2 Positioning of domestic work in the labour market	34
4.2.3 Call for a living wage: minimum wages to counteract imbalances	35
4.2.4 Supply and demand of labour	36
4.2.5 Alleviating poverty	38
4.3 Legislative rationale	39
4.3.1 Relationship that exists between the employer, employee and the State	41
4.3.2 Inequitable relationship	47
4.3.3 Overview of applicable legislation in the domestic worker sector	50
5. Rationale for the introduction and implementation of Sectoral Determination 7	52
5.1 Procedures followed in the process of setting a sectoral determination	55
5.2 Sectoral determination 7: Domestic worker sector	57

	<b>Page</b>
5.2.1 Aim of Sectoral Determination 7	57
5.2.2 Scope of Sectoral Determination 7	57
5.2.3 Demarcation for the purpose of Sectoral Determination 7	58
5.2.4 Summary of employment standards in accordance with Sectoral Determination 7: Stipulations and Implications	58
5.2.4.1 Wages, increases and allowances	59
5.2.4.2 Payment of wages	60
5.2.4.3 Particulars of employment	61
5.2.4.4 Hours of work	62
5.2.4.5 Leave	64
5.2.4.6 Prohibition of child labour and forced labour	65
5.2.4.7 Termination of employment	65
5.2.4.8 Employment services	67
5.2.4.9 Keeping of the Sectoral Determination	67
6. Awareness and Compliance in the Domestic Sector	67
6.1 Awareness	67
6.1.1 Rationale for awareness creation	68
6.1.2 The nature of awareness	71
6.1.3 Awareness as an empowerment tool	72
6.1.4 Factors affecting/impacting on awareness levels	75
6.2 Compliance	78
6.2.1 In pursuit of legislative compliance	79
6.2.2 Factors impacting on compliance levels	80
6.2.3 Monitoring and enforcement of sectoral determinations and legal proceedings	82
7. Exploring the link between awareness and compliance	85
8. Transforming awareness into action	86



	<b>Page</b>
9. Moving beyond awareness: Why raising awareness is not enough	90
10. Conclusion	94

### **Chapter 3: Research Methodology**

1. Introduction	96
2. Research objectives	96
2.1 Primary objective	96
2.2 Secondary objectives	97
3. Research methodology	97
3.1 Literature study	97
3.2 Target population	98
3.3 The sampling procedure	100
3.4 The sample size and selection of sampling elements	101
3.4.1 Sample selection of employers of domestic workers within Emfuleni	101
3.4.1.1 Composition of sample group: Employers	102
3.4.2 Sample selection of domestic workers working within Emfuleni	106
3.4.2.1 Composition of sample group: Domestic workers	106
3.5 Data collection and research instrument	110
3.5.1 Construction of questionnaire	110
3.5.2 Pilot study	111
3.5.3 Contents of questionnaires	113
3.5.4 Administration of questionnaires	115
3.5.4.1 Covering letter	115
3.5.4.2 Mail survey (Employers)	116
3.5.4.3 Fieldworkers	116
3.5.5 Processing of questionnaires	117

	<b>Page</b>
3.5.6 Validity and reliability	119
3.5.7 Research and ethics	121
4. Conclusion	122

#### **Chapter 4: Analysis and interpretation of empirical findings**

1. Introduction	123
2. Analysis of survey results	123
2.1 Classification of responses: Awareness	124
2.2 Classification of responses: Compliance	125
3. Awareness of labour legislation within the Emfuleni Local Municipal District	126
3.1 Demarcation of geographic area	127
3.2 Wages, increases and deductions	128
3.2.1 Calculation of wages	128
3.2.2 Payment of wages	131
3.3 Particulars of employment	132
3.4 Hours of work	133
3.4.1 Maximum working hours and meal breaks	133
3.4.2 Overtime	134
3.4.3 Rest periods	137
3.4.4 Working on public holidays	138
3.4.5 Payment for working on Sundays	139
3.4.6 Standby time	141
3.5 Leave stipulations	142
3.5.1 Annual leave	142
3.5.2 Family responsibility leave	143
3.5.3 Sick leave	143
3.5.4 Maternity leave	144

	<b>Page</b>
3.6 The prohibition of child labour	146
3.7 Termination of employment	146
3.7.1 Notice of termination	146
3.7.2 Termination period	147
3.7.3 Retrenchment	147
3.7.4 Certificate of employment	148
3.7.5 Remedy to perceived unfair dismissal	148
3.8 Record keeping	149
3.9 Accessibility of Sectoral Determination 7	150
3.10 Sources of information	151
3.11 Summary of findings regarding the awareness of labour legislation by both employers and domestic workers in Emfuleni	153
4. Compliance with labour legislation within the Emfuleni Local Municipal District	156
4.1 General employment profile of current employment relationship	157
4.1.1 Length of current employment relationship	157
4.1.2 Number of days worked	157
4.1.3 Provision of accommodation	158
4.1.4 Existence of signed employment contract	158
4.2 Compensation within the current employment relationship	159
4.2.1 Perceived current compensation levels compared to legislative requirements	159
4.2.2 Impact of minimum wages on current compensation levels	160
4.2.3 Compensation intervals	161
4.2.4 Reported payment per day	161
4.2.5 Average number of hours worked per day	163
4.2.6 Calculating wage rate per hour	164

	<b>Page</b>
4.2.7 Method of payment	168
4.2.8 Additional benefits offered	169
4.2.9 The existence and extent of salary increases within current employment relationships	171
4.2.10 Reported deductions made from compensation	174
4.2.11 The issue and receipt of detailed payslips	175
4.2.12 The discussing of wage calculation within current employment relationships	176
4.3 Working hours within the context of the current employment relationships	177
4.3.1 Meal breaks	177
4.3.2 Sunday work	178
4.3.3 Compensation for working on a Public holiday	180
4.3.4 Compensation for overtime	181
4.4 The existence and occurrence of leave within the current employment relationships	182
4.4.1 Annual leave	183
4.4.2 Sick leave	184
4.4.2.1 Sick leave taken	184
4.4.2.2 Payment during sick leave	185
4.4.2.3 Proof of illness	185
4.4.3 Maternity leave	186
4.4.3.1 Maternity leave granted/taken	186
4.4.3.2 Period of maternity leave granted/taken	187
4.4.3.3 Compensation during maternity leave	188
4.4.3.4 Return to work after birth of baby	189
4.4.4 Family responsibility leave	190

	<b>Page</b>
4.4.4.1 Granting of family responsibility leave	190
4.4.4.2 Number of days family responsibility leave granted	191
4.4.5 Unpaid leave	192
4.5 Unemployment Insurance Fund (UIF)	193
4.6 Termination of employment as per Sectoral Determination 7	194
4.6.1 Termination of service	194
4.6.2 Period of employment prior to termination of employment	195
4.6.3 Reported reasons for the termination of employment	195
4.6.4 Written notice of termination	196
4.6.5 Period of notice given/received	197
4.6.6 The provision of a certificate of employment upon the termination of employment	198
4.7 Retrenchment as per Sectoral Determination 7	199
4.7.1 The occurrence of retrenchment	199
4.7.2 Calculation of severance pay upon retrenchment	200
4.8 Possession and discussion of Sectoral Determination 7	201
4.8.1 Discussion of the content of Sectoral Determination 7	201
4.8.2 Possession of a copy of Sectoral Determination 7	202
4.9 The impact of minimum wages on working hours within the last four years (2002-2006)	203
4.10 Record keeping	204
4.10.1 The existence of record keeping by employers	204
4.10.2 The extent of record keeping by employers	204
4.11 Visit of labour inspector	205
4.12 Reported extent of awareness regarding the consequences of non- compliance	206
4.13 Perceptions regarding the compliance levels of employers	207

	<b>Page</b>
4.13.1 Factors/reasons provided for perceived current level of compliance with labour legislation	207
4.13.2 Factors/reasons that stand in the way of employers' compliance with labour legislation	209
5. Exploring the link between awareness and compliance	210
6. Conclusion	220
 <b>Chapter 5: Conclusions and recommendations</b>	
1. Introduction	221
2. Overview of the study	221
3. Final conclusions	224
4. Recommendations	229
5. Future research	230
6. Limitations of the study	231
7. Value of the study	231
8. Conclusion	232
 <b>Bibliography</b>	 233

## List of figures

	<b>Page</b>
<b>Figure 1</b>	The domestic worker cycle 22
<b>Figure 2</b>	Parties to the reform process 31
<b>Figure 3</b>	Negative employment conditions in the domestic worker sector 44
<b>Figure 4</b>	Illustration of the inequitable relationship that exists in the domestic worker sector 47
<b>Figure 5</b>	Establishing the extent of the unacceptable weaker bargaining position of employees compared to that of employers in the domestic worker sector 49
<b>Figure 6</b>	Overview of applicable legislation in the domestic worker sector 51
<b>Figure 7</b>	Procedure for the setting of a sectoral determination 56
<b>Figure 8</b>	Scope of Sectoral Determination 7 57
<b>Figure 9</b>	Payment of wages 61
<b>Figure 10</b>	Employment contract 62
<b>Figure 11</b>	Hours of work 63
<b>Figure 12</b>	Leave 64
<b>Figure 13</b>	Prohibition of child and forced labour 65
<b>Figure 14</b>	Termination of employment 66
<b>Figure 15</b>	Procedure stipulated for the monitoring and enforcement of labour legislation 84
<b>Figure 16</b>	Transforming awareness into action 88
<b>Figure 17</b>	The mathematics of compliance 89
<b>Figure 18</b>	Moving beyond mere awareness 92
<b>Figure 19</b>	Emfuleni Local Municipal District 99

	<b>Page</b>
<b>Figure 20</b>	Steps followed in the construction of the questionnaire 111
<b>Figure 21</b>	Comparison between employers' and domestic workers' responses to the demarcation of the geographical area 127
<b>Figure 22</b>	Comparison of responses regarding the calculation of wages 130
<b>Figure 23</b>	Comparison of responses regarding the payment of wages 131
<b>Figure 24</b>	Comparison of responses regarding the issuing of written particulars of employment 132
<b>Figure 25</b>	Comparison of responses regarding maximum working hours and meal breaks 134
<b>Figure 26</b>	Comparison of responses regarding overtime 136
<b>Figure 27</b>	Comparison of responses regarding rest periods 137
<b>Figure 28</b>	Comparison of responses regarding work on public holidays 139
<b>Figure 29</b>	Comparison of responses regarding payment for Sunday work 140
<b>Figure 30</b>	Comparison of responses regarding standby time and the compensation thereof 142
<b>Figure 31</b>	Comparison of responses regarding leave stipulations 145
<b>Figure 32</b>	Comparison of responses regarding the prohibition of child labour 146
<b>Figure 33</b>	Comparison of responses regarding the termination of employment 149
<b>Figure 34</b>	Comparison of responses regarding the keeping of records 150
<b>Figure 35</b>	Comparison of responses regarding the accessibility of Sectoral Determination 7 151
<b>Figure 36</b>	Sources of information as reported by employers 152
<b>Figure 37</b>	Sources of information as reported by domestic workers 152
<b>Figure 38</b>	Summative assessment of scores attained by respondents in the measurement of awareness levels 156



	<b>Page</b>
<b>Figure 39</b>	The length of current employment relationship 157
<b>Figure 40</b>	Reported number of days worked per week within the current employment relationship 158
<b>Figure 41</b>	The reported occurrence of live-in working arrangements 158
<b>Figure 42</b>	Comparison of responses regarding the existence of a signed contract of employment 159
<b>Figure 43</b>	Comparison of responses regarding the perceptions of current compensation levels compared to legislative requirements 160
<b>Figure 44</b>	Impact of the setting of minimum wages levels on current compensation 160
<b>Figure 45</b>	Comparison of responses regarding current compensation intervals 161
<b>Figure 46</b>	Reported wages paid to domestic worker per day 162
<b>Figure 47</b>	Reported payment received per day from main employer 162
<b>Figure 48</b>	Comparing reported daily wages paid by employers and received by domestic workers within current employment relationship 163
<b>Figure 49</b>	Comparing normal working hours per day within current employment relationships 164
<b>Figure 50</b>	Wage rate paid per hour to domestic worker 165
<b>Figure 51</b>	Wages received per hour by domestic worker from main employer 165
<b>Figure 52</b>	Comparison regarding actual wages paid and received within the demarcated area 167
<b>Figure 53</b>	Comparison of responses regarding compliance with minimum wage stipulations 168
<b>Figure 54</b>	Comparison of responses regarding the reported methods of compensation 169

	<b>Page</b>
<b>Figure 55</b> Additional benefits provided to domestic workers	170
<b>Figure 56</b> Additional benefits received by domestic workers from their main employer	171
<b>Figure 57</b> Comparison regarding salary increases given/received	172
<b>Figure 58</b> Comparison of responses regarding the extent of salary increases given/received within the last 12 months (November 2005-October 2006)	173
<b>Figure 59</b> Comparison regarding the issuing and receipt of detailed payslips	176
<b>Figure 60</b> Comparison of responses regarding the discussion of wage calculation	177
<b>Figure 61</b> Comparison of responses regarding the extent of meal breaks granted and received	178
<b>Figure 62</b> Comparison of responses regarding annual leave granted/received within the last 12 months (November 2005-October 2006)	183
<b>Figure 63</b> Comparison of responses regarding the occurrence of annual leave	184
<b>Figure 64</b> Comparison of responses regarding the reported occurrence of sick leave taken within the last 12 months (November 2005-October 2006)	184
<b>Figure 65</b> Comparison of responses regarding payment of wages at normal daily rate during sick leave	185
<b>Figure 66</b> Comparison regarding the request for proof of illness	186
<b>Figure 67</b> Comparison of responses regarding the existence of maternity leave granted/taken within the last 12 months (November 2005-October 2006)	187

	<b>Page</b>
<b>Figure 68</b> Comparison of responses regarding the period of maternity leave granted/taken	188
<b>Figure 69</b> Comparison of responses regarding compensation during maternity leave	189
<b>Figure 70</b> Comparison of responses regarding the time period for the return to work after childbirth	189
<b>Figure 71</b> Comparison of responses regarding the granting of family responsibility leave	191
<b>Figure 72</b> Comparison of responses regarding the number of days of family responsibility leave granted within the last 12 months (November 2005-October 2006)	192
<b>Figure 73</b> Comparison of responses regarding the granting of unpaid leave	192
<b>Figure 74</b> Comparison of responses regarding registration for UIF purposes	193
<b>Figure 75</b> Comparison of responses regarding the termination of employment within the last four years (2002-2006)	194
<b>Figure 76</b> Comparison of responses regarding the period of employment prior to the termination of employment	195
<b>Figure 77</b> Comparison of responses regarding the issuing of written termination notices	196
<b>Figure 78</b> Comparison of responses regarding the period of notice given/received upon the termination of employment	197
<b>Figure 79</b> Comparison of responses regarding the provision/receipt of a certificate of employment upon the termination of employment	199
<b>Figure 80</b> Comparison of responses regarding the occurrence of retrenchment within the last four years (2002-2006)	200

	<b>Page</b>
<b>Figure 81</b> Comparison of responses regarding the calculation of severance pay upon retrenchment	201
<b>Figure 82</b> Comparison of responses regarding the discussion of the content of Sectoral Determination 7	201
<b>Figure 83</b> Comparison of responses regarding the possession of a copy of Sectoral Determination 7	202
<b>Figure 84</b> Comparison of the extent of the impact of minimum wages upon work hours within the last four years (2002-2006)	203
<b>Figure 85</b> Record keeping	204
<b>Figure 86</b> Extent of record keeping as reported by employers	205
<b>Figure 87</b> Extent of reported visits by labour inspectors	205
<b>Figure 88</b> Reported awareness regarding the consequences of non-compliance	206
<b>Figure 89</b> Comparison of perceptions regarding the compliance levels of employers	207

## List of tables

	<b>Page</b>
<b>Table 1</b>	Grasping the meaning of the concept of awareness 17
<b>Table 2</b>	Characteristics of the employees, work environment and employers in the domestic worker sector 28
<b>Table 3</b>	Reasons for the hiring of a domestic worker 29
<b>Table 4</b>	Preconditions for the optimal functioning of the labour contract versus limitations on the labour contract as a result of legalistic labour legislation 46
<b>Table 5</b>	Minimum wages and annual increases for domestic workers who work more than 27 hours a week (excluding overtime) 59
<b>Table 6</b>	Minimum wages and annual increases for domestic workers who work less than 27 hours a week (excluding overtime) 60
<b>Table 7</b>	Classification of some factors affecting/impacting on awareness creation/levels 76
<b>Table 8</b>	Classification of a variety of factors potentially impacting on compliance levels 81
<b>Table 9</b>	Biographical information of employers of domestic workers (Section B of Annexure A) 103
<b>Table 10</b>	Household profile of employers of domestic workers (Section C of Annexure A) 105
<b>Table 11</b>	Biographical information of domestic workers (Section B of Annexure B) 107
<b>Table 12</b>	Total current employment profile (Section D of Annexure B) 109
<b>Table 13</b>	Sectional overview of questionnaires 114
<b>Table 14</b>	Classification of awareness levels 124
<b>Table 15</b>	Classification of compliance levels 125

		<b>Page</b>
<b>Table 16</b>	Enumeration of responses in the assessment of awareness levels	154
<b>Table 17</b>	Summary of reported reasons for a lack of salary increases within the last 12 months (November 2005-October 2006)	172
<b>Table 18</b>	Reported deductions made from the domestic workers' compensation	175
<b>Table 19</b>	Comparison of responses regarding the occurrence of Sunday work	179
<b>Table 20</b>	Comparison of responses regarding the rate of compensation for Sunday work	179
<b>Table 21</b>	Comparison of responses regarding the rate of compensation for working on a Public holiday	180
<b>Table 22</b>	Comparison of responses regarding the compensation for overtime worked	182
<b>Table 23</b>	Reasons provided for the termination of employment	196
<b>Table 24</b>	Summary of factors/reasons that gave rise to current perceived levels of compliance	208
<b>Table 25</b>	Summary of factors/reasons that stand in the way of current perceived levels of compliance	209
<b>Table 26</b>	Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7	212

## **List of Annexures**

		<b>Page</b>
<b>Annexure A</b>	Questionnaire: Employers	246
<b>Annexure B</b>	Questionnaire: Domestic workers	259

## Glossary of terms

BCEA	Basic Conditions of Employment Act
CCMA	Commission for Consolidation, Mediation and Arbitration
CPIX	Consumer Price Index
COSATU	Congress of South African Trade Unions
ed.	Edition
EEC	Employment Conditions Commission
etc.	<i>et cetera</i> (and so forth)
i.e.	<i>id est</i> (that is)
ILO	International Labour Organisation
N	Target population
n	Sample frame
NMC	National Manpower Commission
OHS	October Household Survey
Q	Question
R	Rand
SACP	South African Communist Party
Stats SA	Statistics South Africa
UIF	Unemployment Insurance Fund
Vol.	Volume
vs	Versus
UBUNTU	I am because we are
<	Less than
>	More than



## **CHAPTER 1**

### **INTRODUCTION AND OVERVIEW**

#### **1. Introduction**

With the slogan “We need each other”, the Department of Labour (2002:1) launched the implementation of Sectoral Determination 7: Domestic Worker Sector. This determination was the result of three years of investigation and consultation with the various stakeholders, and directly affects the estimated 1,2 million domestic workers employed in South Africa.

The Minister of Labour, Membathisi Mdladlana, signed the determination in terms of the Basic Conditions of Employment Act, No. 75 of 1997, whereby the conditions of employment were established and minimum wages for employees in the Domestic Sector became binding on all employers of domestic workers in South Africa. This was required to be in place no later than 1 November 2002. (Sapa 2002:2).

#### **2. Problem Statement**

Many South Africans are familiar with the cartoon strip “Madam & Eve” (1999:46), which appears in a Johannesburg newspaper, The Star. This cartoon strip has provided many a laugh to its readers, but in reality it comments, to a large extent, on the inequalities that still exist in the relationship between employer and employee in the domestic worker sector (1997:79-80). These inequalities were the direct result of the fact that employment relationships were not regulated by labour legislation in this sector. This resulted in many domestic workers being exploited by being paid low wages or being paid largely in kind.

Anne-Marie van Zyl (2004), Executive Manager: Employment Standards of the Department of Labour, indicated that giving domestic workers access to social security, establishing minimum wages and developing training opportunities would result in the

protection of vulnerable employees, the establishment of decent employment conditions and the instilment of a sense of dignity amongst those in the most undervalued sector of the labour market. A common understanding of the parameters of the relationship by both the domestic worker and the employer is thus necessary to ensure the successful enforcement of the Sectoral Determination.

Role players expressed their concerns about the impact of minimum wages on employment levels. According to Margaret Nhlapo of the Domestic Workers' Union (1999:46), the possibility of employers dismissing their domestic workers because they do not want to abide by the law is a reality. Government also acknowledged that it would be extremely expensive to police the implementation of minimum wages in thousands of private households, as well as the possibility that enforcing regulations could result in domestic workers losing their jobs (1999:46). The emphasis is therefore on fostering awareness amongst both domestic workers and employers of domestic workers, thus encouraging compliance (Van Zyl 2004).

Although an extensive media campaign supported by the distribution of approximately one million pamphlets was undertaken by the Department of Labour, no formal investigation has been done to assess either its effect or the present levels of awareness regarding labour legislation in the domestic worker sector. The Department of Labour undertook national blitz inspections (Zikalala 2003:1) in August 2003 to assess levels of compliance by employers. Despite these efforts, Van Zyl (2004) stressed that there is still little known about awareness levels and how this links with actions taken by employers of domestic workers.

In an article titled "Research Methodology and Approaches to Measuring Awareness and Knowledge" the author explains that awareness occurs "when an individual is sufficiently informed about a subject for him/her to be conscious of its existence and its broad subject matter. In this sense, awareness of an employment right or piece of

legislation implies that the individual has heard of it, and has some idea of the area of working life to which it relates” (2004:11). Assessing levels of awareness amongst both domestic workers and employers of domestic workers will not only indicate successes or shortfalls in prior awareness campaigns, but will also aid in guiding future actions.

Blade Nzimande (2003:1), General Secretary of the South African Communist Party (SACP), emphasised during the SACP’s 2003 Red October Campaign, that the empowerment of domestic workers required awareness beyond the boundaries of only domestic workers and their employers. According to him, co-operation among all the role players is essential. This sentiment is in line with the agenda on the way forward by the International Labour Organisation (ILO) (2004:115-120), which emphasises that governments and their social partners must draw up a “road map” to help progress towards the elimination of all discrimination at work. Sectoral Determination 7 can be seen as such a “road map”, the purpose of which, according to the Director-General of the Department of Labour, Robinson Ramaite, is to guard against potential job losses or the casualisation of domestic workers, by setting minimum wages that are not only affordable but also realistic (Sapa 2002:1).

The demarcated area for this research is the Emfuleni Local Municipal District. For the purpose of the Sectoral Determination, the Demarcation Board used municipal boundaries to divide South Africa into two areas, namely Area A (rural) and Area B (urban). Emfuleni is classified as an Area A which refers to the fact that it is a municipal district with a high rate of urban population (Van Niekerk 2003:13-14).

Given the expressed needs, as indicated above, the researcher intends to measure the levels of awareness of and compliance with Sectoral Determination 7 among both employers of domestic workers and domestic workers within the demarcated area.

### **3. Purpose of the study**

Within the framework of the above problem statement, the purpose of this study is thus to determine the awareness of and compliance with labour legislation in Emfuleni's Domestic Worker Sector.

### **4. Research questions**

Based on the above problem statement, the research questions are as follows:

- What was the rationale for Sectoral Determination 7: Domestic Worker Sector?
- What are the implications of Sectoral Determination 7 for both the employers of domestic workers and domestic workers?
- What is the relevance of awareness and compliance within the scope of the study?
- What determines levels of awareness and compliance?
- What are the levels of awareness and compliance among employers of domestic workers and domestic workers themselves?
- What is the link between awareness of employment standards and action?
- What is the application value of the research findings?

### **5. Objectives of the research**

In order to achieve the stated purpose of the study the following objectives are set:

#### **Theoretical objectives:**

- Provide a historical overview of the domestic worker sector.
- Distinguish the social, economic and legislative rationale for reform in the domestic worker sector.
- Investigate the introduction, content and implications of Sectoral Determination 7: Domestic Worker Sector.
- Explore the concepts of awareness and compliance within the scope of the study.
- Determine how levels of awareness and compliance by both employers of domestic workers and domestic workers can be assessed.

**Empirical objectives:**

- Determine current levels of awareness and compliance by both employers of domestic workers and domestic workers.
- Investigate the link between awareness of employment standards and action.
- Describe the application value of the research findings.

**6. Importance of the study**

The importance of the study is located in its application value, as indicated below:

- The study will provide a broad general orientation towards the domestic worker sector and its unique characteristics as validation of the need for legislative reform.
- Given the far-reaching implications of legislative reform within the domestic worker sector, the assessment of awareness and compliance levels will provide valuable feedback for future actions and the assessment of their effectiveness.
- Objective feedback could be provided to the Department of Labour regarding the actual levels of awareness and compliance with Sectoral Determination 7 within the Emfuleni Local Municipal District.
- Resultant recommendations will be reported.
- Future research areas will be identified.

**7. Research methodology****7.1 Literature study**

A comprehensive literature study will be conducted to establish a broad historical overview of the domestic worker sector. The rationale for reform within the domestic worker sector will be explored. Special attention will be paid to the introduction, content and implications of Sectoral Determination 7: Domestic Worker Sector. The concepts of both awareness and compliance will be explored within the scope of the current study. The theoretical existence of a link between awareness and action will be investigated.

Information will be gathered via the use of books, journals, the internet, various data bases (SABINET, EBSCOHOST, EMERALD), pamphlets, interviews and newspaper articles in an attempt to facilitate the achievement of the set objectives.

## **7.2 Empirical study**

### **7.2.1 Target population**

Research will be restricted to the Emfuleni Local Municipal District, Gauteng. According to Census 2001, Emfuleni had a total of 152959 formal households and 17124 persons employed in private households in 2001 (2004:3,5). The target population for this study will thus consist of:

- N = +/- 152 959 private households and
- N = +/- 17 124 persons employed in private households.

### **7.2.2 Sample selection**

Given the individualized nature of the employment relationship within the domestic worker sector, the practical implications of approaching employers of domestic workers at their private households and domestic workers at their place of employment, together with the vastness of the various areas that constitute Emfuleni (see Chapter 3, Figure 19), the researcher will approach respondents in different ways.

In the case of the employers of domestic workers, convenience sampling (Gillham 2002:18) will be applied to select the Vaal University of Technology as an employer of a large number of individuals in the designated geographic region. All employees currently employed at the main campus of the Vaal University of Technology in Vanderbijlpark will be earmarked as potential respondents. Although the main campus is situated in Vanderbijlpark, employees reside in most of the residential areas that form part of the Emfuleni Local Municipal District. The sample is thus regarded as sufficiently representative of the research area.



Respondent domestic workers will be selected by means of accidental sampling, which will enable the researcher to “collect information from members of the population that are near and readily available” (Welman & Kruger 2000:62-63). Students and post-graduate students at the Vaal University of Technology will be sourced to act as fieldworkers. Domestic workers will be approached at taxi ranks, on public transport and in their communities.

In an attempt to obtain a realistic and representative sample for the purpose of this study the sample will be limited to:

- $n = 600$  employees of the Vaal University of Technology (thus potential employers of domestic workers) and
- $n = 400$  domestic workers.

### **7.2.3 Research design**

Evolving from awareness and insight gained by the researcher in the extensive literature study, a survey design (Wellman & Kruger 2000:189-190) will be used which will facilitate the generation of sufficient responses, given the practical implications of the limited time frame, financial constraints, nature of the population being studied, complexity of the survey design and available resources (Smit 1995:17; Breakwell, Hammon & Fife-Shaw 2002:31; Greenfield 2002:185-186).

### **7.2.4 Measuring instrument**

Although a similarly structured questionnaire will be distributed to both employers of domestic workers and domestic workers, differing approaches will be adopted to access these respondents. The questionnaire will focus on verifying the sample population, biographical information of respondents, household profile, and awareness of and compliance with labour legislation within the scope of the study.

In an attempt to verify the relevance of the content of the questionnaire, a pilot study will be conducted. As a result of feedback and responses received, an improved questionnaire will evolve for final distribution. An internal mail survey will be conducted at the Vaal University of Technology by distributing questionnaires to 600 potential employers of domestic workers. Domestic workers will be accessed by fieldworkers who will distribute 400 questionnaires for completion.

#### **7.2.5 Statistical analysis**

In order to accomplish the set research objective of the study, completed questionnaires will be submitted for statistical analysis by a statistician. Descriptive statistics generated in this way will enable the researcher to report findings objectively and honestly and in a manner that will enable the reader's understanding of the data presented and the arguments put forward by the researcher.

### **8. Provisional chapter outline**

#### **Chapter 1 Introduction and overview**

Chapter 1 provides a general orientation to the scope of the study. The motivation for the study and its importance will be stated. Set research objectives will reflect the purpose of the study. A broad overview of the research methodology will be provided by focusing on both the literature study as well as the empirical study.

#### **Chapter 2 Literature study**

Chapter 2 will focus on providing an introduction to the topic and a clarification of concepts used within the study. Domestic work as a social and historical phenomenon will be explored. The call for transformation within the domestic worker sector will be reflected on by considering the social, economic and legislative rationale for legislative reform. The introduction, implementation and implications of Sectoral Determination 7 will be discussed. The concepts of awareness and compliance will be examined within the scope of the study. The rationale for the creation of awareness will be explained and



special attention will be paid to identifying factors that could impact on both awareness and compliance levels. Finally the researcher will attempt to explore the link that exists between awareness and compliance.

### **Chapter 3     Empirical study**

Chapter 3 will explain the research methodology used throughout the study. The research objectives will be stated. Reflection will be provided on the literature study conducted. The target population, sampling procedures and sample sizes for both employers of domestic workers and domestic workers will be indicated. The design of the research instrument and the collection of data will be discussed. Consideration will be given to the processing of data by means of statistical analysis. Actions taken to ensure the validity and reliability of the research will be mentioned. The role of research ethics will be explored and a brief overview of the respondents' biographical information will be presented.

### **Chapter 4     Results and findings**

Chapter 4 will aim to reflect objectively the analysis of statistical results. These descriptive statistics will be applied to illustrate various trends. An attempt will be made to reflect the current levels of awareness about the content of Sectoral Determination 7. Actual compliance with the stipulations of the determination, as evident from responses, will be indicated, followed by a comparison between reported levels of awareness and actual compliance.

### **Chapter 5     Conclusions and recommendations**

Chapter 5 will provide an enumerative conclusion to the study. Recommendations based on the final conclusions will follow. Future research options will be identified. The limitations of the study will be reflected upon. Finally, the value of the study will be considered.

## **9. Conclusion**

On commencement of the research process, it became apparent that it would be necessary to assess and report actual levels of awareness of, and compliance with, labour legislation within the domestic worker sector. Chapter 1 aimed to orientate the reader to the scope, context and focus of this study. The motivation for the study was highlighted in the problem statement. Reflection was given to the purpose of the study and various research questions. Both the theoretical and empirical objectives of the research were stated. The importance of the study was outlined. The research methodology used in the study was discussed. A provisional chapter outline was presented.

A comprehensive literature overview will be presented in Chapter 2 to facilitate the achievement of the set objectives.

The ILO regards domestic work as work carried out within the sphere of the home, the employer's private residence. This feature, which is regarded as the cornerstone of domestic work, defines the physical parameters of the work and also the working relationship. The occupant of the dwelling is thus regarded as the employer.

(c) Absence of pecuniary gain by the employer:

The ILO views a domestic worker as not taking part in any commercial or business ventures of the employer and rather views the household as the exclusive recipient of the domestic worker's efforts.

(d) Remuneration:

The ILO states that domestic workers receive various forms of payment, be it in kind or in cash or both. Payment for the services of a domestic worker aids in making visible the economic aspect of domestic work.

When comparing the above definition with the definition of the Basic Conditions of Employment Act, Act 75 of 1997, it becomes clear that the definition accords well with the ILO definition of domestic work, i.e.: "domestic worker means an employee who performs domestic work in the home of his or her employer and includes:

- (a) a gardener;
- (b) a person employed by a household as a driver of a motor vehicle; and
- (c) a person who takes care of children, the aged, the sick, the frail or the disabled, but does not include a farm worker" (RSA 1997:8).

This definition is similar to the definition used in The Unemployment Insurance Act of 2001 to define the concept of domestic work. None of the other relevant pieces of labour legislation defines the term as such (Dancaster 2003:110). Persons doing farm work or working on a farm are however excluded from this definition because a different set of rules applies to farm workers.

attempt to establish the vital link between awareness and compliance. It is argued that both awareness of and compliance with relevant legislation are instrumental in the successful implementation of Sectoral Determination 7, which therefore also provides a guideline for measuring the appropriateness of resultant actions.

## **2. Clarification of concepts**

In order to ensure a clear understanding of the main concepts that will feature in this research, various terms will be defined.

### **2.1 Domestic Work**

A common understanding of the concept of domestic worker within the context of South African society is vital. Not only will this ensure a shared frame of reference for all role players in the specific occupational sector but it will also assist in determining which persons are bound by legislation and “the extent to which relevant legislation will impact on them” (Basson, Louw & Strydom 1993:13).

In an unpublished report titled: “Domestic work, conditions of work and employment: a legal perspective” the ILO (1999:4 in Department of Labour 2001a:14-15) defines a domestic worker broadly as “a wage-earner working in a private household, under whatever method and period of remuneration, who may be employed by one or by several employers who received no pecuniary gains from this work”. This definition broadly focuses on four elements, namely:

(a) The type of activity carried out by the worker:

The ILO regards the following as falling within this spectrum: housekeeping, cooking, home-based child care, home-based personal care, home-based protective service worker or watchperson, gardener, chauffeur and domestic helper or cleaner. Although this refers to a wide spectrum of tasks, it does not imply that the workers have to perform them all to be considered as domestic workers.

(b) The workplace:

The ILO regards domestic work as work carried out within the sphere of the home, the employer's private residence. This feature, which is regarded as the cornerstone of domestic work, defines the physical parameters of the work and also the working relationship. The occupant of the dwelling is thus regarded as the employer.

(c) Absence of pecuniary gain by the employer:

The ILO views a domestic worker as not taking part in any commercial or business ventures of the employer and rather views the household as the exclusive recipient of the domestic worker's efforts.

(d) Remuneration:

The ILO states that domestic workers receive various forms of payment, be it in kind or in cash or both. Payment for the services of a domestic worker aids in making visible the economic aspect of domestic work.

When comparing the above definition with the definition of the Basic Conditions of Employment Act, Act 75 of 1997, it becomes clear that the definition accords well with the ILO definition of domestic work, i.e.: "domestic worker means an employee who performs domestic work in the home of his or her employer and includes:

- (a) a gardener;
- (b) a person employed by a household as a driver of a motor vehicle; and
- (c) a person who takes care of children, the aged, the sick, the frail or the disabled, but does not include a farm worker" (RSA 1997:8).

This definition is similar to the definition used in The Unemployment Insurance Act of 2001 to define the concept of domestic work. None of the other relevant pieces of labour legislation defines the term as such (Dancaster 2003:110). Persons doing farm work or working on a farm are however excluded from this definition because a different set of rules applies to farm workers.

The potential exploitation of domestic workers was increased by various employers using atypical forms of employment, such as subcontracting, for example, to opt out of the employer-employee relationship, thus avoiding statutory obligations (Department of Labour 2001a: 15). This was a direct result of the Basic Conditions of Employment Act, Act 75 of 1997, defining the concept of employee as “...any person, excluding independent contractors, who works for another person or the State and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of the employer” (RSA 1997:8). It was thus recommended (Department of Labour 2001a:16) that section 83 of the Basic Conditions of Employment Act, 1997, be implemented, whereby the Minister could deem any category of persons specified in a notice in the Government Gazette to be an employee for the purpose of the act or any sectoral determination (RSA 1997:62). Dancaaster (2003:111) pointed out that independent contractors and domestic workers supplied by employment services/agencies are specifically covered to avoid employers’ attempts to exclude domestic workers from the definition given below, and by so doing, avoiding statutory obligations.

A comprehensive and clear definition of the concept “domestic worker” was vital, as the effect of any legislation affecting domestic workers would ultimately depend on the definition of the term. The Employment Conditions Commission (ECC) recommended in its report that the definition of a domestic worker in the Basic Conditions of Employment Act, 1997, be accepted, as it sufficiently defined the concept of domestic worker (Department of Labour 2002:33).

In the light of the above, and given the fact that the domestic sector is currently subject to the stipulations of Sectoral Determination 7, the definition used for the purpose of this study will have to be that of the Determination (Van Niekerk 2003:7-9).

The definition reads as follows:

“Domestic worker means any domestic worker or independent contractor who performs domestic work in a private household and who receives, or is entitled to receive, pay, and includes:

- (a) a gardener;
- (b) a person employed by a household as a driver of a motor vehicle;
- (c) a person who takes care of children, the aged, the sick, the frail or the disabled;
- (d) and domestic workers employed or supplied by employment services.”

## **2.2 Sectoral Determination 7**

Developing a clear understanding of the rules governing the employment of a domestic worker will aid the establishment and maintenance of an effective work relationship. Prior to 1 September 2002, the domestic worker sector enjoyed protection only under the Basic Conditions of Employment Act, 1997, which in many instances fell short of protecting a very vulnerable sector of the labour market.

The Basic Conditions of Employment Act, 1997, made provision for the Minister of Labour to proclaim a sectoral determination (a form of legislation) which could establish conditions of employment in a defined sector. Such a proclamation was made by the Minister of Labour, M.M.S. Mdladlana, when the Department of Labour published in the Government Gazette, Sectoral Determination 7: Domestic Worker Sector, which came into effect on 1<sup>st</sup> September 2002 and so became binding on all relevant parties in the domestic worker sector.

Sectoral Determination 7 thus established and prescribed conditions of employment and minimum wages for the domestic worker sector (RSA 2002:1). Although a sectoral determination replaces the Basic Conditions of Employment Act for all conditions of employment regulated by the sectoral determination, those conditions not regulated by the sectoral determination will still be covered by the stipulations of the Basic

Conditions of Employment Act, 1997. The determination thus forms a “safety net”, dictating minimum standards of employment (Van Niekerk 2003:5) specifically in the domestic worker sector.

### **2.3 Awareness**

Awareness directly or indirectly plays a part in all fields of study. Developing an understanding of any subject field thus requires an initial awareness. Reflecting on the true meaning and implication of the concept of awareness initially leads to more questions than answers. These questions have resulted in various authors writing extensively about the concept. The researcher attempted to clarify the concept of awareness within the scope of the present study by reflecting on some of these viewpoints.

Depraz, Varela and Vermersch (2002:15) describes the act of becoming aware as a “human act” that is so basic that it is quite independent of the contexts in which one becomes aware of one’s own conscious activity. Becoming aware, according to these authors, could thus be viewed as a “reflecting act”.

Gotshalk (1969:1-2, 13) regards the “primary characteristic of knowledge as the cognitive awareness of activities in any situation”. Gotshalk further states that “knowledge as a construct is the handiwork of awareness operating on its own behalf”. Nunn (1996:1), however, holds the view that “intention probably is inseparable from awareness even if the content may vary occasionally, be it nothing other than awareness of awareness”. According to Nunn, consciousness is always about “something”.

Reflecting on a concept that is regarded as so much a part of every human being, impacting on every area of life, requires the ability to grasp the meaning of the concept before a clear understanding can evolve. Table 1 provides a summary of Pendersen’s (2000:4,5,18,19) understanding of the concept of awareness.



**Table 1: Grasping the meaning of the concept of awareness**

<ul style="list-style-type: none"><li>• Awareness is the ability to judge a situation accurately, from both one's own and another's viewpoint.</li><li>• Awareness should be supplemented by factual data. (If awareness helps a student to ask the "right questions", then knowledge provides access to the "right answers." The increased knowledge and information should clarify the alternatives and reduce the ambiguity in a person's understanding of a concept/situation.)</li><li>• Awareness provides the basis for accurate opinions, attitudes, and assumptions.</li><li>• Awareness presumes an ability to compare and contrast alternative viewpoints accurately, relate or translate priorities in a variety of settings, identify constraints and opportunities in each context, and have a clear understanding of one's own limitations.</li><li>• The foundation of awareness is important because it controls the interpretation of all knowledge and utilisation of all skills.</li><li>• Overlooking the awareness stage could result in knowledge and skills, however accurate and effective, being based on false assumptions.</li><li>• Training that does not go beyond the initial awareness phase results in the ability to identify the problem but not the ability to do anything about it.</li><li>• Awareness levels should not be taken for granted.</li></ul>
---

Source: Adapted from Pendersen 2000:4,5,18,19.

Marková (1987:10-11) added another dimension to awareness when he stated that "human awareness involves both awareness of the self and awareness of other people". One can thus become aware of oneself only in so far as one becomes aware of other people. "We perceive, interpret and act on the basis of our understanding of each other's thoughts, abilities, emotions, intentions and actions, and at the same time we are aware that others can perceive, interpret and act on the basis of their understanding of our activities."

Given the individualised nature of the employment relationship in the domestic worker sector, a multidimensional view of awareness, which transcends the mere cognitive nature of awareness, is vital. This sentiment is affirmed by Hubbard (2002:1 in Pillay

2005:35), when it is stated that the generation of an effective awareness programme is not simply “a matter of passing on information in the common path of the user and hoping for the best – it requires the users to learn, understand the significance of, and use the knowledge they have obtained.”

Acknowledging the fact that awareness can never be taken for granted, the researcher views awareness as a multi-faceted concept affected not only by the here and now but also by the past and, inevitably, by the perceived future. This viewpoint will become more apparent from discussions to follow.

Although the concept of awareness is relevant to all research fields, it should be noted that the focus thereof is unique to each specific field. This research will limit its focus to awareness of knowledge related to labour legislation and regulations in the domestic worker sector, as well as to the effect of this knowledge on actions taken by both employers (private households) and employees (domestic workers) within this sector.

## **2.4 Compliance**

Upon the announcement of minimum wages for domestic workers, Minister Mdladlana stated that government had taken the “first steps in the transformation of the domestic worker sector” by ensuring that laws were in place that “should assist society to come to terms with the need to give domestic workers a fair deal at work” (RSA 2006:1). Sectoral Determinations afford protection under the law to vulnerable sectors within the labour market, thereby ensuring access to legislative privileges which these employees were previously denied.

There is no doubt that in order to enjoy any rights one has to have knowledge of such rights. According to Mubangizi (2004:63-64) one cannot enjoy or enforce rights that one is not aware of. It therefore goes without saying that the effective enjoyment or enforcement of rights largely depends on public awareness of such rights.

Legislative compliance aims to create an employment environment which is free from exploitation and which limits the bypassing of stipulations by employers. A study of the stipulations of Sectoral Determination 7 makes it clear that the aim was to create a piece of legislation that could be regarded as user-friendly, thereby aiding both its implementation and ultimately, compliance with it, with fixed rights and responsibilities of both the parties to this unique employment relationship.

In an article titled “A new deal for domestic workers”, Clayton (2003:1) states that “ignorance of the law is no excuse if you are challenged on your employment practices”. This thus implies that employers have an obligation to acquaint themselves with the stipulations of relevant labour legislation. According to Huber in Clayton (2003:1), this obligation requires employers of domestic workers to comply with all rules and standards set by legislation. Failure to comply with these stipulations could result in penalties being imposed.

Considering a variety of synonyms assisted the researcher to develop a true understanding of the concept of compliance. Words influencing this train of thought include “fulfil, carry out, do, perform, obligation, duty, comply, conform, corresponding actions, observance, in pursuance of and in compliance with” (Pharos, 1997: 243, 246, 250, 366, 408). The Oxford Dictionary of Current English (2006:177) defines compliance as “the action of obeying an order, rule or request”. The Collins Dictionary and Thesaurus (2005:164) regards compliance as “the tendency to do what others want”.

Considering the above, the researcher regards the concept "compliance", within the scope of this study, as the act of obeying labour legislative stipulations. This implies that there is a legislative obligation on the part of all employers of domestic workers to act in accordance with the stipulations of Sectoral Determination 7.

It has to be noted that mere cognitive knowledge, although a prerequisite for appropriate action, will not necessarily result in appropriate action. Given the individualised nature of the employment relationship in the domestic sector, the diverse backgrounds of both employers and domestic workers, as well as their varying motivations for being part of this relationship, the interpretation of legislative stipulations could vary.

Strydom (2001:216), however, regards “pieces of legislation” as mechanisms that enable compliance because they regulate actions. The stipulations of Sectoral Determination 7 thus set the parameters for measuring the appropriateness of actions and thereby establishing the extent of compliance.

### **3. Domestic service as a social and historical phenomenon in South Africa**

South Africa prides itself on being a country with a very rich historical past. Cock (1980:179) regards domestic work as a deeply entrenched part of the South African lifestyle as it has evolved over decades. Unfortunately, South Africa has borne testament to several decades of unfair and exploitative actions characterising the domestic worker sector. Despite huge efforts in this regard, consisting of outcries, statistics, analyses, programmes and movements by various stakeholders, it remains questionable whether the tide has in fact been turned and if so, to what extent.

Giddens (1974:29) states that “...to trace the lines of exploitation in a society is to discover the key to understanding of social realisation of super-ordination and subordination which apply within that society”. “In South Africa the history of domestic work took its own course” (Department of Labour 2001a:8). Apartheid policies implemented by the previous South African Government created the ideal opportunity to uphold the historical perspectives entrenched in our society over so many years.

“Domestic work has been historically viewed as the responsibility of women, and the majority of workers are women and black. They work in private households doing work

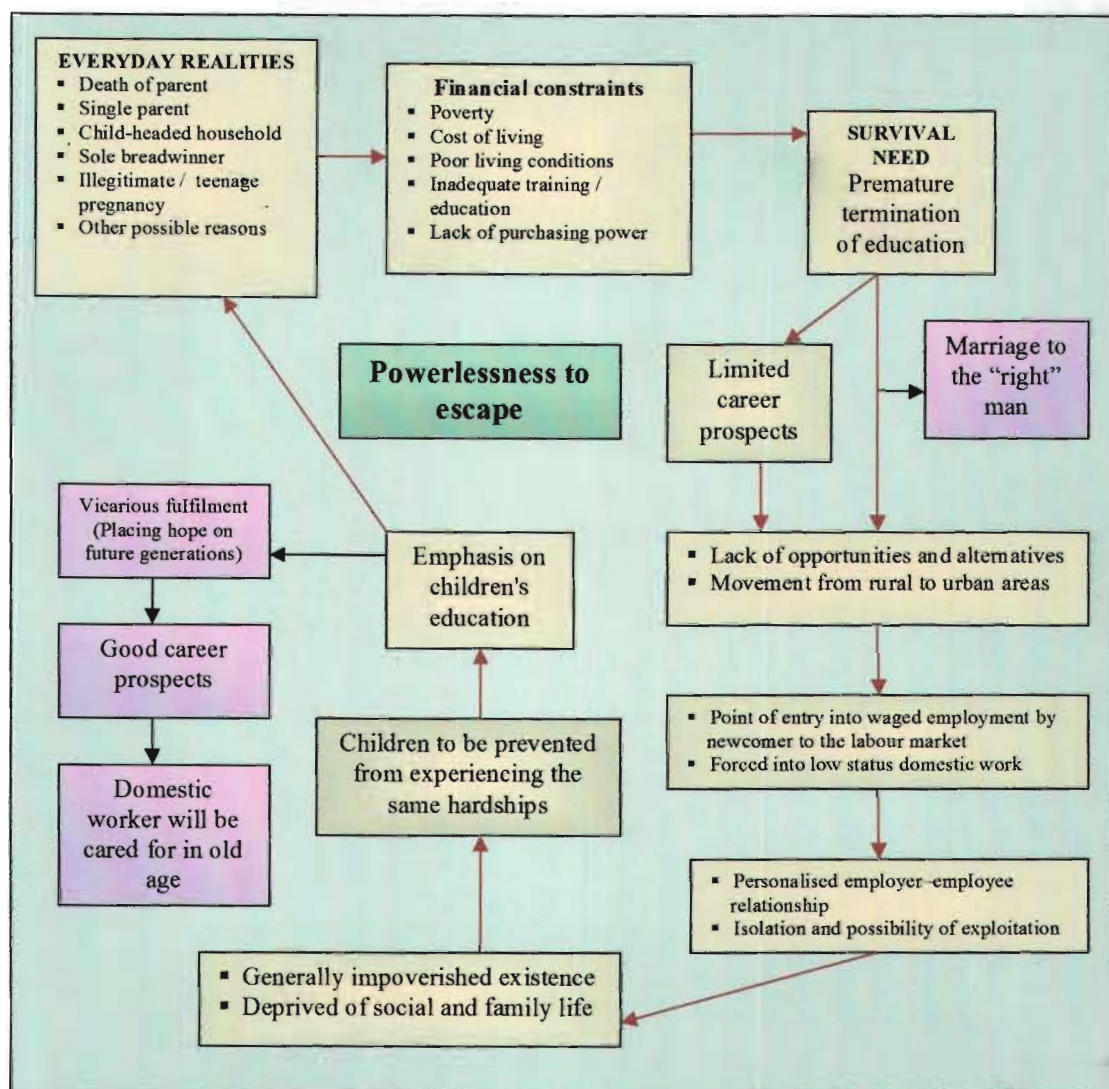
of a nature that further shapes existing perceptions around the employment relationship, in that women also usually do this work for free in their own households. Since domestic workers work alone, it is difficult to monitor, regulate or intervene in their conditions of employment” (Department of Labour 2001a:1).

The implication of these societal tendencies has for very long been part of the everyday lives of numerous domestic workers in South Africa. This necessitates action from outside to regulate the immediate employer-employee relationship, in order to improve the overall position of domestic workers and the value of their labour in our society as a whole.

### **3.1 The evolution of domestic work**

In order to understand the dire need for reform, consideration has to be given to the evolution that took place in the domestic sector over time and which culminated in present-day circumstances. As long as one ignores the history and the daily realities facing domestic workers, one cannot grasp the full reality of the position of domestic workers within the South African perspective (Botha 1993:75).

Domestic workers have traditionally been forced into their career “choice” as a result of circumstances. This set of circumstances is illustrated in Figure 1, which highlights the typical life cycle of domestic workers. It is evident that they are confronted by a variety of everyday realities, which often leave them no other choice than to become and ultimately continue as domestic workers. According to Cock (1980:4), domestic workers are markedly powerless to alter their situation, owing to a lack of education and the need for survival.



**Figure 1: The domestic worker cycle**

Source: Adapted from Hobbs (1981) and Barker (1983) in Menne 1986:23. Additional sources include Van Jaarsveld & Van Eck 1996:7-19; McNiel 1989: 92-107; De Villiers 1997:112; Kethusegile, Kwaramba & Lopi 2000:110; Rautenbach 1999:2-5; Gatskell *et al.* in Meintjies 1992:10; Cock 1980:108,118; Gordon 1973:5.

### 3.1.1 "Slavery"

Limiting the discussion in this regard, it is sufficient to point out that according to Cock (1980:159-160), there is much in the domestic worker's situation which is "suggestive of slavery", but that one should view domestic workers more accurately as "trapped workers". They are trapped in conditions where they are subject to exploitation. This is

evident from low wages, poor working conditions and very long hours. Their inability to change their circumstances gives rise to the feeling of being enslaved. Modern-day slavery as a result of “extreme limitations” on own and family lives because of work arrangements (Cock 1980:76) is a reality in the domestic worker sector.

It should be noted, as indicated in Figure 1, that the domestic worker's cycle is in a sense a continuous cycle passed on from generation to generation; breaking the cycle is in itself very difficult given the unique circumstances facing those in the domestic worker sector. Faced by the scarcity of jobs and the lack of alternative employment, many females are confronted by a Hobson's choice of unemployment versus employment as a domestic worker.

### **3.1.2 Subordinate position of women in society as a whole**

In a society that prides itself in the efforts constantly being launched to ensure gender equality, South Africa still faces the reality of “women being over-represented at the bottom of the hierarchy, doing unskilled work for the lowest wages” (Kethusegile *et al.* 2000:33).

Societal change is a long, tedious process since almost all families in South Africa, rural and urban, regardless of race or ethnic group, have traditions that prepare girls for their role as women in society, which may both help and/or hinder their balanced development (Flood, Hoosain & Primo 1997:32).

In an article titled “Toward the realization of women's rights” (2001:2-10), the author argues that women themselves are often the cause of reinforcing the subjective position of females in society because they themselves do not lay claim to their rights. This inevitably leads to the endorsement of discrimination, which continues to exist in society in spite of specific measures to advance women. There is often a stark contrast between the status of women under the law and their position in practice, especially in rural areas,



which has resulted in some being sceptical about the usefulness of legal reform. This scepticism is exacerbated by the “excessive expectations” fostered by the parties involved with regard to the anticipated outcomes of revised or new legislation.

According to Schur (1977:145), women are often enmeshed in a generalised system of domination where their subordination becomes a central feature of their entire way of life. Women’s acceptance of this verdict has economic, political and social ramifications. This was, and still is, especially relevant in the domestic worker sector.

### **3.1.3 Movement from rural to urban areas**

South Africa is characterised by vast rural areas populated by large numbers of unskilled workers in the grip of poverty. The poor living conditions, specifically of black women in rural areas, are due to a lack of proper housing, overcrowded housing, poverty, poor health conditions, and a lack of accessible drinking water, sanitation and electricity, all of which make living conditions unacceptable (Flood *et al.* 1997:38).

According to Cock (1980:118), historically the most common route to survival for men in rural areas involved migration to the mines, and the most common route for women involved migration to domestic service. Because of severe restrictions on movement as a result of former apartheid legislation, until 1986 (Flood *et al.* 1997:20) the “provision of accommodation on the employer’s premises was a strong motivating factor for women to engage in live-in domestic service, especially for those who came from rural areas” (Meintjies 1992:32), while others were faced with the reality of having to squat in informal settlements around the cities in the hope of getting employment (Rautenbach 1999:1).

Changing demographics in South Africa has, over time, led to increasing demands being placed on the female population. Women increasingly have to take over responsibilities previously dealt with by men, thus becoming the heads of households (breadwinners)



and often, single parents (Flood *et al.* 1997:29). Historically high rates of rural out-migration in Southern Africa have further contributed to a significant rise in the number of female-headed households. These households are typically very poor and lack purchasing power. Women thus have to sell their own labour to other households to provide for their families, who rely heavily on remittances from urban areas to finance their daily expenses (Kethusegile *et al.* 2000:110). Domestic work thus enables domestic workers to make a substantial contribution to the cash incomes of rural households (Kethusegile *et al.* 2000:34). Although the reasons for entering the domestic sector are endless, they all in some way relate to the most basic financial needs. Rautenbach (1999:2) points out that “many domestic workers work in order to provide for their families, enabling their children to complete their school education”, thus placing on the future generation their hope of breaking the cycle (see Figure 1); this places additional demands upon their limited income.

According to Rautenbach (1999:3-5), the “decades of neglect, mismanagement and sidelining by previous governments deprived South Africa’s black people of opportunities and left them uneducated, persecuted and prosecuted”. This history of exploitation and marginalisation of black people gradually brought an entire population to its knees in economic terms, entrenching the domestic worker cycle even further, as indicated in Figure 1. By the end of the 1970s, most black people in South Africa, even if they were employed, were poor. Most were unskilled labourers who expected to remain that way for their entire working career. “Schooling was moderate to poor, and children mostly followed in their parents’ footsteps”. Lack of formal schooling to a large extent limited workers’ education levels as well as their career choices.

It is necessary to locate the domestic worker in a social context, particularly in terms of the constraints this context imposes (Cock 1980:10). Marrying “Mr. Right” is often viewed as a way out of this cycle (see Figure 1) but the reality faced by many women today is that some men are not trustworthy, may neglect their responsibilities, divorce

them, become chronically ill or even die. Gordon (1973:15) pointed out that the absence of a responsible male to bear family responsibilities forced women to be the head of the family, having to ensure the survival of all.

Although growth in the informal sector, which includes the domestic worker sector, is encouraging, the low levels of income in this sector militates against this sector being the main engine for job creation (Bendix 2005:488). The high levels of unskilled people in the informal sector, (49 % according to Statistics South Africa (Stats SA) July 2000 in Bendix 2005:488), substantiate the assertion that “South Africa is still trapped in the historically engendered structural unemployment brought about not only by the inability of the economy to absorb all work seekers, but also by the fact that work seekers often do not have the skills or qualifications required for formal sector employment”.

According to Budlender (1997) in Department of Labour (2001a:9), the choices of domestic workers are greatly restricted by “the high demand for potential employers and on the supply-side factors such as the necessity of looking after their own families in the absence of adequate provision”. Industrialisation undoubtedly impacted adversely on the traditional family. In search of economic survival, domestic workers had to separate their area of residence from the area where they earned a living. Children had to be left behind with extended family members as domestic workers moved to cities (Botha 1993:56). Acting as a substitute caregiver for her employer, the domestic worker is faced with the need for substitute care for her own children (Botha 1993:63).

Rural areas are regarded as areas that are by their very nature areas of fairly low levels of economic activity, characterised by mostly agricultural production and not dynamic nodes of job creation. This results in limited and very scarce job opportunities, which has very serious implications for those workers in rural areas who might lose their jobs (Department of Labour 2001a:81). In the report on domestic work submitted to the Minister of Labour prior to making Sectoral Determination 7, it was reported that rural

wages of domestic workers are about 70% of the urban wage (Department of Labour 2001b:3), which in itself is a strong inducement for domestic workers to seek employment in urban areas. The domestic worker is thus forced to accept employment far from relatives and friends, which in effect leads to her being torn from the “warm security of her extended family” (Gordon 1973:26). This further reinforces the domestic worker's sense of isolation.

Data from the Skills Development Survey 2001 pointed out that most domestic workers did not have a choice about the type of work they did. They thus do not enter into domestic work because they enjoy it, but rather because of a lack of alternative opportunities (Department of Labour 2001a:71). For various reasons most workers in the domestic worker sector possess educational qualifications and skills that limit their mobility to other sectors (Department of Labour 2001a:82), thus further enforcing the so-called never-ending cycle (see Figure 1).

## **3.2 Nature of the domestic worker sector**

### **3.2.1 Characteristics of domestic workers**

Domestic workers as members of a community service sector tend to exhibit similar characteristics globally: isolation, invisibility and low levels of organisation (Department of Labour 2001b:1). According to the Labour Force Survey conducted in September 2005 by Stats SA (2005:11-13), it is estimated that approximately 859 000 persons are involved in domestic work as an occupation. Statistics indicate that this sector consists of predominantly female employees: 831 000 domestic workers are female and 29 000 are male.

As an occupational group domestic workers show a considerable variety of characteristics which include, but are not limited to those highlighted in Table 2.

**Table 2: Characteristics of the employees, work environment and employers in the domestic worker sector**

Domestic worker	Work environment	Employer
<ul style="list-style-type: none"> <li>• Although very diverse in composition, consists predominantly of black females.</li> <li>• Sole breadwinners.</li> <li>• Low levels of education.</li> <li>• Ultra-cheap and ultra-exploited segment of the labour market.</li> <li>• Limited career prospects – views domestic work as last resort.</li> <li>• Immobility as a result of a lack of skills.</li> <li>• Separated from extended family and children.</li> <li>• Does not enter into domestic service by choice, but rather as a means of alleviating poverty.</li> <li>• Interaction in the sector is often very informal.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Work irregular hours.</li> <li>▪ Often receive payment in kind.</li> <li>▪ Ministering to the personal needs of the employer's family.</li> <li>▪ Close relationship between employer and employee due to close proximity.</li> <li>▪ Low levels of skill and education.</li> <li>▪ Physically demanding work.</li> <li>▪ Recruitment occurs by word of mouth.</li> <li>▪ Fragmented, lack of cohesion and identity as a group</li> <li>▪ Live and work in isolation from one another.</li> <li>▪ Occupy low status jobs.</li> <li>▪ Often poorly paid.</li> <li>▪ Lack of time to pursue social and leisure activities of their choice.</li> <li>▪ Lack of respectful treatment.</li> <li>▪ General undervaluing of the sector.</li> </ul>	<ul style="list-style-type: none"> <li>• Private individual, separate and isolated from other private employers.</li> <li>• Household circumstances may be totally different between various employers.</li> <li>• No employers' organisations to belong to.</li> <li>• Not bound by the same industrial legislation as corporate employers.</li> <li>• Employs domestic worker to provide personal services to the household.</li> <li>• Views domestic worker as part of the family.</li> </ul>

Sources: Cock 1980:2, 161; Cock (1981) in Meintjies 1992:1; Meintjies 1992:10-12, 35-39; Menne 1986:22; Dancaster 2003:109; Basson *et al.* 1993:4; Cavaleros, Van Vuuren & Visser 2002:50.

### 3.2.2 Rationale for employing a domestic worker

Modern-day households are faced with a variety of challenges on a daily basis. Since women still predominantly fulfil the role of caregiver, the various demands women face in the formal labour sector have made it difficult for them to cope with their households without assistance (Department of Labour 2001a:8). Table 3 highlights some of the motivators that have led to the hiring of a domestic worker, based on the unique combination of reasons of the individual household.

**Table 3: Reasons for the hiring of a domestic worker**

- Changes in the primary role of women (from caregiver to income generator).
- Increased number of women entering labour market as a result of increased standards of living and general cost of living.
- The burden of housework together with the demands of a career has resulted in a change in how the household is organised and the role definition of the various family members.
- Need for a substitute caregiver has become a reality in most modern-day families in South Africa.
- Increased divorce levels – single mothers having no choice but to go back to work.
- Educated women have an increasing need for self-fulfilment and actualisation, which they can achieve only through their careers.
- Society's opinion about working mothers has changed, making it an acceptable practice.
- Change in household composition as a result of industrialisation, mechanisation, secularisation, materialism, urbanisation and the emancipation of women.
- Fear of being alone during the course of the day.
- Security reasons.
- Inability of employer to cope with the demands of running a household without help
- Awareness of dependence of employer on labour of domestic worker

Sources: Botha 1993: 56-60,62; Cock 1980:18.

Over the course of time domestic workers have become so entrenched in the composition of modern-day households that one often does not reflect on the vital role of this sector of the labour market and its contribution to the economy of the country as a whole.

#### **4. The call for transformation of the domestic worker sector**

Given the fact that the domestic worker sector is one of the largest employers of women, and specifically black women, in South Africa (Basson *et al.* 1993:1), the legal position of the domestic worker should be approached within a broader social, economic and political context (National Manpower Commission (NMC) 1991:1). Cock (1980:99) stated that South African society views domestic service as one of the least prestigious of all occupations. Domestic work must thus be located within the broader cultural and

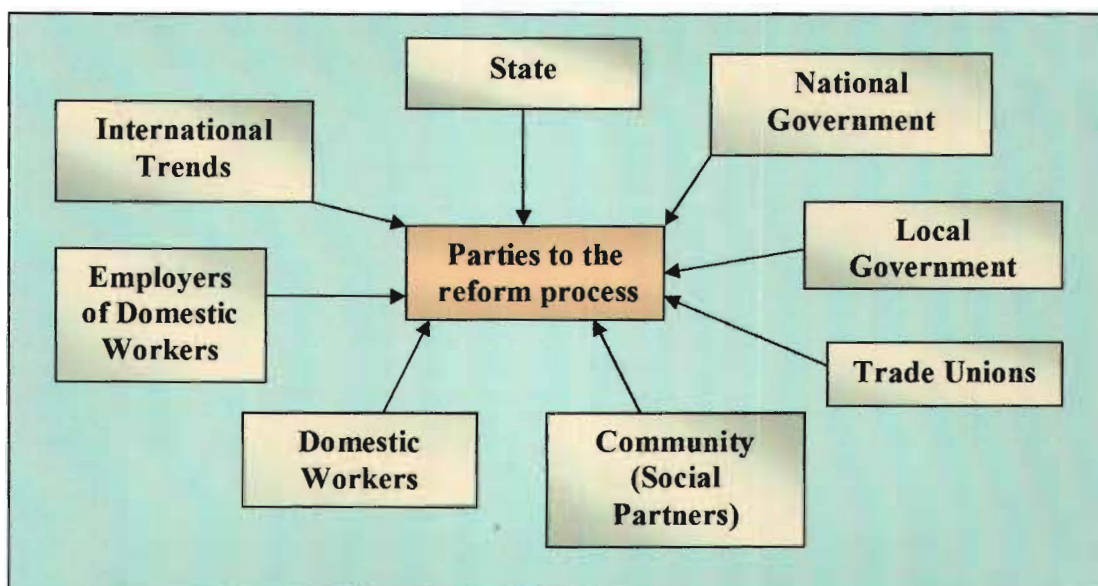


economic context. Transformation in itself is a process which evolves over time. This is especially relevant in the domestic worker sector where the current situation is a culmination of efforts from various role players as a result of the social, economic and legislative rationale for change.

#### **4.1 Social rationale**

Social change is regarded as “the process whereby society changes by becoming different in all aspects”. This can be seen as a chain reaction, since one form of change gives rise to the next form of change. The changed social situation is thus the result of various consecutive changes that have happened over a period of time (Botha 1993:15). As soon as the *status quo* no longer complies with the requirements or needs of a social group or society, change becomes inevitable (Meyer 2002:96). Quite apart from being a transitional society, South Africa is a society of unprecedented diversity, according to Mubangizi (2004:63), which in itself necessitates change but also complicates matters even further in the domestic worker sector.

Initiatives for change often originate from outside the particular society or social group. According to Meintjies (1992:8), “reforming law is not a mere technical exercise, but a process involving consideration of competing values. A general insight into the economic and social structure of the employment relationship is required in order to ascertain what these competing values are in the domestic sector”. Through an extensive process of consultation, various parties (see Figure 2) were consulted in an attempt to reform legislation. Although the contributions of the various parties were of immense value, it should be noted that without participation of those on the receiving end, the development process would have been less successful. Conradie (2003:135) states that “...local efforts are indeed vital. However, they will remain limited in their scale and effectiveness unless they are broadened to address the policy-making process of government”.



**Figure 2: Parties to the reform process**

Source: Own research

It is stated in the report on the investigation into the employment conditions of domestic workers by the Director-General on behalf of the Department of Labour (2001a:1) that the economic and social invisibility from which domestic workers suffer often causes them to be forced into a trap of vulnerability that affects different areas of their lives. These areas of vulnerability are categorised as:

- **Vulnerability in the labour market:** Unemployment, poverty and other factors compel people to accept employment at any cost.
- **Vulnerability in the law:** Domestic workers suffered from a lack of protection and control by labour authorities.
- **Vulnerability in civil society:** Domestic workers are socially marginalised through perceptions that domestic workers are “just domestic workers” who perform mostly “unskilled work”.

These vulnerabilities, as indicated above, highlight the fact that society should play a proactive role in addressing the plight of domestic workers.

According to Mubangizi (2004:73), discrimination and inequality were defining features of the South African society in the past. For Cock (1080:156), the key to understanding the domestic workers' situation lies in their level of “dependence”. The Congress of South African Trade Unions (COSATU) pointed out in its submission on wages and conditions of employment for domestic workers that “in the majority of cases, workers who have put in decades of service either retire or are dismissed without any provision for retirement other than public pensions” (1999:7). According to COSATU this actually results in a “cross-subsidisation” of these employees by the rest of society.

Kethusegile *et al.* (2000:148) points out that countries within the Southern African regions have incorporated within their constitutions human rights provisions based on the universal principles of equality, liberty and non-discrimination. According to Mubangizi (2004:80), South Africa as a transitional society needs a constitution with norms and values that form the foundation of the way of thinking for all citizens of society. Furthermore, the constitution should also adequately provide for measures whereby rights can be enforced. Education in this regard will determine the “strength and endurance of a living constitution”. People thus have to understand their rights in order to be able to benefit from them.

The early 1990s was a period characterised by a series of events culminating in a new political order and a new constitutional dispensation (Mubangizi 2004:63). In matters concerning the legal status of women in South Africa, the Constitution of the Republic of South Africa, adopted on 8 May 1996, acts as a measuring instrument for all other legislation. The Constitution instructs government and parliament to enact legislation which will prevent and outlaw unfair discrimination (Flood *et al.* 1997:50; Kethusegile *et al.* 2000:149).

Protecting the human rights of such an “unprecedented diverse society”, according to Mubangizi (2004:63), was an immense challenge which South Africa embraced through



the adoption of a Constitution that took into account the unique history and diverse nature of the society, while also making provision for equality before the law (Section 9(1)) and guarding against unfair discrimination (Section 9(3) and Section 9(4)).

The aim of reform should thus be ultimately to improve, without evoking total resistance to changes implemented. Getting the various role players to buy into the reform process was the challenge faced by government since the *modus operandi* in the domestic worker sector was so deeply entrenched in society.

## **4.2 Economic rationale**

The eradication of poverty is high on the agenda of government, and the contribution of women in this regard is often undervalued. According to Kethusegile *et al.* (2000:75), “women contribute to the economy and to combating poverty through remunerated and unremunerated work at home, in the community and in the workplace”. The empowerment of women is thus a critical factor in the eradication of poverty.

The awareness of employers of their high level of dependence on the labour of the domestic worker, as indicated by Cock (1980:183), did not give rise to better working conditions or wages as measured by the actions of the employer. The duties of domestic workers often depended on the size and wealth of the household in which they worked, and this was then also used as a measuring instrument to determine individual remuneration levels.

### **4.2.1 Household as a production unit**

Although households do not compete in the same manner as organisations in the greater economy, the principle of maximising outputs with the least possible financial outlay still applies in households. Determining the affordability of a domestic worker is in itself a very complex task. The functioning of households differs from business as they do not generate profits and cannot close down if bankrupt. Households are further classified in

terms of their income level, composition and other characteristics. Affordability of “production factors” is thus a decisive factor. This affordability is directly impacted upon by how much of a service the household purchases (Department of Labour 2001a:82).

Confronted by the realities of daily expenses, households often placed the salary of their domestic worker very low on their priority list of expenses. This resulted in domestic workers often getting what was left over after all other expenses were paid (Gordon 1973:14-15). “Production factors” (domestic labour) are necessary to ensure the satisfaction of family needs. The challenge lies, however, in viewing the domestic worker as an asset and not a mere production factor. Without effective government intervention in this regard, the situation would have remained unchanged indefinitely.

The intention of current legislation (Sectoral Determination 7) is ultimately to enable households to tailor their expenditure by purchasing only the number of labour hours they can afford. Domestic workers thus do not need to lose their jobs because of the economic circumstances of the household.

#### **4.2.2 Positioning of domestic work in the labour market**

Despite the apparent inequalities in the power balance between employer and employee, it is the market forces that ultimately dictate wage levels. According to Rautenbach (1999:8-9), “...labour laws compel employers or potential employers to pay more than what unskilled workers would be prepared to accept”. Acknowledging these imbalances, Rautenbach (1999:21) emphasises that “an employer’s bargaining power can never usefully be compared to that of workers”. It can only be compared to that of other employers and the alternatives available to them. Thus one has to compare apples with apples in order to draw meaningful conclusions. When dealing with labour legislation we can thus not assume that the purpose of the exercise is to equalise or match the

bargaining power of the parties. The purpose ought to be to see what the parties can agree on by mutual consent during the negotiation process (Rautenbach 1999:22).

The South African labour market can be divided into a primary and a secondary component. Higher wages and skills, higher levels of organisation and satisfactory scope for upward mobility characterise the primary labour market. The secondary labour market (inclusive of the informal sector) is characterised by lower wages, lower skill levels, lack of regulations and organisation, and a substantial lack of upward mobility. Ultimately, the domestic worker sector is one of the sectors confronted directly by these realities that characterise the informal sector of the labour market, but at the same time it provides a haven to those who would find it difficult to obtain employment elsewhere, or are faced with the reality of possible unemployment.

In the light of South Africa's inability to absorb all job seekers in the primary and even secondary labour sectors, and given the fact that the secondary sector is by far the largest source of employment for black women, the key challenge faced by the Department of Labour was not necessarily to create employment in this sector, but rather to "sustain the present employment levels and improve the quality of the jobs" for domestic workers in the secondary sector (Department of Labour 2001a:76).

#### **4.2.3 Call for a living wage: minimum wages to counteract imbalances**

Rautenbach (1999:15) views South Africa as a "fledgling democratic society", which only now seems to be coming to terms with the idea of "a right culture and constitution to protect all". According to him the statement that "worker rights justify labour laws" refers to the rights of workers to a living wage, not to be unfairly dismissed, to strike, to a minimum wage and so on. He argues that increasing workers' bargaining powers just enough so that they can earn a living wage will result in a situation where every employed worker potentially takes from an unemployed (the opportunity to work and earn an income), thereby increasing the imbalance between employed and unemployed rather

than restoring the balance between the employer and employee. The cost of this benefit is thus at the expense of the unemployed. Furthermore, the concept of a living wage is not a self-evident, appropriate cut-off point. It is also impossible to adjust bargaining powers so that workers have just enough power to achieve a living wage and workers are generally not satisfied with such an arrangement. They want much more than a mere living wage (Rautenbach 1999:20-21).

While researching the problems and stresses that black domestic workers experience, the very low income levels of domestic workers became apparent to De Villiers (1997:70-71) as one of the major stressors due to the inability to fulfil the basic needs of children and family members. De Villiers emphasised the need for “realistic wages” that would enable domestic workers at least to fulfil their families’ most basic needs as a way of counteracting stress levels (1997:110-111). Employers often neglected to consider the fact that it is expensive to be poor (Gordon 1973:16). Lack of sufficient income forces domestic workers to make use of relatively expensive fuels like coal and paraffin, and they have to purchase small amounts of products more frequently because of a lack of effective transport or large amounts of money. Linking wages to the cost of living is essential to survival. This sentiment was also highlighted by Gordon (1973: 12-13), who stated that domestic workers often worked for inadequately low wages, but refrained from complaints or negotiations in this regard for fear of losing their jobs and what little money they did receive. The general lack of progress in this regard during the last three decades was a very strong motivational force for the call for recent law reforms.

#### **4.2.4 Supply and demand of labour**

A variety of arguments can be put forward for both the supply and demand of domestic labour. In the past the argument for not including private households under industrial legislation was the notion that they were traditionally not seen as a profit-making commercial enterprise. The counter argument is that the employment of domestic labour in the household enables members of the household to be released from work which

would otherwise have to be performed by them (Meintjies 1992:37). It is assumed that labour-saving devices have also impacted negatively on the current demand for domestic labour.

In industry, higher wage demands are generally passed onto the consumer through higher prices, which is not an option in private households. Households can, however, be seen as a production unit (see Chapter 2, 4.2.1) aiming to maximise outputs and minimise input cost. Viewing wages of domestic workers as an input cost, the aim would be to keep it as low as possible. Because of high levels of unemployment there is an oversupply of workers willing to do domestic work, which weakens the individual bargaining power of domestic workers seeking employment and strengthens the household's ability to acquire labour at a lower cost.

Rautenbach (1999:22) emphasises that "the owner of capital usually has a stronger bargaining base due to the fact that capital is usually in relative short supply and labour is normally in oversupply". If there is an oversupply of labour (as in most cases) and a shortage of capital (as in most cases), then as little as possible of the scarce resource of capital will be used to employ as much as possible of the available labour.

Bargaining power, in any economic system, is a reflection of supply and demand. In the same way, bargaining powers of employers and workers in the labour market should be a reflection of supply and demand of labour, and of money to pay them. Domestic work, however, forms part of the informal sector where supply and demand forces could act and react differently from the formal sector. The fact that most domestic work involves a relationship between a single employer and a single domestic worker means that the supply curve is likely to be different from that of a multiple-worker situation (Department of Labour 2002:52). This accounts for domestic workers' acceptance of below average wages, either willingly or through necessity.



#### **4.2.5 Alleviating poverty**

The alleviation of poverty is in itself a multidimensional concept, and as such its various aspects cannot be seen in isolation. A minimum wage on its own will not result in the overall alleviation of poverty. Although a lack of money is a significant cause of poverty, minimum wages should be seen in context and as only part of a very complex solution to an age-old challenge facing any society.

May (1998) in Department of Labour (2001a:70) stated that “poverty is characterised by the inability of individuals, households or communities to command sufficient resources to satisfy a socially acceptable minimum standard of living”. Given the fact that poverty may have different implications for different people, it is accepted that in the case of domestic workers poverty generally refers to “the sense of being poor, feeling deprived, not having money and the lack of resources to satisfy basic needs”. Although Tergurtha (2001:4) refers to “food insecurities, overcrowded homes and lack of adequate paying jobs” as just some of the factors adding to this reality, he also stresses that “poverty goes beyond these experiences”. Poverty should not be seen as only about money but should also include “isolation due to aspects such as exclusion from decision-making and social services, and access to community and family support”. Poverty can thus strike at any time and individuals, households or even communities are particularly vulnerable if they are unable to devise appropriate coping mechanisms in times of crisis (Department of Labour 2001a:70).

If the indicators of poverty were to be compared with the characteristics of domestic workers (see Chapter 2, Table 2) it is very likely that domestic workers will be “poverty-stricken” (Department of Labour 2001a:71). Although a minimum wage would thus not eradicate poverty, it would greatly assist in improving the livelihood of domestic workers (Department of Labour 2001b:4; Department of Labour 2002:51).

Submissions made to the Employment Conditions Commission on employment conditions in the domestic worker sector suggested that proposed increased wages did very little to improve the social recognition of domestic work. The low value assigned to this service results in a lack of improvement of the material conditions of domestic workers as far as their wages are concerned (Department of Labour 2002:43). Domestic workers are, despite the intentions of current legislation, still being confronted with having to choose between low-paying jobs and the possibility of joblessness, which in itself affords them no choice.

#### **4.3 Legislative rationale**

The nature of the relationship between the employer and employee has to be determined because it impacts on the future interaction of the parties. Van Jaarsveld and Van Eck (1996:32) state that “the relationship between the employer and employee is in essence a legal relationship and more specifically a service relationship based on the employment contract as entered into by the two parties”.

Cock (1980:103) stated that domestic workers would remain “located in a legal vacuum” until the inception of altered labour legislation in the sector. In a thesis titled “The domestic worker: some considerations for law reform”, Meintjies (1992) investigated ways in which the law could accommodate and facilitate greater equity in the domestic worker sector. However, legal reform does not occur easily, particularly in matters concerning women’s rights. Entrenched cultural attitudes may hinder the process even further (2001:9).

Sanders (1981:237) regards law reform “as the art of making normative responses to ever-changing social realities”. He views it as a “three-dimensional art: i.e. normative, functional and ethical...”. In his view, law reform can thus only take place in full understanding of “the law as official norm, social fact and ethical value”. He pleads for community consultation since he views the process of consultation as important. He

further advocates public hearings as a method of communicating to the people problems in the law and proposed law reform (Sanders 1981:243-244).

“The issue of implementation raises the broader issue of the complex relationship between legal change and social change” (2001:9). According to this author, legislation should provide an “enabling legal framework” towards the realisation of women’s rights.

Various circumstances and dilemmas in the seventies, including South Africa’s position in the labour and political world, economic progress of the country in the past and the role of multi-national companies in South Africa, caused government to appoint a commission of enquiry in 1977 to investigate the state of labour in South Africa (Van Jaarsveld & Van Eck 1996:5). Professor Nic Wiehahn was appointed to head the commission investigating the labour market in South Africa. This was seen as a turning point which resulted in the then new Labour Relations Act of 1979. These new labour laws were a powerful tool in the hands of workers, which enhanced their overall bargaining powers at that stage (Rautenbach 1999:4-5). However, according to Rautenbach (1999:6), the reality was that these labour laws that were meant to improve the lives of the poor people were clearly not achieving that objective.

As a direct result of changing political conditions, the Wiehahn recommendations of 1979 were followed by new labour laws passed by Government in 1995 and 1999. Although this new legislation incorporated many of the features of the “Wiehahn” laws, it also went much further in the form of the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997 and the Employment Equity Act of 1998. (Rautenbach 1999:6).

Roscoe Pound (1870-1964) in Stander (1981:239) developed the theory for balancing competing interests. He regarded the legal process as a form of social control by means



of which competing interests are resolved. He thought it to be the purpose of the law to balance competing interests “with the least sacrifice” or “with the minimum of friction and waste”.

Rautenbach (1999:18) points out that the law should intervene on behalf of employees because of their weaker bargaining powers. Labour legislation thus helps to make the employment relationship effective through the establishment of a process of give and take and mutual participation by both parties (Botha 1993:9). Van Jaarsveld and Van Eck (1996:7) view labour law as seeking to intervene where necessary, but also to respect enclaves of autonomy. Not only is it concerned with simple justice between employer and employee, but also with the regulation of power, thus aiming to establish and maintain labour harmony through the establishment of a supportive working relationship between the two parties.

#### **4.3.1 Relationship that exists between the employer, employee and the State**

Government is able to redress imbalances between employees and employers by means of protective legislation. This protects employees against the superior bargaining power of, and possible exploitation by the employer through the establishment of minimum employment conditions. According to Van Jaarsveld and Van Eck (1996:21-22), government was faced with the challenge of being more innovative in its handling of the country's labour component in a post-apartheid era. These authors summarised the functions of the Department of Labour as follows:

- the establishment and implementation of measures to ensure labour peace,
- the establishment of measures to ensure the safety and welfare of employees in work situations,
- the protection of workers against losses due to work-related injuries,
- the prevention of and combating of unemployment as well as providing financial support in cases of unemployment,
- training of manpower and the application thereof,

- administration and enforcement of labour legislation in line with the government of the day.

These functions underlined the need for a dynamic Ministry and effective Department of Labour within the context of the national economy and social structures.

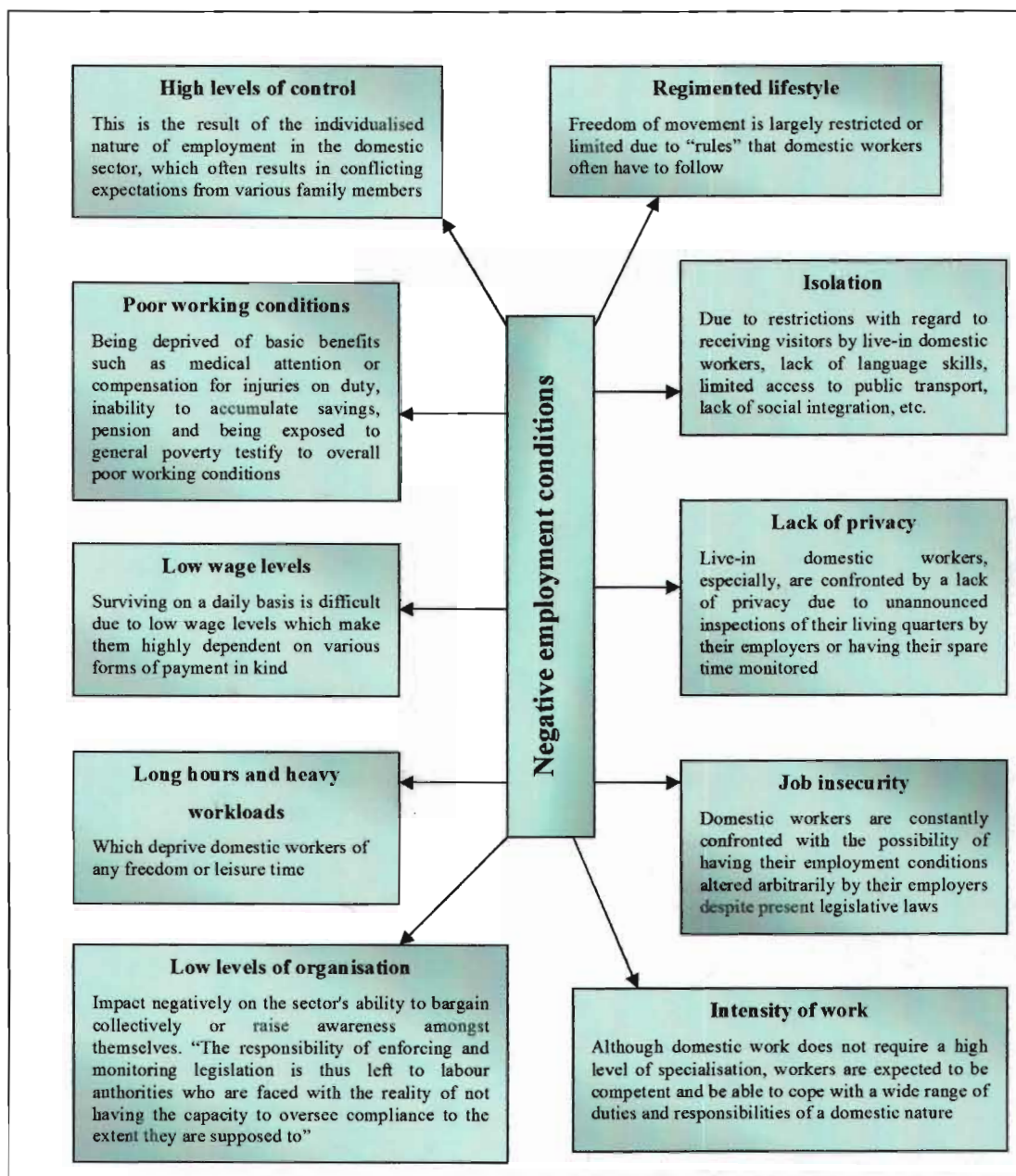
In the light of the above-mentioned functions and their corresponding obligations, and given the background of the domestic worker sector as indicated in previous sections, the Department of Labour began its legislative reform by committing itself to the extension of the protective net provided to domestic workers, utilising the mechanisms in the Basic Conditions of Employment Act, 1997. Owing up to its responsibility of protecting vulnerable employees, the State aimed to ensure that these employees enjoyed the same basic rights as others and were afforded their dignity (Department of Labour 2001a:2).

The Minister of Labour, Membathisi Mdladlana, requested his Director-General to set in motion an investigation process which involved **firstly** the collection of data through notices in local newspapers inviting written responses, through national and provincial workshops, surveys, taxi rank campaigns, and the creation of publicity and awareness about the process through the media. In an attempt to get input from all role players, public comments were invited through a notice that was published in the Government Gazette No. R20032 of 7 May 1999. Interested parties were given 90 days to make written representation to the Employment Conditions Commission. Extension notices were, however, published in national newspapers, expanding the period for responses until 29 August 1999 due to the poor initial response rate (Department of Labour 2001a:4).

The **second phase** involved the processing of information gathered and consultation with role players nationally (in both urban and rural areas) on comments received. In total, 64 hearings were conducted. Approximately 1 800 domestic workers and 350

employers attended the hearings. According to the investigative report (Department of Labour 2001a:4) various surveys were also conducted, including a telephone survey conducted by Fafo Institute for Applied Social Science, which attempted to determine trends in wages and conditions of employment in predominantly urban areas. A sample group of 300 households was used for this purpose (Department of Labour 2001a:4). An extensive in-house campaign at nine taxi ranks across the country was also conducted by the Directorate of Employment Standards in order to create awareness about the investigation into employment conditions, and aimed at encouraging involvement of a group of people who would otherwise not be able to participate. In total, 25 000 questionnaires regarding wages and conditions of employment were distributed at taxi ranks. Markdata (Pty) Ltd analysed the 2 885 questionnaires completed and returned by domestic workers (Department of Labour 2001a:4). Input gained in this manner was of great value in the reform process due to the potential impact of mostly female viewpoints. In numerous instances in the past, women had been able to bring about change aimed at meeting their various needs (Mooko 2002:105).

The **third phase** involved the compiling of a report by the Employment Conditions Commission as requested by the Minister (Department of Labour 2001a:3-6). It was entrusted to “investigate the appropriate demarcation of the domestic worker sector for purposes of a sectoral determination” and “investigate conditions of employment, including minimum rates of remuneration in respect of the sector”. The Department’s investigation revealed that, although democracy in South Africa has given domestic workers rights and freedoms which they did not enjoy under the previous government, “their position in society and daily lives have not improved much” especially in the light of adverse employment conditions faced by this sector, as indicated in Figure 3.



**Figure 3: Negative employment conditions in the domestic worker sector**

Source: Department of Labour 2001a:19-21.

The investigation thus aimed to "address the most urgent needs, improve the livelihood of those who were worst off, retain jobs and recognise the value of domestic work in society" (Department of Labour 2002:1). The investigation further identified that factors

such as “the nature of the contact, hours of presence at work, employee’s place of residence and methods of payment” also played an important role in determining the parameters of the relationship (Department of Labour 2001a:17). The continuous existence of the relationship is furthermore impacted upon by “the level of dependence” (by both the employee on the employer for her livelihood and the employer on the employee for the ability to fulfil external commitments or for personal comfort), “levels of apathy among employers for the well being of employees” and “the general lack of reliable data and research to fall back on” (Department of Labour 2001a:76).

At local government level the provincial offices of the Department of Labour were required to conduct provincial workshops with the various stakeholders in an attempt to gather relevant information. A total of 803 questionnaires were returned by employers in all provinces with feedback on minimum wages and conditions of employment. An analysis of the questionnaire data was done by Markdata (Pty) Ltd (Department of Labour 2001a:4). Provincial offices were further required to manage their own awareness campaigns about the hearings and workshops (Department of Labour 2001a:6).

Labour legislation is thus a set of regulations and laws which governs the relationship of employers and employees towards the State. According to Van Jaarsveld and Van Eck (1996:40-41), the State only came to the fore at the beginning of the 19<sup>th</sup> century to govern the relationship between employers and employees in the form of legislation. The main aim at that stage was to afford protection to employees and provide a mechanism to resolve disputes between the two parties. Faced with the realities as set out in previous sections, the State had to intervene in the relationship between the employer and the domestic worker. The State ultimately carries the responsibility of protecting vulnerable workers (Department of Labour 2001b:1).



Given the fact that the employment relationship in the domestic sector differs vastly from that in the corporate sector, State involvement in the relationship is vital to prevent exploitation of a very vulnerable and undervalued sector of the labour market. Rautenbach (1999:65), however, questions the view that labour laws actually improve labour relations, by highlighting both the pre-conditions for and limitations of a legalistic labour legislation as indicated in Table 4.

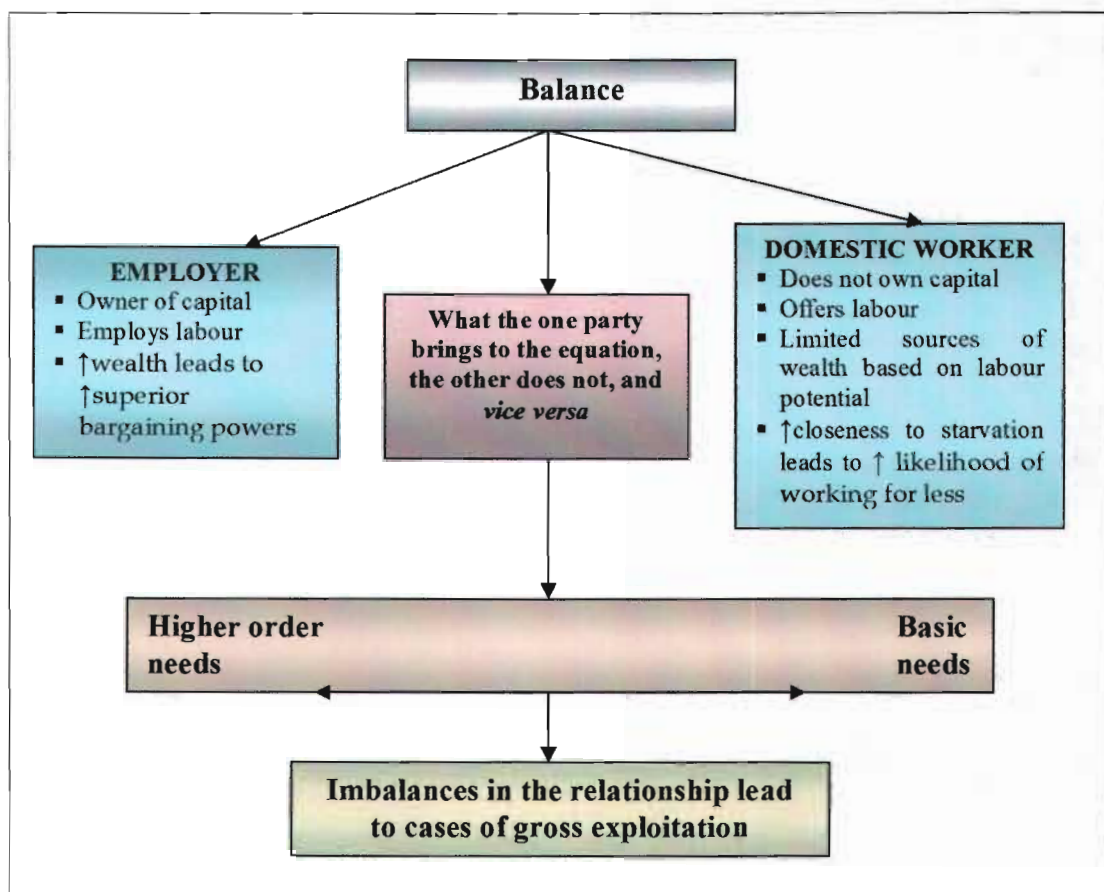
**Table 4: Preconditions for the optimal functioning of the labour contract versus limitations on the labour contract as a result of legalistic labour legislation**

Preconditions	Limitations
<ul style="list-style-type: none"> <li>• <b>It must be voluntary</b> Contracts are concluded if desired. Although both operate from an economic need, that does not mean that the parties do not have a choice.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Limiting voluntary choice</b> The law undermines the voluntary character of the transaction. Of course the parties still have choices, but their choices are limited.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>It must be mutually beneficial</b> It is this very idea of mutual benefit that drives the conclusion and continuation of the contract.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Positioning</b> In cases of labour disputes the concepts of “right” and “wrong”, “we” and “they”, “win” and “lose” result.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>It must be independent from outside interference</b> Each party is willing to trade/sacrifice (the one labour, the other money) in order to get what he/she wants from the agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Cultivating dependence</b> Labour laws cultivate a culture of dependence on the state, and undermine the idea of sovereignty of the agreement from outside interference.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>It must be based on trust</b> Parties have a firm expectation that the other party will be true to his/her word. They must thus believe that the <i>quid pro quo</i> for that sacrifice will be returned.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Destroying trust</b> Blaming: legal disputes could result every time a law is contravened.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>It must be mutually cost-effective</b> Parties conclude the relationship in order to gain their respective benefits as cost-effectively as possible.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Taking our eye off the ball</b> The law often diverts the attention and focus of the parties away from the commercial objective of their co-operation. It might in fact set them up as adversaries in a legal game instead of working together to create wealth.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>It must be underpinned by mutual acceptance of own responsibility</b> From the moment they enter into the agreement, the parties' natural expectation and desire is to get along with the absolute minimum of outside interference. The parties thus accept responsibility for the success of their participation.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Removing responsibilities</b> By prescribing compulsory terms to which the parties would never have agreed in the first place, the law assumes that employees are not able to decide what they can do and should do. They will not learn to accept responsibility for promises honestly made and accepted.</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Lying</b> The Commission for Conciliation, Mediation and Arbitration (CCMA) is confronted with the challenge of disassembling factual versions of various parties. Trust is the result of time, which can be destroyed beyond repair by one lie exposed during a dispute.</li> </ul>

Source: Rautenbach (1999:65-70).

### 4.3.2 Inequitable relationship

In a normal employer-employee relationship the existence of the so-called “psychological contract” forms the basis of interaction, which requires that there be a balance between the perceived inputs and outcomes of both parties (Nel, Van Dyk, Haasbroek, Schultz, Sono & Werner 2004:38-42). The employment relationship in the domestic sector, however, has been, and to some extent still is, characterised by a general imbalance due to the bargaining position of the various parties as illustrated in Figure 4.



**Figure 4: Illustration of the inequitable relationship that exists in the domestic worker sector**

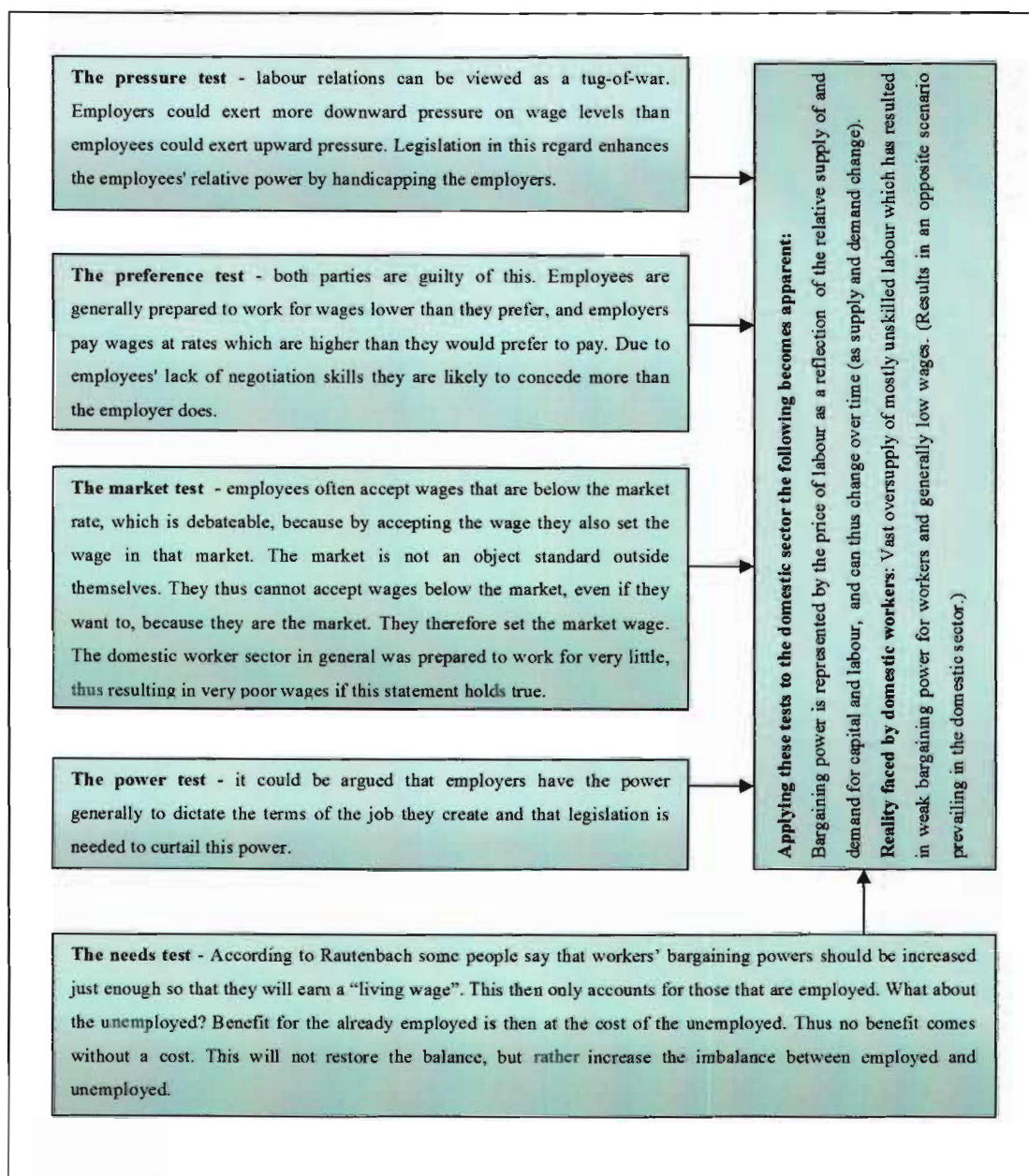
Source: Adapted from Nel *et al.* 2004:38-42; Rautenbach 1999:18-19.

Rautenbach (1999:18-19) states that “before looking to restore the balance between the two sides”, as indicated in Figure 4, “one has to acknowledge the fact that employers are the owners of capital and workers not...By definition, employers are employers of labour, while workers do not offer capital, but labour. What the one party brings to the equation, the other does not, and *vice versa*...The employer as owner of wealth thus has superior bargaining powers compared to the employee whose source of wealth is limited usually only to that of his labour potential. Being a few steps closer to starvation than the employer due to lack of wealth, employees will be prepared to work for less just in order to satisfy their most basic needs. This in the past and also presently could give rise to cases of gross exploitation”.

Domestic workers find themselves within a highly individualised employment relationship subject to unequal power relations, which contributes towards their vulnerability (Department of Labour 2001b:1). Rautenbach (1999:19-21) suggests a variety of tests which can be applied to the domestic worker sector, as illustrated in Figure 5, in order to assist in establishing the bargaining position of both employees and employers.

Inequality amongst domestic workers was also apparent because employers could structure the working conditions, working hours and even compensation at will, which resulted in different standards applying in the past. Some domestic workers were thus much better off than others doing exactly the same work (Department of Labour 2001b:2).





**Figure 5: Establishing the extent of the unacceptable weaker bargaining position of employees compared to that of employers in the domestic worker sector**

Source: Adapted from Rautenbach (1999:19-21).

### **4.3.3 Overview of applicable legislation in the domestic worker sector**

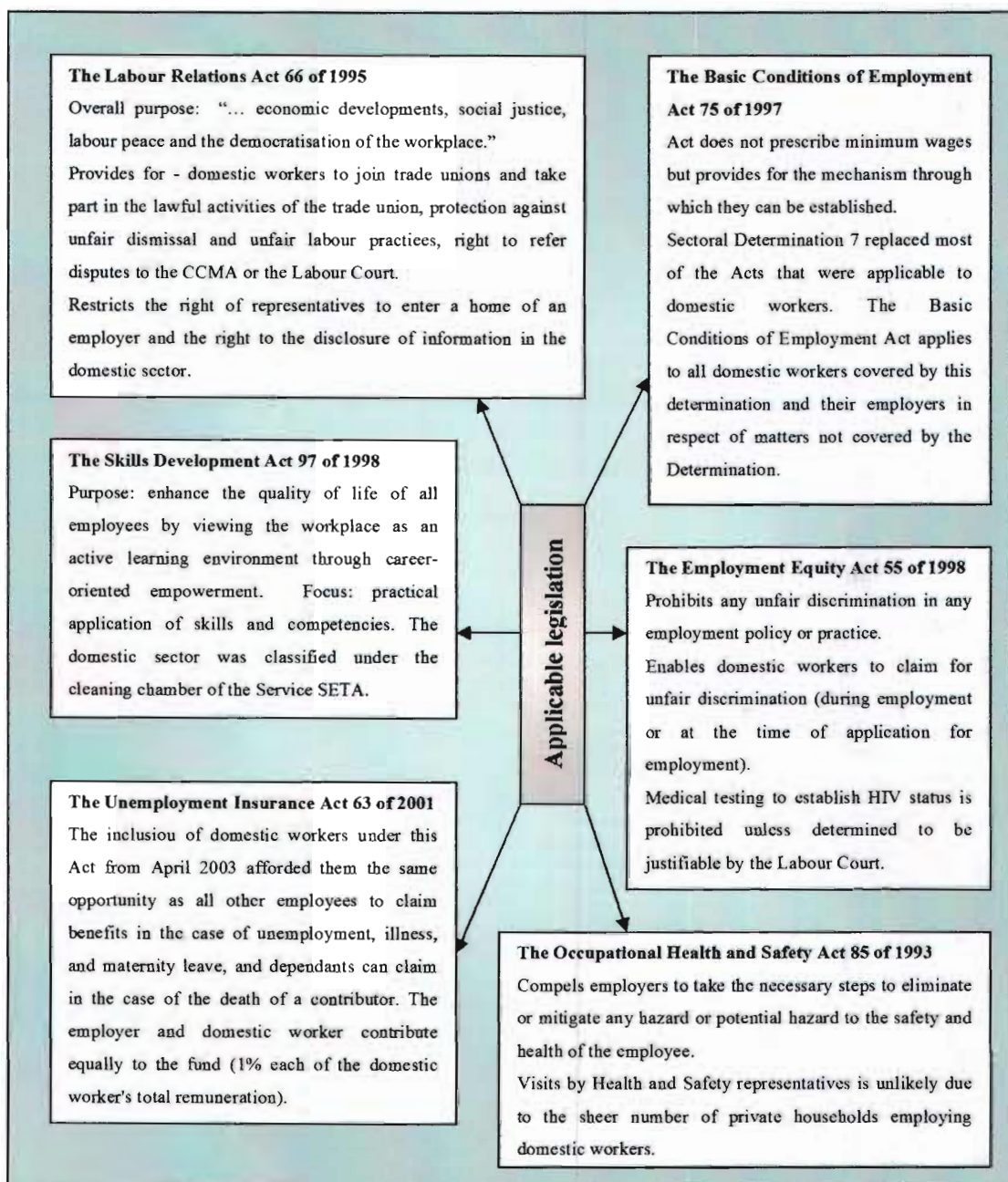
Although the main focus of the research is Sectoral Determination 7, a brief overview is given of legislation pertaining to domestic workers in South Africa. In order to access awareness and compliance in this sector, cognisance must be taken of the implications of the various pieces of legislation because they function as a whole to ensure effective employment relations in the domestic worker sector.

In an article titled “Domestic workers and the law” Dancaister (2003:110-114) highlights the following legislation as being relevant to the effective functioning of the domestic worker sector:

- The Labour Relations Act 66 of 1995
- The Basic Conditions of Employment Act 75 of 1997
- The Unemployment Insurance Act 63 of 2001
- The Occupational Health and Safety Act 85 of 1993
- The Skills Development Act 97 of 1998
- The Employment Equity Act 55 of 1998

An overview of these laws is provided in Figure 6.

Due to the multiplicity of acts that impact on this sector, it is important to note that in the case of any conflict between the provisions of The Labour Relations Act and any other Act (except the Constitution), priority will be given to the provisions of the Labour Relations Act. Also, the Labour Relations Act automatically supersedes the Basic Conditions of Employment Act (Bendix 2005:116).



**Figure 6: Overview of applicable legislation in the domestic worker sector**

Sources: Bendix 2005:115; Dancaster 2003:111-113; Department of Labour 2001a:55; Greyling 2001:37-38; Department of Labour 2001a:2.

## **5. Rationale for the introduction and implementation of Sectoral Determination 7**

The need for a minimum wage is a highly charged and emotive debate influenced mostly by the role being played by the various parties, be it that of employer or employee. Women's contributions to the economy are often overlooked, particularly when work such as care giving is "naturalised" as (unpaid) women's work (Farr 2003:116).

According to Beatty (1980) in Meintjies (1992:48), "the essence of bargaining power is the ability to withhold or deny something of value to another. When the employee's contribution, measured in economic terms, is compared to what the employer has to offer by way of a livelihood, it is negligible." Domestic workers are seldom in a position to set demands, and are often just grateful for the mere opportunity to have employment. This is often done at the expense of potential benefits they might have been entitled to. Employers' "take-it or leave-it" attitude also does not aid this relationship.

Although the setting of minimum wages seems an easy solution to a very complex problem, it should be viewed within the broader context in order to understand the potential implications. Rautenbach (1999:30-31) pointed out that the market price of labour is a reflection of the supply of, and demand for, the particular kind of labour or job. The greater the demand for a specific kind of labour, the more the employer will be prepared to pay for that kind of labour. Should the employer, however, be forced by law to pay more for labour due to statutory minimum wage determination, it would result in an inverse relationship between wages and employment. Increasing minimum wages thus threatens employment levels because the more expensive labour becomes, the less employers are inclined to make use of it.

In a free market there should be only one reason why an employer pays a particular person a particular salary and that is because of the value of the services to the employer who has to pay the salary. According to Rautenbach (1999:31-47), this would result in a

very subjective determination of wages, especially with regard to the value of domestic tasks done in and around the house by domestic workers. It could thus be said that the free market setting of minimum wage levels is inefficient because workers would most likely be willing to work for less. Free markets are regarded as more effective than regulated markets due to the fact that parties agree on wages and performance criteria without legal interference. Although efficiency is best achieved by allowing employers to pay workers what their services are worth, given the needs of the market place, the economic activity of labour should be judged on economic merit. Assigning economic value to housework is in itself a questionable exercise given our social background and general undervaluing of such work.

The possibility of job losses as a result of minimum wage determination was of great concern because that in itself would counteract the good intentions of any sectoral determination. In an attempt to limit job losses the Department aimed to set appropriately low minimum wages with actual location (urban-rural) differentials in mind (Department of Labour 2001b:5). The Department of Labour (2001a:81-82) cautioned in its investigative report into the employment conditions of domestic workers that sectoral determinations that set wages too high ran a very serious risk of causing significant job losses. Aware of the possibility of job losses, special consideration was given to “scarcity of jobs in rural areas, the unique characteristics of domestic workers and household dimensions” in the promulgation of minimum wages for domestic workers.

The impact of minimum wages thus had to be considered at the individual level, which with the lack of mobility of the domestic worker sector (see Chapter 2, 4.2.2) made the sector very vulnerable to the disemployment effects of minimum wages (Department of Labour 2001a:82). The principle of “purchasing” only that portion of labour that the employers could afford was intended to counteract the possibility of job losses.

Domestic workers would thus retain their jobs, earn less but also work fewer hours (Department of Labour 2001a:74).

The principles of supply and demand generally suggest that if the price of a production factor, in this case wages, increases, the demand will inevitably decrease. This was not initially the case, as was apparent from the October Household Survey (OHS) 1995 and OHS 1999 in the Department of Labour (2001a:76), where it is stated that while employment in the formal sector declined, informal sector employment increased. This is specifically apparent from the employment levels of domestic workers, which increased from 703 000 in 1995 to 799 000 in 1999. According to the Labour Force Survey conducted in September 2005, it was estimated that 859 000 persons were involved in domestic work as occupation (Stats SA 2005:13). This apparent growth occurred despite the fact that new labour legislation was being implemented. The anticipated increase in job losses did not materialise. The setting of minimum wages thus brings an added dimension to the employer-employee relationship, of which the full impact is still not known.

The fact that domestic workers are regarded as some of the lowest earners in the South African labour market, receiving substantially lower earnings than other occupational groups (Department of Labour 2001a:57), necessitated the introduction of minimum wage levels. The state ultimately carries the responsibility of protecting vulnerable workers, and despite the fact that they already enjoyed protection under the Basic Conditions of Employment Act, Act. No. 75 of 1997, the Act in itself did not lay down minimum wages. It did, however, provide for the proclamation of a sectoral determination by the Minister of Labour to be made in accordance with the procedure (see Chapter 2, 5.1) as indicated in Chapter 8 of the Act (RSA 1997:44-48).

Considering the fact that domestic workers represent a particularly vulnerable category of workers, performing undervalued activities and usually coming from disadvantaged

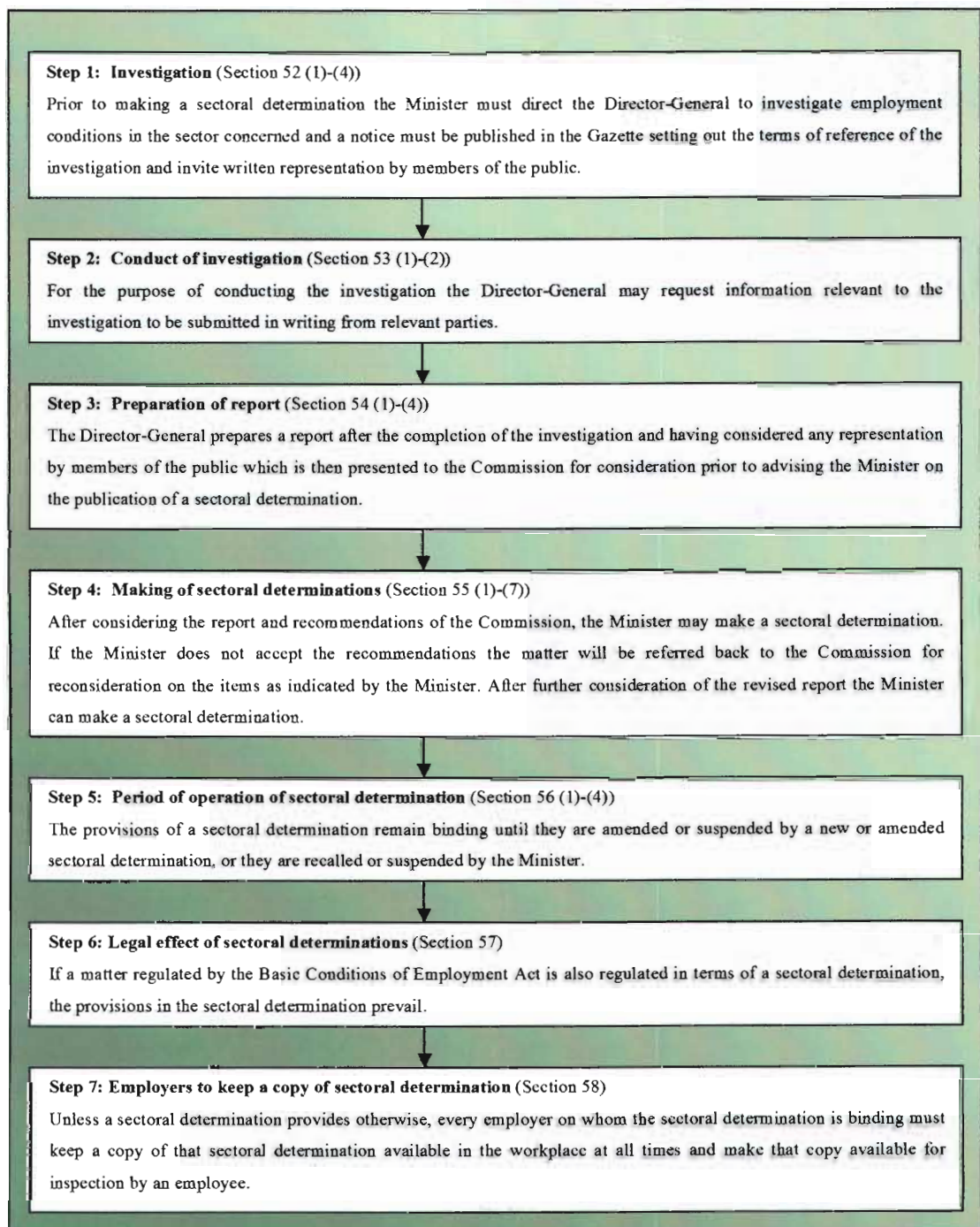


social groups, the Minister of Labour instructed the Director-General to conduct an investigation into the establishment of minimum wages and conditions of employment for domestic workers (Department of Labour 2001b:1). The instruction of the Minister to the Director-General set in motion an extensive process of initial data collection, consultation and recommendations, which was intended to culminate in the declaration of a sectoral determination (Department of Labour 2001a:3-6). Investigations into “the appropriate demarcation of the domestic workers' sector for the purpose of a sectoral determination” and “conditions of employment, including minimum rates of remuneration in respect of the sector” (Department of Labour 2001a:3) resulted in a report which the Director-General submitted for consideration to the Employment Conditions Commission, which then made final recommendations to the Minister of Labour. The establishment of a sectoral determination was thus the direct result of the unique characteristics of the domestic worker sector necessitating a set of employment standards and policies tailored to its specific requirements (Department of Labour 2001a:2).

Sectoral Determination 7, in terms of the Basic Conditions of Employment Act, 75 of 1997, left unchanged many of the current provisions of the Basic Conditions of Employment Act as applicable to domestic workers, *inter alia*, but included some new provisions as well. However, should a matter arise which is regulated by both the Basic Conditions of Employment Act and a sectoral determination, the provisions in the sectoral determination prevail (RSA 1997:48).

### **5.1 Procedures followed in the process of setting a sectoral determination**

Chapter 8 of the Basic Conditions of Employment Act, 75 of 1997 (RSA 1997:44-48) states that the Minister of Labour may make a sectoral determination which will establish basic conditions of employment for employees in a specific sector. The procedure to be followed in this process is indicated in Figure 7.



**Figure 7: Procedure for the setting of a sectoral determination**

Source: RSA 1997:44-48.



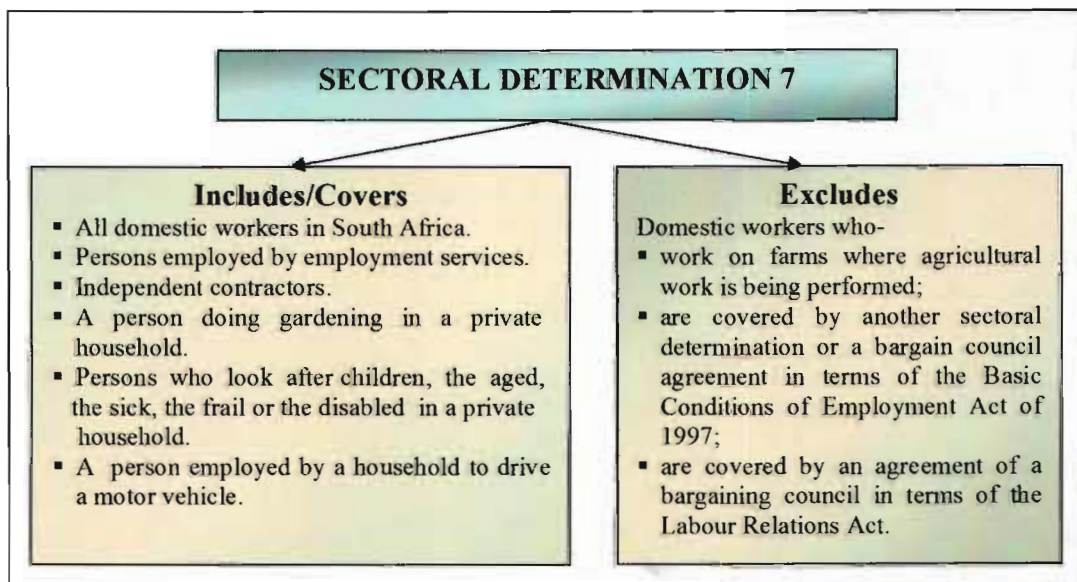
## 5.2 Sectoral determination 7: Domestic worker sector

### 5.2.1 Aim of Sectoral Determination 7

Although the Basic Conditions of Employment Act, 1997, already applied to the domestic worker sector, it was unable to provide for all the specific needs of this sector. Therefore the proclamation of a sectoral determination for domestic workers was a more appropriate measure to ensure sufficient protection for this sector of the labour market. The aim therefore was to find a balance between “flexibility and sufficient protection from abuse and exploitation” (Department of Labour 2001a:21) within the parameters of the employment relationship that exists between the employer and the domestic worker, thus “streamlining” the relationship (Department of Labour 2001a:45).

### 5.2.2 Scope of Sectoral Determination 7

The Employment Conditions Commission recommended that a new sectoral determination should cover every employer and employee in the domestic worker sector. Section 83 of the Basic Conditions of Employment Act, 1997, was enacted to deem all persons engaged in domestic work as domestic workers (see Figure 8).



**Figure 8: Scope of Sectoral Determination 7**

Source: Department of Labour 2002:36; Van Niekerk 2003:7-11.

### **5.2.3 Demarcation for the purpose of Sectoral Determination 7**

The National Demarcation Board was requested to assist in the demarcation of the domestic worker sector along municipal boundaries. The average household income per municipality based on Census 1996 was used for this purpose (Department of Labour 2002:38-39). The Employment Conditions Commission recommended that the “progressive diminishing of the urban-rural wage gap” should be considered when the minimum wages were reviewed within three years after the promulgation of the sectoral determination (Department of Labour 2002:39). Despite this recommendation, the demarcation was left unchanged in the amendment to Sectoral Determination 7 published on 11 November 2005 (RSA 2005:4).

For demarcation purposes the various local municipalities were divided into Area A (urban areas) or Area B (rural areas). Keeping the individualised nature of this employment relationship in mind, provision was thus made for different wage levels in both urban and rural areas for those domestic workers working less than 27 hours a week and those that work more than 27 hours per week (RSA 2002:8-9; RSA 2005:4-6). The calculation of wages is thus the product of two variables, namely number of hours worked and geographic location (Van Niekerk 2003:12). It should be noted that although Sectoral Determination 7 specifies minimum employment conditions, there are no limitations in terms of benefits that exceed the minimum.

### **5.2.4 Summary of employment standards in accordance with Sectoral Determination 7: Stipulations and Implications**

Sectoral Determination 7 left unchanged many of the provisions of the Basic Conditions of Employment Act, 1997 as applicable to domestic workers, but added those aspects that would benefit domestic workers and aid in an effective employee-employer interaction in the sector, thereby setting the parameters for governing the employment relationship. “There is no provision which prevents any other conditions of employment being included in a contract of employment but any provision that sets conditions which

are less favourable than those set by the Determination would be invalid” (RSA 2002:37). The researcher will highlight the major stipulations and, inevitably, the implications of Sectoral Determination 7.

#### 5.2.4.1 Wages, increases and allowances

The calculation of remuneration is based on two variables, namely the number of hours worked by the domestic worker and the geographical area in which the employer resides, as indicated in Table 5 and Table 6.

**Table 5: Minimum wages and annual increases for domestic workers who work more than 27 hours a week (excluding overtime)**

		Minimum wages (> 27 hours/week)		
		Per hour	Per week	Per month
<b>U R B A N A R E S</b>	1 Nov.'02 - 31 Oct.'03	R 4.10	R 184.62	R 800.00
	1 Nov.'03 - 31 Oct.'04	R 4.42	R 198.90	R 861.90
	1 Nov.'04 - 31 Oct.'05	R 4.77	R 214.65	R 930.15
	1 Dec.'05 - 31 Nov.'06	R 5.11	R 230.10	R 997.04
	1 Dec.'06 - 31 Nov.'07	Previous wage + CPIX + 2%		
	1 Dec.'07 - 31 Nov.'08	Previous wage + CPIX + 2%		
		Minimum wages (> 27 hours/week)		
		Per hour	Per week	Per month
<b>R U R A L</b>	1 Nov.'02 - 31 Oct.'03	R 3.33	R 150.00	R 650.00
	1 Nov.'03 - 31 Oct.'04	R 3.59	R 161.55	R 700.00
	1 Nov.'04 - 31 Oct.'05	R 3.87	R 174.15	R 754.65
	1 Dec.'05 - 31 Nov.'06	R 4.15	R 186.69	R 808.92
	1 Dec.'06 - 31 Nov.'07	Previous wage + CPIX + 2%		
	1 Dec.'07 - 31 Nov.'08	Previous wage + CPIX + 2%		

Source: RSA 2002:6-10; Van Niekerk 2003:12-17; RSA 2005: 4-6; 2004g:1-2.

Workers initially received an eight percent increase on 1 November each year since 2003; future increases were announced in the Government Gazette and calculated as indicated above. It should be noted that irrespective of which table applies, a domestic worker who works for less than four hours on any given day must be paid for a minimum of four hours on that day (Van Niekerk 2003:15).

**Table 6: Minimum wages and annual increases for domestic workers who work less than 27 hours a week (excluding overtime)**

		Minimum wages (< 27 hours/week)		
		Per hour	Per week	Per month
<b>U</b>	1 Nov.'02 -	R 4.51	R 212.77	R 527.67
	31 Oct.'03			
<b>R</b>	1 Nov.'03 -	R 4.87	R 131.49	R 569.79
	31 Oct.'04			
<b>B</b>	1 Nov.'04 -	R 5.25	R 141.75	R 614.25
	31 Oct.'05			
<b>A</b>	1 Dec.'05 -	R 6.04	R 163.08	R 706.63
	31 Nov.'06			
<b>E</b>	1 Dec.'06 -	Previous wage + CPIX + 2%		
	31 Nov.'07			
<b>S</b>	1 Dec.'07 -	Previous wage + CPIX + 2%		
	31 Nov.'08			

		Minimum wages (< 27 hours/week)		
		Per hour	Per week	Per month
<b>R</b>	1 Nov.'02 -	R 3.66	R 98.82	R 428.22
	31 Oct.'03			
<b>U</b>	1 Nov.'03 -	R 3.95	R 106.65	R 462.15
	31 Oct.'04			
<b>A</b>	1 Nov.'04 -	R 4.26	R 115.02	R 498.42
	31 Oct.'05			
<b>L</b>	1 Dec.'05 -	R 4.90	R 132.30	R 573.26
	31 Nov.'06			
<b>A</b>	1 Dec.'06 -	Previous wage + CPIX + 2%		
	31 Nov.'07			
<b>S</b>	1 Dec.'07 -	Previous wage + CPIX + 2%		
	31 Nov.'08			

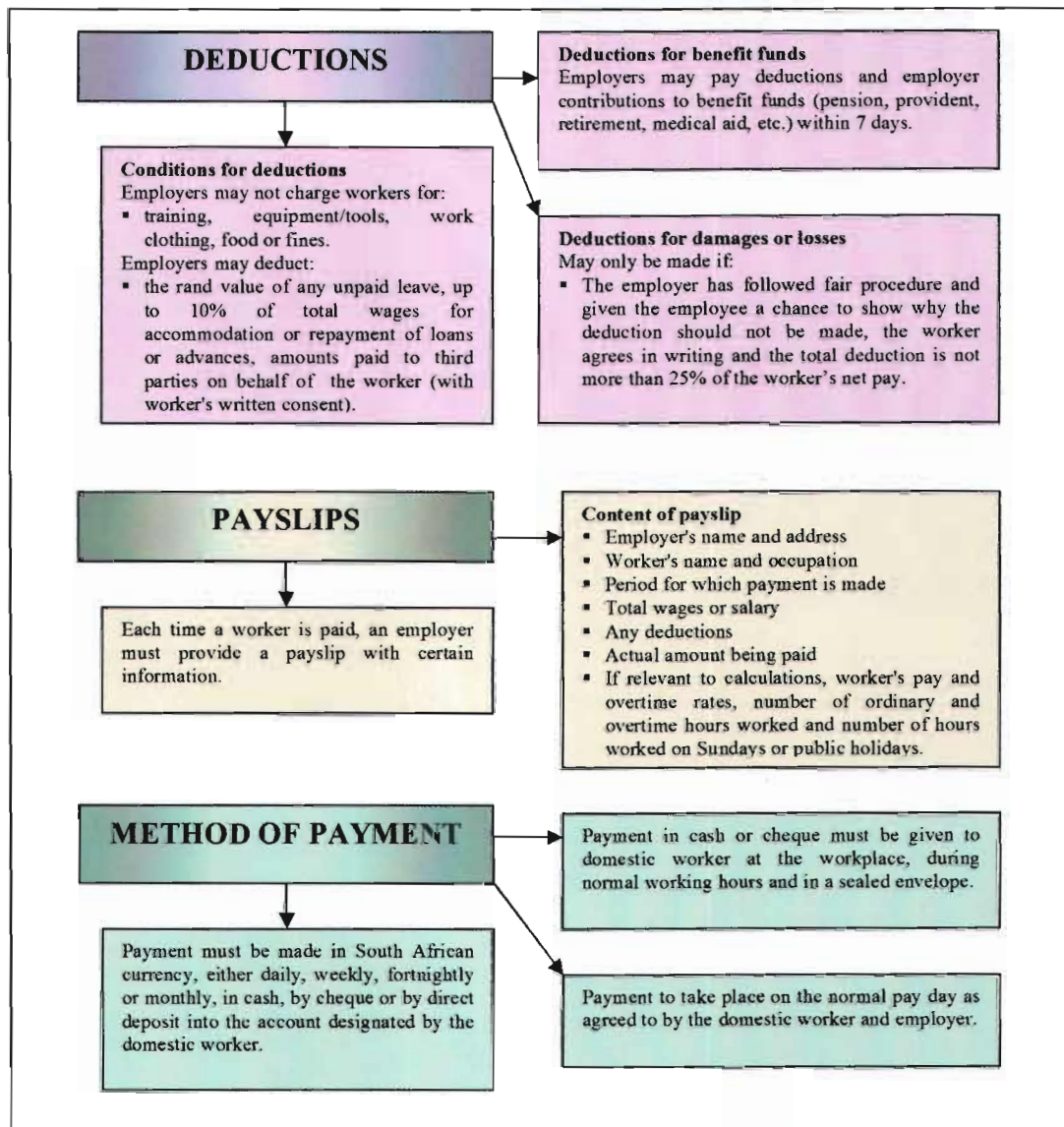
Source: RSA 2002:6-10; Van Niekerk 2003:12-17; RSA 2005: 4-6; 2004g:1-2.

Transport allowances, bonuses, pension schemes, medical aid schemes, training/school fees, funeral benefits and savings accounts are, however, not regulated by Sectoral Determination 7 and are therefore open to negotiations between the parties (RSA 2002:33, 36).

#### 5.2.4.2 Payment of wages

Sectoral Determination 7 requires that the procedures as indicated in Figure 9 should be followed strictly in the payment of domestic workers. Communication with the domestic worker regarding the calculation of wages is vital in eliminating potential misunderstandings regarding compensation.





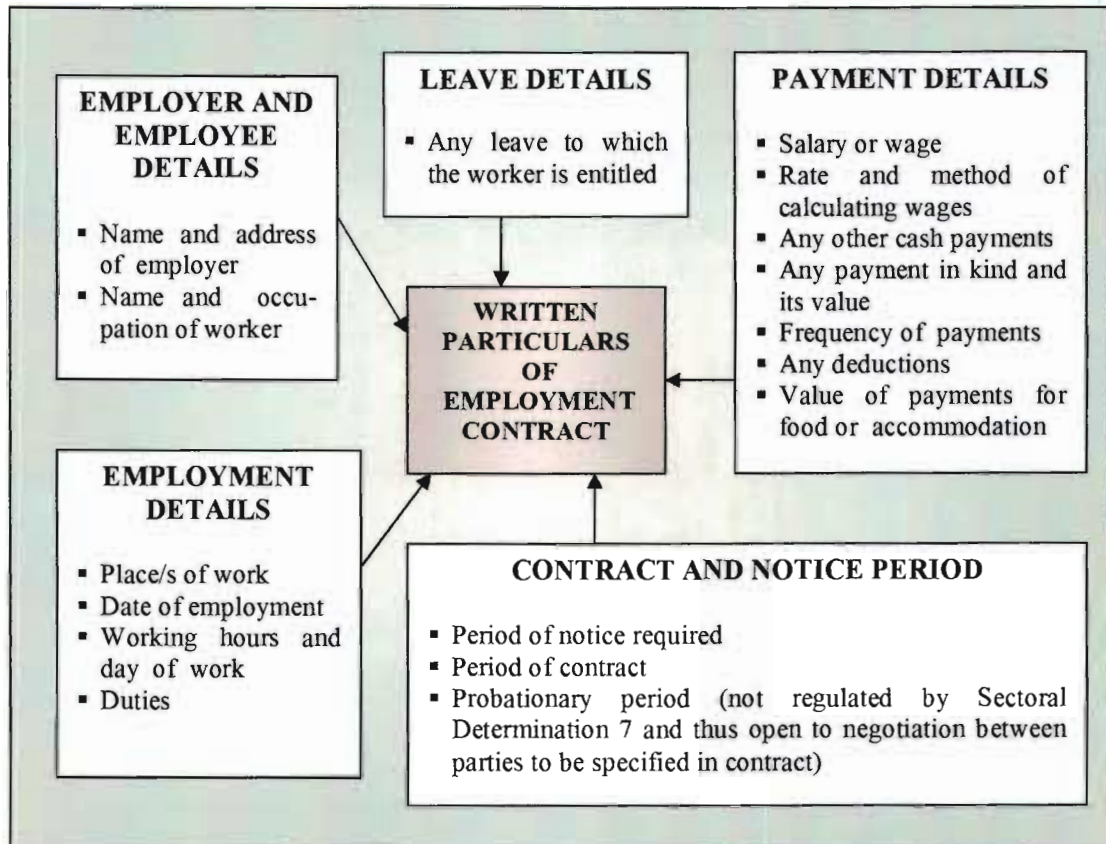
**Figure 9: Payment of wages**

Source: RSA 2002:10-13; Van Niekerk 2003:12-24; 2004c:1-2; 2004i:1-2.

#### 5.2.4.3 Particulars of employment

Employers must provide workers with written details of their employment, as indicated in Figure 10. An employer must keep a copy of the contract for the period that the domestic worker is employed and for three years thereafter. If the worker does not

understand the content of the contract, the employer must explain the information in a way that the worker will understand.



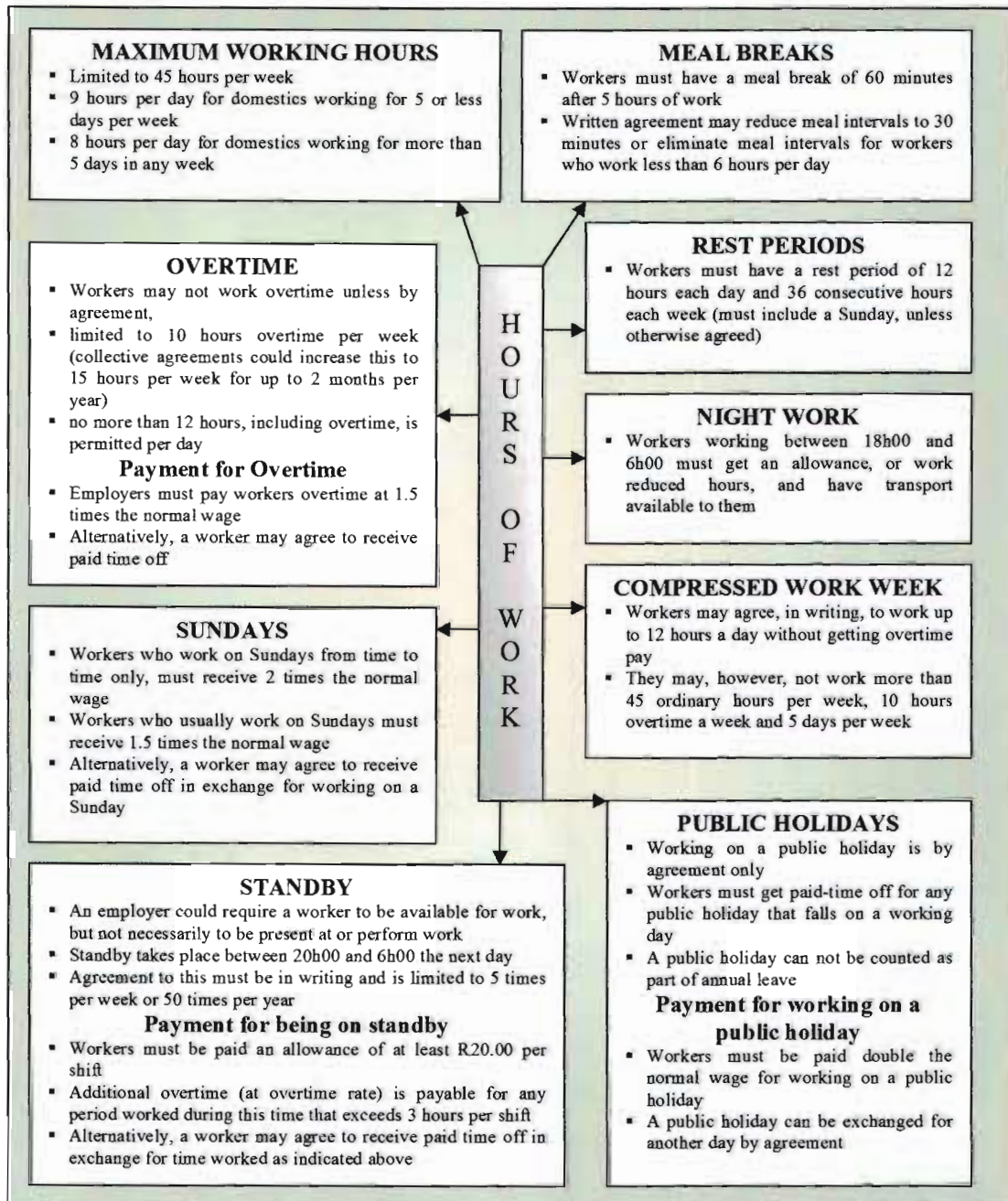
**Figure 10: Employment contract**

Source: RSA 2002:14-15, 36; Van Niekerk 2003:25-27; 2004d:1-2.

#### **5.2.4.4 Hours of work**

Van Niekerk (2003:28) points out that work hours are generally divided into ordinary hours and overtime hours. Sectoral Determination 7 places limitations on the number of ordinary and overtime hours a domestic worker may be required to work. The limitations in terms of hours to be worked and other stipulations in this regard are highlighted in Figure 11.

It should be noted that afternoons off and weekends off are not regulated by Sectoral Determination 7 and may therefore be negotiated between the parties (RSA 2002:36).



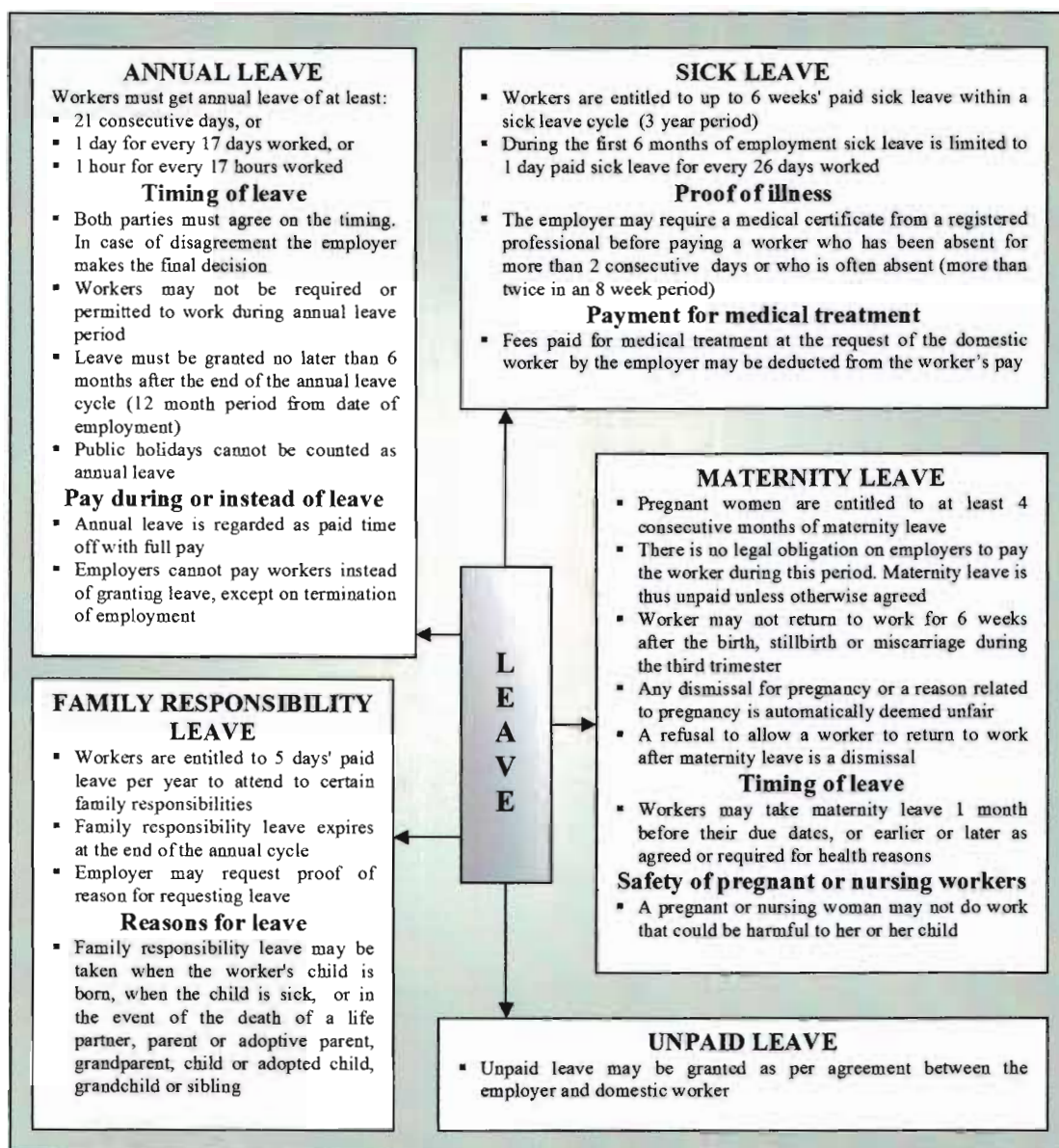
**Figure 11: Hours of work**

Source: RSA 2002:15-18; Van Niekerk 2003:28-37, 2004h:1; 2004j:1; 2004n:1-2; 2004o:1.



### 5.2.4.5 Leave

In an attempt to eliminate the granting of leave at the sole discretion of the employer, Sectoral Determination 7 clearly provides stipulations with regard to the granting of leave, as indicated in Figure 12.



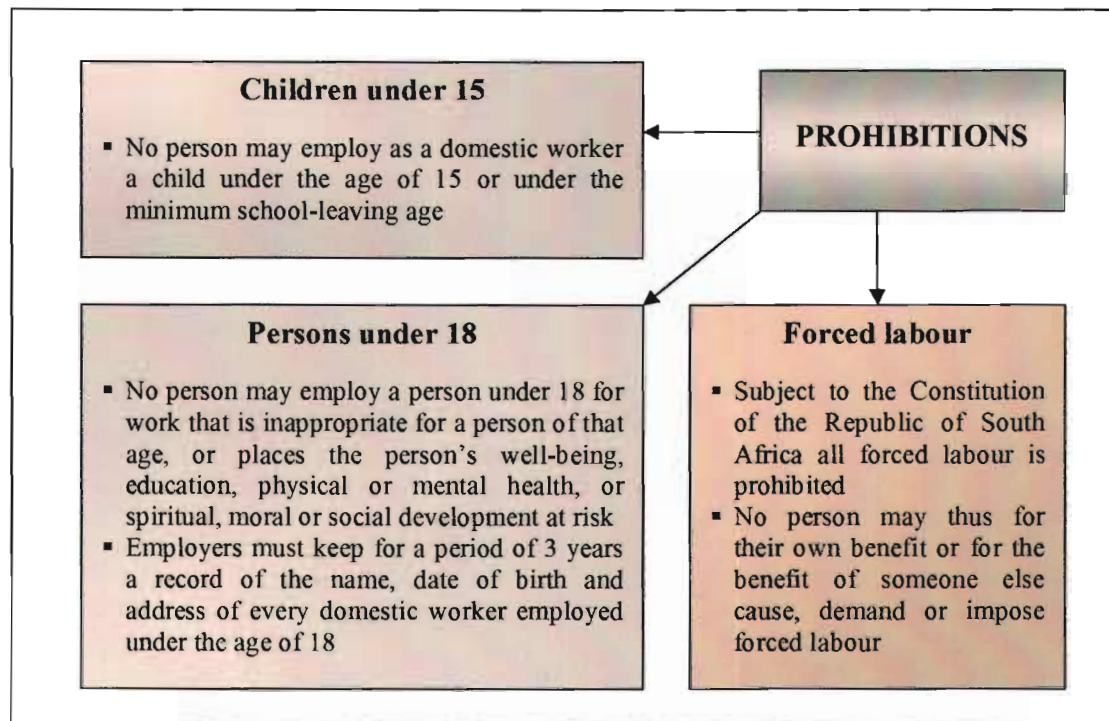
**Figure 12: Leave**

Source: RSA 2002:20-25; Van Niekerk 2003:38-46; 2004a:1-2; 2004e:1; 2004f:1; 2004k:1.



#### 5.2.4.6 Prohibition of child labour and forced labour

Van Niekerk (2003:108) states that “South Africa ratified International Labour Organisation Conventions that prohibit forced labour and the worst cases of child labour”. Sectoral Determination 7 also gives effect to these international obligations, as indicated in Figure 13.

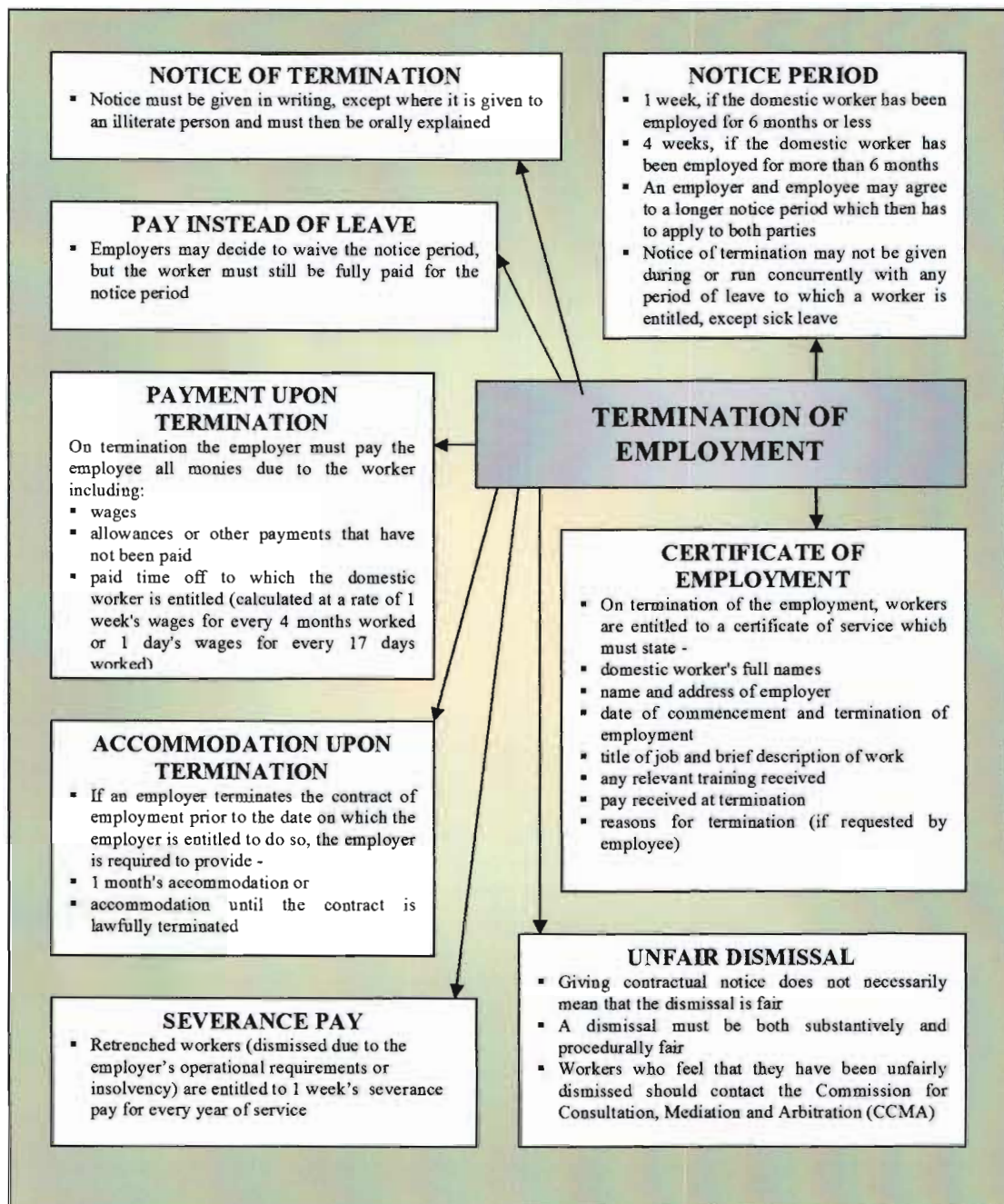


**Figure 13: Prohibition of child and forced labour**

Source: RSA 2002:25; Van Niekerk 2003:108-109; 2004b:1.

#### 5.2.4.7 Termination of employment

Whilst the contract of employment makes provision for the termination of employment, it must be noted that the services of an employee may not be terminated unless a valid and fair reason exists and fair procedures are followed (RSA 2002:32). Either party to the employment relationship may, however, give notice of his or her intention to terminate the employment contract. Stipulations with regard to the termination of employment are highlighted in Figure 14.



**Figure 14: Termination of employment**

Source: RSA 2002:26-29; Van Niekerk 2003:47-52; 2004m:1-2.

#### **5.2.4.8 Employment services**

Employment agencies are also deemed to be employers of domestic workers (see Chapter 2, 2.1), and for purposes of Sectoral Determination 7, workers whose services are provided to a client by an employment agency are employed by the agency. The employment agency thus pays the domestic worker. However, it should be noted that the employment agency and the client are jointly and severally liable if the employment agency does not comply with the stipulations of Sectoral Determination 7 or any provisions of the Basic Conditions of Employment Act, 1997, in respect of a domestic worker who provides services to the client. Dealing with a reputable agency is thus vital to provide adequate protection against claims by the agency's employees (RSA 2002:29; Van Niekerk 2003:107; 2004:1).

#### **5.2.4.9 Keeping of the Sectoral Determination**

“Every employer on whom Sectoral Determination 7 is binding must keep a copy of the sectoral determination or an official summary available in the workplace in a place to which the domestic worker has access” (RSA 2002:29). Access to the relevant information by both parties is viewed as a vital link in the creation of awareness, and ultimately impacts on resultant actions.

### **6. Awareness and Compliance in the Domestic Sector**

#### **6.1 Awareness**

The ultimate objective of any law reform is to bring about dutiful actions which are in line with legislative requirements. This objective in itself implies a process that has to go full circle in order to culminate in compliance. Gotshalk (1969:3) states that awareness as an aim has a directional structure which pursues the goal of enlightenment and also has an organising principle which shapes the process of observation and theory construct. It has to be acknowledged that awareness within the context of this study may in itself be a very subjective process since the frame of reference of the various role

players differs. Establishing a common departure point in understanding the nature of awareness will aid in later comparisons.

### **6.1.1 Rationale for awareness creation**

Awareness does not occur in isolation, but rather within a specific context. Pendersen (2000:1) goes so far as to state that awareness occurs within a “global context”. Acknowledging the fact that awareness is the result of a multitude of interacting dynamic factors/dimensions aids in understanding the importance of creating awareness and the impact of initial awareness on resultant actions.

According to Curle (1972:13), awareness is the result of man’s consciousness of his own being. What one thus perceives about one’s own inner world determines what one would perceive about the outer world. This sentiment is echoed by Tschudin (1991:7) when he states that “self-awareness gives us the possibility to make sense of events and relationships...Greater awareness leads to greater change...The outer world influences the inner world, and through the inner world we influence our surroundings”. According to him we are all aware, and often acutely so, but we are often not aware of things and people, and even ourselves, at the right time and in the correct way.

To reflect on the history of the domestic worker sector in South Africa is to be taught a very painful lesson. Legislative reform was inevitably necessary to assist in creating a full awareness of the reality which society had chosen to ignore or suppress. In the literature the intention of reform can clearly be traced, but intention in itself is of little or no value since it does not necessarily result in action.

According to Pendersen (2000:11), awareness “provides the basis for accurate opinions, attitudes and assumptions”. He explains that if the awareness stage is overlooked, then the knowledge and skills, however accurate and effective, may be based on false assumptions. However, if one does not go beyond the awareness objectives, one will be

able to see the problem but not be able to do anything to change things. He further states that knowledge “provides the documentation and factual information necessary to move beyond awareness towards effective and appropriate change”. If the knowledge stage is overlooked then the awareness and skill to effect change will lack grounding in essential facts and information. If one does not go beyond the collection of information, however, one will be overwhelmed by abstractions and unable to apply knowledge in practice. Finally, he views skill as providing the ability to build on awareness and apply knowledge toward effective change.

Awareness as a concept can thus not be viewed in isolation. In order to establish the link between awareness and action, attention should also be given to the components of knowledge and skills (Pendersen 2000:11). Awareness is thus a process which has to go full circle in order to be regarded as effective and result in competency. For this purpose, awareness, knowledge and skill are required.

In order to determine the success of any awareness program, the actions that result from it have to be evaluated. Awareness without action is in itself an incomplete process. Cox and Beale (1997) in Cavaleros *et al.* (2002:52) state that the learning process involves the following three stages:

- Awareness – recognising the reality of the situation.
- Knowledge and understanding – creation of a deeper understanding of the dynamics of the situation.
- Behaviour and action steps – behaviour changes occur.

The initial primary goal of any awareness campaign is to enable the move from a state of being “unaware” to being “aware”, as a result of the information obtained or received. Meyer (2002:95) views information as the “transforming resource” in this process, ultimately influencing actions as a result of initial awareness. According to Pendersen

(2000:7), levels of awareness are certain to increase in direct proportion to the extent of knowledge about a certain concept.

Given the individualised nature of the employment relationships within the domestic worker sector, adopted prejudice on both sides might lead to the perceiver not valuing the other party. Under normal circumstances people are aware of each other as agents whose actions are guided and organised by intentions to achieve particular goals. When considering the unique situation in the domestic worker sector, the initial reaction is to focus on action employers can take to better the situation, but it should be stated that domestic workers, despite the perceived inequitable relationship, should also actively participate in the change process. Their awareness or lack of awareness will ultimately also impact on the successful implementation of current legislation.

According to Schur (1977:145), women are often “enmeshed into a generalised system of domination where their subordination becomes a central feature of their entire way of life”. Women’s acceptance of this verdict has economic, political and social ramifications. This was and is especially relevant in the domestic worker sector. Given our interlocking social structure, women themselves have unfortunately often accepted this verdict. Acknowledging that women do not live in social vacuums, self-awareness and self-assertion can help women overturn this image. Their “selves” are in fact social selves. Awareness of their social situation is essential to any meaningful awareness of “self” and awareness of their legal position will enable self-assertion to a larger degree.

An awareness objective will thus aim to change a person’s attitudes, opinions, and personal perspectives about a topic/subject, and in this case, the need for legislative compliance. Focus on a person’s unstated assumptions and levels of awareness could bring about changes that will hopefully result in harmony between the various role players and knowledge that will empower all.

### **6.1.2 The nature of awareness**

Although the scope of this research is limited to awareness of a specific situation, i.e. awareness of labour legislation and the actions that result from becoming aware, it needs to be mentioned that the functioning of the brain has a direct effect on the actual awareness that occurs. Nunn (1996:14-15) states that information processing is one of the main reasons for the existence of the human brain. The brain processes information in order to predict what is likely to happen next and causes the body to take appropriate action. According to him, huge amounts of information reach the brain every instant, but of all this information only a limited number of items can be dealt with consciously. Thus, despite the memory potential, most of what reaches the brain never gets into awareness. The end result of this is that very little of what goes into awareness actually remains in a form that can be remembered. Awareness can thus not be assumed to exist merely because awareness programmes were put in place or the individual was exposed to information. Although these programmes do impart knowledge, there is not necessarily a direct correlation between knowledge imparted and awareness gained. Assessing knowledge levels thus provides a vital key to determining awareness levels.

Marková (1987:16-17) states that “to be aware of the other means to respond to the other as an individual” which, in his view, makes communication flexible and efficient. For Marková (1987:44-57) the key lies in the ability to have empathy for the situation of others. In order, therefore, to empathise with another, one must attempt to place oneself in the situation of the other person.

A lack of awareness by employers of the unique situation and circumstances confronting the domestic worker can thus adversely influence the actions of the employer. It is argued that the ultimate key to the successful implementation of current legislation in the domestic worker sector lies hidden in the need for an empathetic employment relationship. This in itself is an immense challenge, which will undoubtedly not only



result in, but also go beyond mere compliance, thus addressing the real needs of domestic workers within the individualised employer-employee relationship.

Awareness is thus a very subjective activity. According to Mann (1993:54) “awareness is inevitably associated with a model of reality and a mode of engagement with whatever reality the individual is aware of.” The creation of awareness is in itself very complex, given the unique and diverse target audience in the domestic worker sector.

### **6.1.3 Awareness as an empowerment tool**

To understand the true value of legislative reform, provision must be made for multi-dimensional outcomes, of which empowerment is one of the main achievements. Domestic workers have for many decades been disempowered because of the very nature of the employment relationship. It would be naive to assume that all obstacles faced by domestic workers can be overcome by legislation. Instead, legislation should be viewed as an enabling tool which is available to both employers and domestic workers, “empowering women to make the law relevant in their own lives” (Schuler & Kadirgamar-Rajasingham 1985:1).

According to Schur (1977:142-144), consciousness-raising about the value of women in society can be a significant mechanism for broadening as well as intensifying awareness. Schur further states that specific targets for social change should be set, in order to advance women’s interests. In the light of this statement, Sectoral Determination 7 aided in raising awareness beyond mere legislative prescriptions. Actions in this regard refer to the creation of an understanding of the unique needs of women in South Africa, within the immediate employment relationship between the employer and the domestic worker and beyond.

Legal education is thus an important strategy for the advancement of women. According to Pendersen (2000:12), awareness requires the “ability to accurately see a situation from



one's own and the other person's perspective". Awareness thus helps to structure the individual's understanding of his/her interaction with the world (Mann 1993:3).

A successful learning process, of which the creation of awareness is regarded as the departure point, is a valuable tool for development and empowerment (Cavaleros *et al.* 2002:52). However, a major obstacle to the implementation of legislation is a lack of legal awareness, especially amongst rural women. Even when they do know their rights, they lack the resources to bring claims (2001:6).

Awareness is thus a powerful tool. This sentiment is echoed by Agimba, Butegwa, Osakue and Nduna (1994:4-7), who state that " legal rights education is the process of facilitating the acquisition of critical awareness about rights and obligations under the law, the ability to assert those rights and the capacity to mobilise for change." From this statement it becomes apparent that:

- legal rights education in a specific community is a process. It can never be a hit-and-run once-off activity,
- legal rights education is about facilitating the involvement of the community in the acquisition of knowledge about rights,
- such education is not only the passing out of information, it must lead to a critical awareness of the law. It is only when people understand the reasoning behind the law that changes in attitudes and practices will result,
- awareness of legal rights is not helpful if one is unable to assert those rights,
- legal rights education is about building the capacity of communities to mobilise for change. This requires a certain level of change in attitudes on a personal level,
- education programmes often do not succeed because too much emphasis is placed on the content of the law,
- change within the individual person will be unasserted if the community in which he/she functions does not change.

Legal rights education is thus an enabling process. It should, however, be stated that information in itself has no intrinsic value; its value depends upon the context in which it manifests and how it is applied by particular users on particular occasions (Meyer 2002:99). “Extending the knowledge base of people to primarily focus on the improvement of people’s lives socially and secondly on economic improvement...This leads to a broadening of their horizons, increased perceptions, enhanced competencies, enlarged senses of perspectives and enhanced self-esteem” (Meyer 2002:100).

Agimba *et al.* (1994:46) warn that “the information we hold and the way we share it with others will determine who has power over the other”. Power sharing in the learning process has a direct influence on the change that will take place. It also determines the extent to which the learner or community can claim ownership of that change. This change cannot occur as long as people feel dependent on someone else for their knowledge.

Within the scope of this research it seems vital that both employers and domestic workers be able to access information and that awareness from both sides is a prerequisite for effective implementation. Taking ownership of the process holds the key to appropriate actions and reactions within the domestic worker sector. Awareness programmes should thus primarily educate people about their responsibilities (Pillay 2005:36) and their rights in order to ensure their empowerment.

Taking ownership of the empowered role that both employers and domestic workers enjoy as a result of legislative reform, the role they can and ought to play in this sector, could ultimately culminate in a working relationship that benefits both parties.

#### **6.1.4 Factors affecting/impacting on awareness levels**

Because the creation of awareness does not occur in isolation, cognisance must be taken of the various factors that impact on or affect the transfer of information during the course of efforts to create awareness.

Cognisance must also be taken of the uniqueness of the South African context (Conradie 2003:133) within which this awareness creation takes place. According to Marková (1987:29), people's awareness of themselves and others undergoes remarkable changes in the context of historical and cultural developments. Table 7 aims to highlight some of the factors that the creators of awareness have to contend with during the process of awareness creation, which ultimately aims to instil desired behaviour. It should further be noted that unique combinations of these highlighted factors and numerous other variables could impact on either the employer or the domestic worker, thereby making effective awareness creation that much more challenging. Pillay (2005:37) argues that sometimes a number of barriers can hinder the development and implementation of successful awareness programmes, thus impacting on the outcomes. Taking cognisance of the various potential barriers that could impact on the relationship between the employer and the domestic worker can aid in a clearer understanding of limiting factors.

Meyer (2002:93) emphasises that information is vitally important in any development process and a lack thereof ultimately impacts negatively on the process. In order to make sense of the sheer amount of information impinging upon the senses of cognition, people search for the relatively unchanged characteristics of their environments (Marková 1987:75). Speech and communication, just like any other human activity, always take place within some social context which can be influenced by social setting, shared knowledge, and the interpersonal relationships of participants (Marková 1987:167). Meyer (2002:94-95) implies that there often seems to be an ineffective or very poor connection between the mindsets of both the suppliers and receivers of information. High levels of illiteracy impact on a person's ability to interpret information. According

to him the impact of information among people in rural communities which have a very strong oral culture has to be explored.

**Table 7: Classification of some factors affecting/impacting on awareness creation/levels**

<b>Personal Factors (Intrinsic/extrinsic)</b>	<b>Social Factors</b>	
<ul style="list-style-type: none"> <li>• Initial awareness levels.</li> <li>• Participation by parties involved in the process.</li> <li>• Resistance to or acceptance of change.</li> <li>• Human inclination to “pick and choose what they hear”.</li> <li>• Ability to adapt to changing circumstances.</li> <li>• Perceptions people ascribe to various situations.</li> <li>• Clear understanding of what is expected.</li> <li>• Value placed on the intended message by recipient.</li> <li>• Barriers to the learning process.</li> <li>• Individual's faith in the process being implemented.</li> <li>• Feelings of resentment, mistrust, anger, frustration and helplessness for all those concerned.</li> <li>• Bias, prejudice, preconceived ideas.</li> <li>• Interest levels, past experiences.</li> <li>• Personal characteristic and values.</li> <li>• Family structure and upbringing.</li> <li>• Insensitivity, anxiety or guilt.</li> <li>• Capacity to perceive ourselves objectively.</li> <li>• Ways through which the target audience perceives, encodes, represents and analyses information.</li> </ul>	<ul style="list-style-type: none"> <li>• Actions taken or not taken to maintain or change the <i>status quo</i>.</li> <li>• Diversity and Multicultural awareness.</li> <li>• Context within which awareness occurs.</li> <li>• Culture of change in South Africa.</li> <li>• Historical perspective.</li> <li>• The “primary mode of socialisation”.</li> <li>• Human understanding of the consequences of their actions.</li> <li>• Levels of awareness change over time.</li> <li>• Societal values.</li> <li>• Moral beliefs and ethical needs.</li> <li>• Level of education of particular social group.</li> <li>• High illiteracy rates amongst domestic workers.</li> <li>• Social organisation and social environment.</li> <li>• Instilled societal norms.</li> <li>• Misconceptions / misunderstandings.</li> </ul>	
	<th data-bbox="1007 1205 1243 1234"><b>Economic factors</b></th>	<b>Economic factors</b>
	<ul style="list-style-type: none"> <li>• Geographical location (Urban versus Rural).</li> <li>• Nature of current and perceived future employment relationship.</li> <li>• General low value placed on domestic work.</li> <li>• Job-related characteristics.</li> <li>• The way in which the awareness programme is handled.</li> <li>• Potential gains associated with awareness.</li> <li>• Cost implications of initial awareness and ultimate compliance.</li> </ul>	

Source: Adapted from Bios 1966:62; Botha 1993:35-36; Cavaleros *et al.* 2002:52; Curle 1972:17, 92-93; De Villiers 1997:110; Markoá 1987:11-12; Mooko 2002:109; Pendersen 2000:1; Qakisa 2003:48-49; Scott 2001:12; Shade 1997:82 in Qakisa 2003:58; 2001:6.

Human (1996) in Cavaleros *et al.* (2002:60) identified three challenges that cannot be ignored, i.e. “the control of negative expectancy communication associated with stereotypes, turning around individuals still holding on to traditional forms of power and control, training alone will not be able to address all the challenges, it should be regarded as a small part of the process”. According to Pendersen (2000:3), awareness programs seem to fail owing to the following reasons:

- when the program overemphasised “awareness” to the point that participants were sick and tired of being made “aware”,
- when the program overemphasised knowledge, facts, and information to the point that participants, lacking awareness and skill, could not see how that information was relevant,
- when the program jumped directly to teaching skills, but the participants, lacking awareness and knowledge, could not tell if their skills were making things better or worse.

Campaigns are often aimed at imparting information related to the potential negative consequences of non-compliance. Very little is done to focus on the broader benefits and how this will contribute to overall effectiveness (Pillay 2005:37). Conradie (2003:128) states that even those who have become thoroughly conscientised often find it difficult to translate an awareness concern into appropriate actions.

Awareness is not self-generating; it always stems from some form of related action. This implies that without appropriate actions the generation of appropriate awareness will be very limited or even non-existent. The Department of Labour faced an immense challenge in this regard due to the diverse nature of its “target audience”. A direct consequence of this is the fact that the audience - employer and employee - may interpret the intended messages differently, resulting in conflicting actions.

## 6.2 Compliance

The origin of legislative reform usually stems from the need for appropriate actions or as a result of inappropriate past actions. In terms of labour this refers to the employment relationship that exists between employers and employees. It would be idealistic to assume or even expect these parties to work spontaneously to the benefit of both parties. This is specifically true within the domestic worker sector given the vast power imbalances that characterise the employment relationship and a history riddled with exploitation.

Culminating in Sectoral Determination 7, legislative reform in the domestic sector aimed to intervene and stipulate, in no uncertain terms, the minimum employment conditions that must be in place within the domestic worker sector, thereby effectively regulating the employment relationship.

However, the reality faced by the Department of Labour is that the mere proclamation of new legislation, and even the dissemination of information in this regard, in no way guarantees compliance. The problem arises that, especially in the South African context, individuals may ascribe different meanings to the concept of compliance. These different perceptions are exacerbated even further by various forms of resistance against agendas for change (Conradie 2003:129), which is mostly due to the institutionalised nature of the employment relationship which has evolved over decades in the domestic worker sector.

Mubangizi (2004:67) highlights two common legal maxims which are particularly relevant, namely “*ignorantia iuris neminem excusat* (ignorance of the law is no excuse)” and “everyone is presumed to know the law”. Knowledge of the law serves the purpose of safeguarding oneself, and protecting and enforcing one’s rights and obligations. Both the employer and domestic worker often overlook the potential benefits of knowing the

law. It could be argued that the nature of the existing employment relationship might be overshadowing the potentially positive impact of Sectoral Determination 7.

The challenge thus lies in “selling” the positive outcomes of compliance, which are not always quantifiable. It is further argued that only once the various role players fully understand the potential benefits of compliance, will efforts up to this point culminate in spontaneous compliance. This statement could be viewed as over-optimistic, yet “ideals” often guide “actions”, and what better ideal than compliance actually coming to full power, thus balancing the employment relationship, resulting in fair working conditions, and thereby empowering a large segment of the South African labour force.

#### **6.2.1 In pursuit of legislative compliance**

Changing entrenched patterns of behaviour which have evolved over decades can initially be regarded as attempting the impossible, yet herein lies the challenge. It is a challenge that the Department of Labour has been managing through various attempts, which each in its own way has contributed to bringing about change.

Cavaleros *et al.* (2002:51-52) argue the importance of firstly influencing people's thoughts, attitudes, beliefs, attributes and expectations in an attempt to change their behaviour. The creation of awareness should therefore be acknowledged as an “ongoing process” which requires insight that will surpass mere legislative awareness, especially in the domestic worker sector.

Acquiring knowledge in itself is not enough; active participation in the process is vital, according to Hayles and Russel (1997) in Cavaleros *et al.* (2002:52). It could thus be argued that from the inception of the law reform process in the domestic worker sector, the Department of Labour has addressed the importance of later compliance by including all role players when initially exploring the need for reform, considering their input, and ultimately illustrating the importance of their compliance to the successful

implementation of Sectoral Determination 7 through their awareness campaigns. Awareness campaigns ultimately aim not only to combat negative behaviour patterns (Netswera 2002:79) but also to foster new ways of doing things.

The Employment Conditions Commission recommended to the Minister of Labour that the implementation of a comprehensive communication strategy should be developed to raise awareness about the new sectoral determination in the domestic worker sector. Coupled to this, the Department had to review its enforcement policy to ensure that compliance was achieved (Department of Labour 2002:34).

Agimba *et al.* (1994:77) stress the fact that monitoring progress through follow-up actions should be viewed as the key to ensuring compliance and even increasing the likelihood thereof. The effect of awareness can thus be increased by learning from or following concrete examples of desired behaviour (Conradie 2003:128). The purpose of the national blitz inspections that took place from 18 to 22 August 2003, was to “educate employers on their responsibilities”, to “inspect the workplace for compliance” and to “enforce various aspects of legislation” (Department of Labour 2003:2). While acknowledging the need for compliance to be continuously monitored, it has to be mentioned that the sheer volume of private households compared to the number of Labour Inspectors amounts to an impossible ratio.

### **6.2.2 Factors impacting on compliance levels**

With compliance as ultimate goal of legislation, cognisance has to be taken of the various factors that might impact on the efforts of the Department of Labour, the employer and the domestic worker in their attempts to reach this goal. Taking note of these factors could aid in improving the overall process and adopting a more pro-active approach to future reform in the domestic worker sector. Table 8 highlights some of the factors that various authors and the research view as factors that could impact upon compliance levels and should therefore be guarded against.



It has to be stated that no one party to the reform process can assume sole responsibility or solely be held accountable for facilitating compliance. The various parties are dependent upon one another to the extent where withdrawal or under-performance of any one party directly and negatively impacts on the outcome of the process. All follow-up actions after the initial labour reform should thus aim to continue the working relationship between the various parties, i.e.: the employer, the domestic worker and the Department of Labour. This sentiment is echoed in the slogan “We need each other” with which the implementation of Sectoral Determination 7 was launched (Department of Labour 2002a:1).

**Table 8: Classification of a variety of factors potentially impacting on compliance levels**

<b>Operational factors</b>	<b>Social factors</b>
<ul style="list-style-type: none"> <li>• General lack of awareness about some aspect of legislation.</li> <li>• Past wrongdoing went unnoticed.</li> <li>• Bypassing of legislation (Loopholes).</li> <li>• Lack of incentives/positive reinforcements.</li> <li>• All parties affected by reform did not take part in the whole process as it evolved.</li> <li>• Conceptualisation and strategic approaches of campaign.</li> <li>• Lack of a pro-active orientation.</li> <li>• Lack of sufficient follow-up.</li> <li>• Insufficient manpower to monitor compliance effectively.</li> </ul>	<ul style="list-style-type: none"> <li>• The existence of socio-cultural attitudes and vested interests conflicting with formal legislation.</li> <li>• Fear of the consequences of change.</li> <li>• Resistance to change (ideological resistance).</li> <li>• Resistance to a shift in or loss of power.</li> <li>• A lack of understanding of the reasons or need for reform.</li> <li>• A general belief that reform is not meaningful.</li> <li>• Status, social class and group solidarity.</li> <li>• Underestimating the consequences of non-compliance.</li> </ul>
<b>Economic factors</b>	<b>Psychological factors</b>
<ul style="list-style-type: none"> <li>• Lack of the necessary resources.</li> <li>• Financial implications and affordability.</li> <li>• Fear of the impact that the reform process will have on present relationships.</li> </ul>	<ul style="list-style-type: none"> <li>• Resistance to the possible loss of the known.</li> <li>• Resistance to the loss of personal choice.</li> <li>• People cannot enforce their rights if they do not know that they have them.</li> </ul>

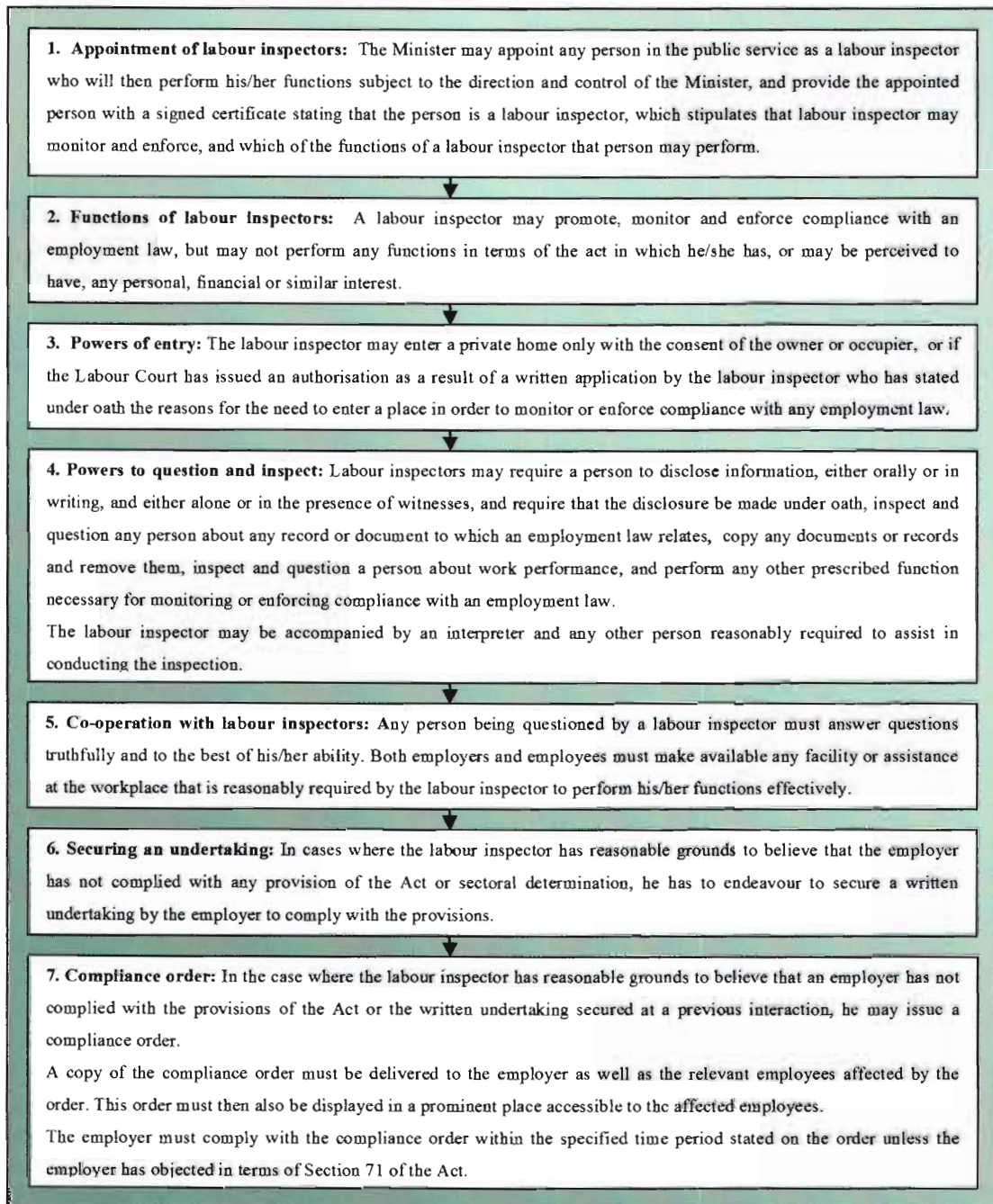
Source: Adapted from Botha 1993:36; Meyer 2002:96; Mubangizi 2004:81; Netswera 2002:80; Qakisa 2003:45; RSA 2001b:2; Vago (1980:225-245) in Botha 1993:37-39; 2001:3-4, 7.

of the relationship and its relation to the applicability of the sectoral determination (Department of Labour 2001a:17).

Throughout the consultation process, and during the investigation into employment conditions of domestic workers, it became apparent that those employers who actually attended the hearings and provided input, had greater empathy towards their employees. They were concerned about compliance and the social well-being of their domestic workers (Department of Labour 2001a:76).

Assessing the way in which employment conditions are managed in the domestic worker sector is complex, due to the nature of the sector (Department of Labour 2001a:22). The sheer size of the sector compared to the available manpower to “police” compliance levels points to an almost impossible task. A further complication arises from the fact that labour inspectors may enter the premises of a private household only with the consent of the owner or occupant (RSA 1997:52-62), who is usually not at home during normal working hours.

Figure 15 highlights the procedures as stipulated by Chapter 10 (Part A) of the Basic Conditions of Employment Act, Act No. 75 of 1997, for the monitoring and enforcement of labour legislation, and are thus also applicable to Sectoral Determination 7. It should be noted that Chapter 10 (Part B) determines that in any proceedings concerning a contravention of the Act or any sectoral determination, the employer must prove that a record maintained by or for that employer is valid and accurate; if the employer failed to keep any record required by this Act that is relevant to those proceedings, the employer must prove compliance with any provision of this Act. The necessity of accurate record keeping can thus not be emphasised enough.



**Figure 15: Procedure stipulated for the monitoring and enforcement of labour legislation**

Source: Adapted from RSA 1997:52-62.

## **7. Exploring the link between awareness and compliance**

The question inevitably arises as to why initial campaigns to raise awareness do not automatically bring about the compliance advocated by such campaigns. Curle (1972:9) argues that the interrelations of different levels of awareness and identity could provide us with clues to the understanding of many aspects of human behaviour, particularly in regard to social action. Curle (1972: 98-99) further states that he is convinced that “the key factors in striving and continuing to strive for awareness, is the recognition of how little we have, of how much this impairs our capacities, and of the extent of the damage done by the collective low awareness of the world. We resist this awareness emotionally even if we acknowledge it intellectually, but it is not until we are forced to acknowledge it fully that we begin to accept the arduous work that is involved in raising awareness...Sometimes we are impelled to act only when faced with the disastrous effects of our low awareness...Sometimes it is the cumulative effect of many minor evidences of our low awareness that makes us want to do better...” Awareness, according to Curle, thus leads to insight into the conditions of others.

Compliance requires behaviour/actions which are in line with those required by the specific legislation, and in this study refers to the stipulations of Sectoral Determination 7. With the introduction of a Trans-theoretical model and the stages of change, Prochaska and DiClemente (1984) in Qakisa (2003:52) argued that behavioural change should be viewed as a process consisting of five major stages, namely:

- pre-contemplation (person not interested in changing, largely unaware of problem),
- identification of need to change (this is a direct result of becoming aware of the problem),
- preparation stage (individual plans a behavioural change strategy),
- action stage (preparations are followed by actions),
- maintenance phase (after implementation of behaviour, people strive to maintain it).

These authors are adamant that campaign messages should be specific to each one of these stages. Different messages at different stages could thus aid the movement through the various stages.

According to Qakisa (2003:45), media messages and campaigns, if properly designed, can have a major impact on behavioural changes. Qakisa (2003:52) continues by quoting Atkins (2001) as saying that campaign messages focus primarily on the negative consequences of unchanged behaviour rather than on promoting a positive alternative. The approach of stressing the positive rather than threat of action due to non-compliance was in fact the approach taken by the Department of Labour.

## **8. Transforming awareness into action**

What should have been an “open-and-shut” case is in essence an extremely complex dilemma faced not only by the Department of Labour, but also by both the employer and the domestic worker.

One would expect that having laws in place would in itself compel the parties involved to compliance, yet due to the unique composition of the domestic worker sector, intentions and realities do not always align. The challenge thus lies not only in creating awareness, but rather in transforming that awareness into relevant and appropriate actions.

Curle (1972:96-97) argues that the need to raise awareness levels has to go beyond that of just taking cognisance of something, to a deliberate effort. According to Curle this will be the result of:

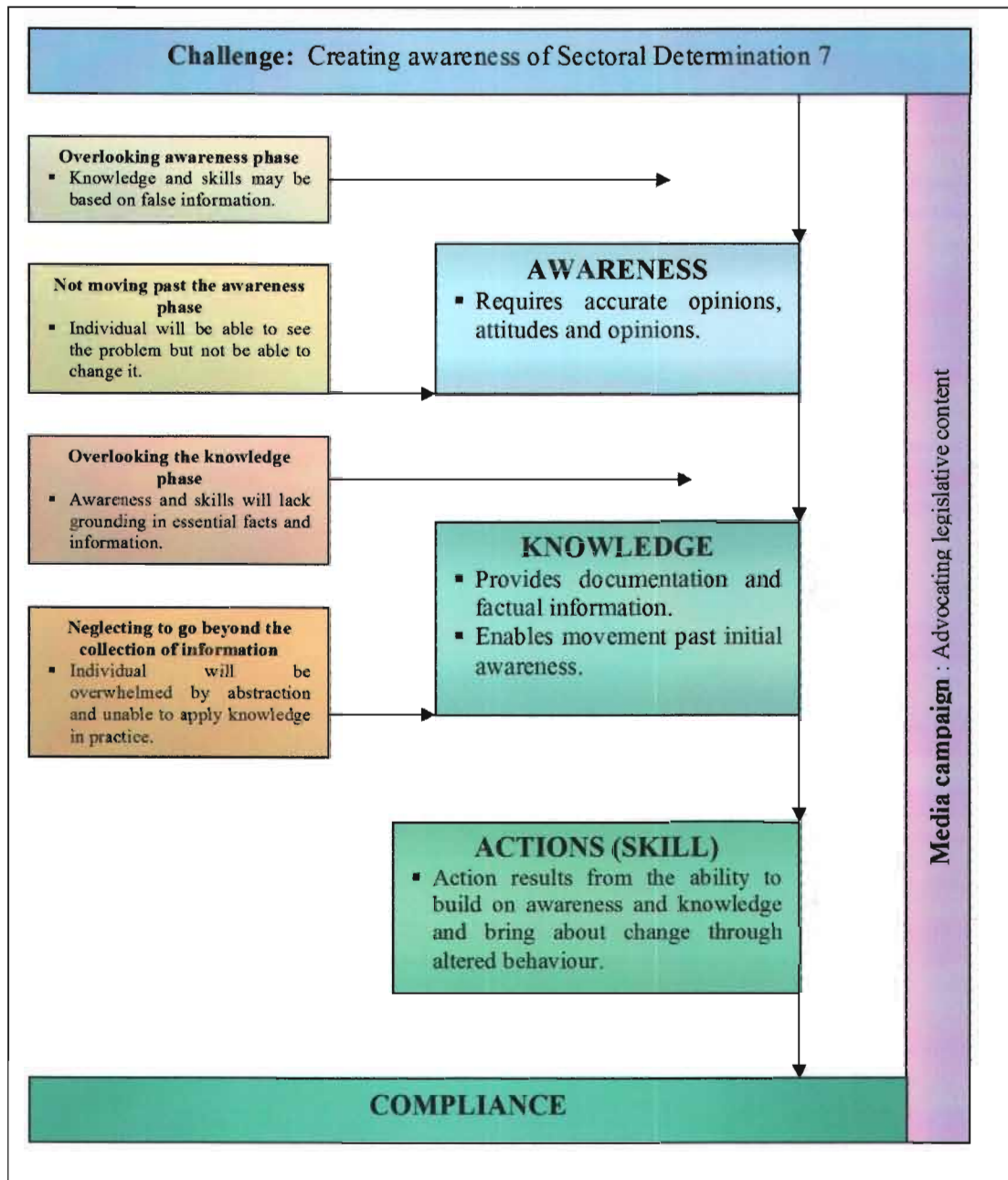
- Acknowledgement of the fact that we require information/knowledge (this requires a degree of self-insight).
- Completely fortuitous circumstances. We may be thrust into situations which, so to speak, jolt us awake.

In the domestic workers' sector, for example, it might happen that an employer takes a domestic worker home and sees first-hand the poor circumstances faced by the domestic worker's household. In doing so the employer may develop insight into the need for better compensation. Individuals thus often act in response to circumstances. Curle (1972: 96) warns that this is a "chancy, haphazard business and can hardly be recommended as a systematic approach to the raising of awareness levels".

Curle (1972:100) further argues that "as we struggle towards increased awareness, we distil values from our deeper perceptions. These we objectify as specific goals: moral, philosophical, or social, which persist even though our awareness may fluctuate downwards. As with most things, of course, it is easier to say what needs to be done than to do it".

Figure 16 explores the vital link that exists between awareness and compliance in the light of preceding sections. It should again be stressed that awareness cannot be viewed in isolation, and that the value of awareness without compliance is limited.

According to Qakisa (2003:51), the theory of reasoned action and the theory of planned behaviour is vital in establishing the link between intention and actions taken. These theories are based on the assumption that "behavioural change is based on an individual's intention". Motivation is thus based on the individual's attitude towards performing the behaviour, and the values and norms associated with that behaviour. "The attitude of a person is based on the individual's beliefs about the outcomes of performing the behaviour" (Montano & Kazprysk (2002) in Qakisa 2003:51). From this it can be concluded that a person's perception of control over behavioural performance, together with intention, is expected to have a direct effect on behaviour.

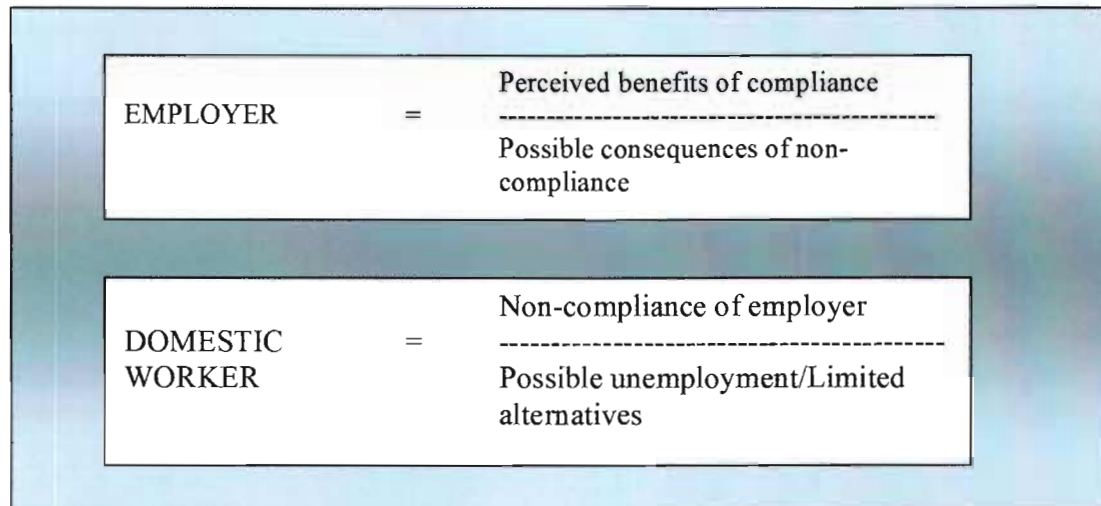


**Figure 16: Transforming awareness into action**

Source: Adapted from Penderson 2000:11.

The transformation of actions into compliance thus becomes a case of mere mathematics as indicated in Figure 17. For the employer it amounts to perceived benefits as a result of

compliance compared to the possible consequences of non-compliance, whereas for the domestic worker the equation differs: he/she has to weigh up the non-compliance of his/her employer against the possibility of unemployment, and therefore often remains in an unfavourable situation due to a lack of alternatives.



**Figure 17: The mathematics of compliance**

Source: Own research

Cavaleros *et al.* (2002:51) also point out that the way people view and interpret events in their environment influences the way they behave. Behaviour is thus a direct consequence of the meaning people place on events (Spiegler (1983) in Cavaleros *et al.* 2002:51).

The parties involved in the domestic worker sector must thus take note of the following:

- they must have a thorough understanding of relevant legislation,
- they must be aware of their individual responsibility,
- they must be aware of the consequences of non-compliance and the sanctions that can be imposed (adapted from Held (2001:2) in Pillay 2005:36-37).



## **9. Moving beyond awareness: Why raising awareness is not enough**

While exploring environmental awareness in South Africa, Conradie (2003:132) concluded that the problem has clearly not been a lack of information or planning but rather that of "know-why and know-wherefore". There is thus an urgent need to move from "knowing-what-it-is" to "knowing-what-to-do-with-it" to ensure success. Mubangizi (2004:80) concluded in his research on the awareness levels of the public with regard to the Constitution, that despite all the effort government has put into the "marketing" of the Constitution over a ten-year period, the public knowledge of the existence of human rights institutions and the work they do was severely limited.

Effective labour relations ultimately require a mature approach by both parties involved, together with a mutual commitment to a peaceful position of trust (Botha 1993:143). There thus has to be a realisation that awareness is not a once-off event. It is an ongoing process, a journey. Reflecting on knowledge gained through awareness activities helps to put things into perspective (Tschudin 1991:109). According to Curle (1972: 15), awareness enables us to "order our actions".

The relationship between the domestic worker and the employer needs to go beyond the mere boundaries of employee/employer; only then will awareness transcend into appropriate action. Both the social and emotional effects of information on people's lives should be considered. The aim of any campaign or development programme should be the ability to bring about change for the better (Meyer 2002:100-101).

Greyling (2001:14) states that, in line with the outcomes specified by the National Task Team on the prevention of HIV/AIDS, it is important "to identify, access and mobilise sources of assistance within the community". It could be argued that employers in the domestic worker sector have greater access to information because of their ability to acquire that which is needed. This might well be due to their ability to access technology, the media and their general exposure to the "external world". To increase

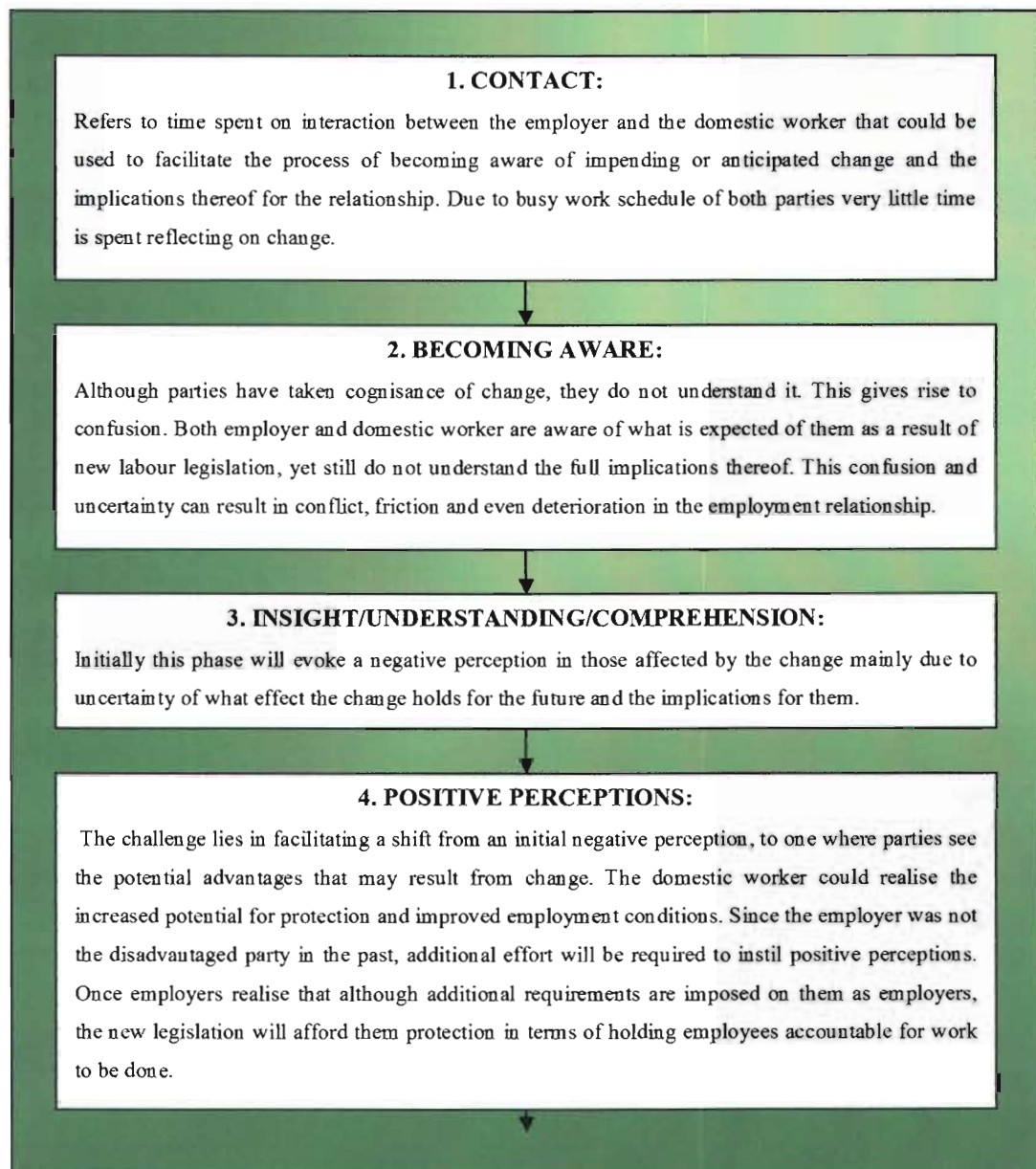
accessibility for employees, the possibility of educating individual domestics ought to be explored. They then proceed to venture into the community to share their knowledge and offer support. The concept of peer educators could prove valuable in this regard.

It has to be mentioned that various kinds of social interactions are impacted on by one's awareness both of one's own and of other people's responses to emotions, thoughts, and actions (Marková 1987:9). The capacity of people for self- and other-awareness results in efficient and flexible human interaction which results in people being able to co-ordinate their actions, to reinterpret their past actions and decisions, and plan for their own and others' futures. Indeed, all human activities and processes involve a capacity for awareness in one way or another (Marková 1987:10-11).

Although the employment relationship referred to in this study is limited to private households, the principles used to facilitate change in organisations can also be implemented to facilitate the process of reform in the domestic worker sector, as the sector moves from initial awareness, or lack of compliance, to compliance in line with legislative requirements. This process of transformation within the employment relationship is indicated in Figure 18. The researcher, however, views the existence of legislation and its enforcement as vital links in this progress from becoming aware, to actual compliance within the domestic worker sector.

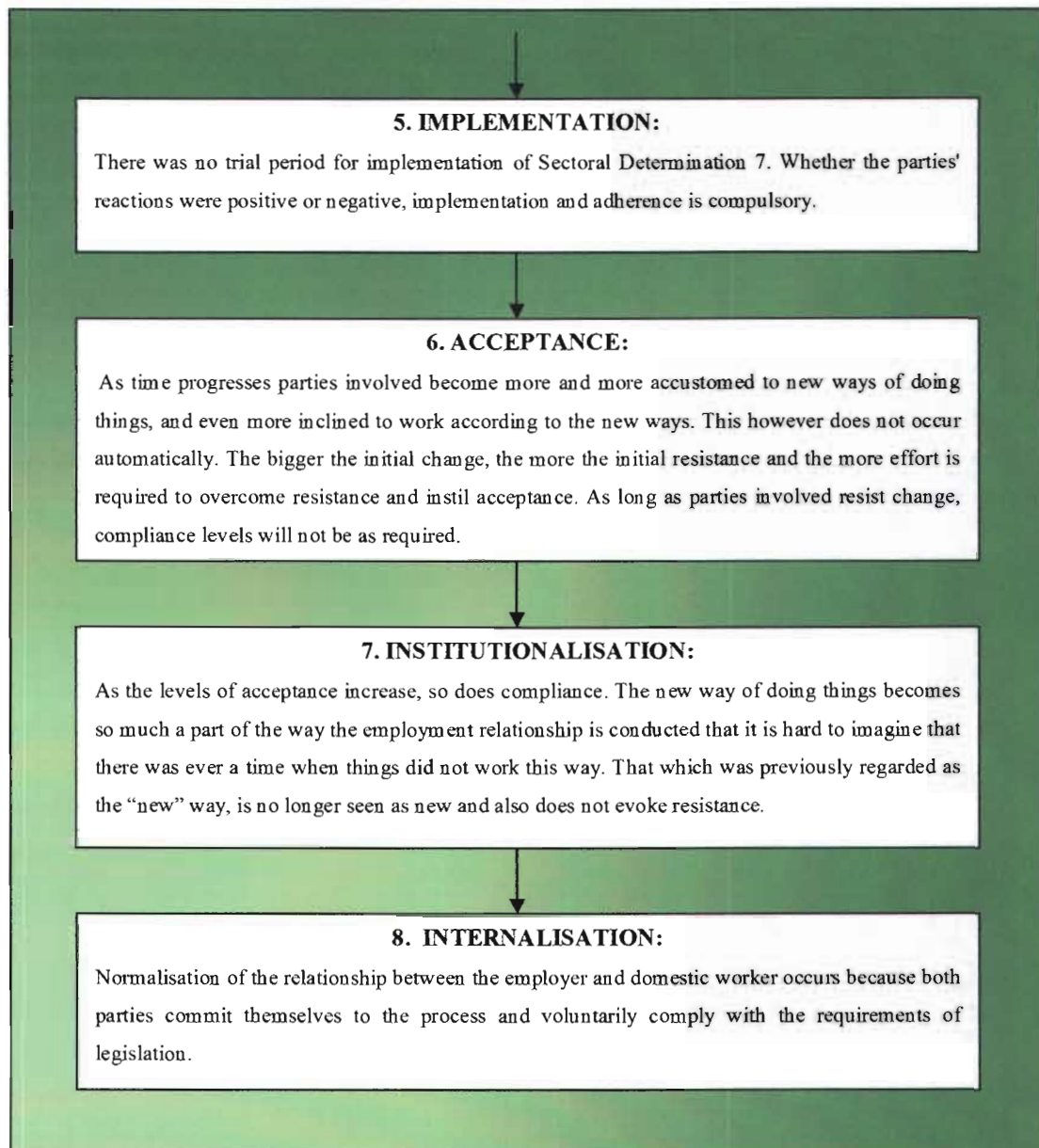
The author of "Toward the realisation of women's rights" (2001:10) concluded with the remark that "even where a law is not fully implemented, its adoption is not in vain". This implies that the mere fact that a specific piece of legislation has been discussed and passed in Parliament may have already contributed to the process of social and cultural change. The challenge lies in being able to assess to what extent change has occurred due to the implementation of Sectoral Determination 7. Awareness can never be taken for granted (Pendersen 2000:11) and in itself does not automatically result in

compliance. This amounts to an ever-present challenge facing all parties to the employment relationship to ensure effective interaction which benefits all.



**Figure 18: Moving beyond mere awareness**

Source: Adapted from Conner (1984:201) in Botha 1993:41-43.



**Figure 18 (continues) : Moving beyond mere awareness**

Source: Adapted from Conner (1984:201) in Botha 1993:41-43.

## **10. Conclusion**

The rich history of the domestic worker sector was explored in Chapter 2. The unique conditions prevailing in the domestic worker sector were placed in context. Legislative reform has over time played a valuable role in improving women's status in society in general, yet its impact on domestic workers has been limited due to the nature of the sector, which in the past was deemed to be "outside" of the legal system.

After the need for legislative transformation within the domestic worker sector had been acknowledged, an extensive consultation process resulted in the proclamation of Sectoral Determination 7. Mubangizi (2004:63) argued that "providing legislation for the protection of rights is one thing and protecting or implementing them is another". The question, according to him, is whether such rights are implemented in practice and to what extent South Africans actually enjoy and realise protection.

Launching extensive media campaigns, the Department of Labour aimed to create awareness regarding the process of reform and the content of promulgated legislation. Pillay (2005:36) argues that awareness programmes ought primarily to educate people with respect to their responsibilities and rights in order to ensure their empowerment. According to Meyer (2002:94,98) knowledge should be viewed as a "dynamic force" and the accessibility of information has a direct effect on its impact.

The literature indicates that awareness is not self-generating; it always stems from some form of related action. Awareness campaigns thus play a vital role in the creation of awareness through the information they impart, which results in knowledge. It should be noted that the mere existence of a well thought-out awareness campaign does not in itself guarantee awareness, but its value should not be underestimated.

Schuler and Kadirgamar-Rajasingham (1992:2) are adamant that the mere raising of awareness is not enough, and propagate the need for sufficient "legal literacy". Legal

literacy can be viewed as an enabling force, which assists in the process of understanding the link between the law, and in this case, labour legislation and empowerment. It is therefore vital that legislation be made accessible to all relevant role players so that they will explore the implications for their interaction. It must, however, be noted that mere knowledge of legislation is not an automatic guarantee of the enjoyment of those rights.

Given the individualised nature of the employment relationship within this sector, the researcher argues that a great deal of empathy is required. The key to future success lies in embracing the spirit of Ubuntu which is characterised by compassion and humanity (Gordon 1973:4-9). Ethical behaviour in the domestic sector would thus require each party to go beyond the letter of the law and to act unselfishly, giving consideration to the other party's needs.

According to Minister Mdadlala, complying with the stipulations of Sectoral Determination 7 gives practical expression to the acknowledgement that domestic workers are an important variable in the economic and social fabric of our society (RSA, 2006:2)

The empirical study evolved from the need to assess levels of awareness of, and compliance with, the stipulations of Sectoral Determination 7. Objectively assessing awareness and compliance levels will enable the establishment of a link between the efforts of the Department of Labour, promulgated legislation and resultant actions.

Having established a sound theoretical foundation for the purpose of this study, the research design and methodology used to gather empirical data will be discussed in Chapter 3.

## **CHAPTER 3**

### **RESEARCH METHODOLOGY**

#### **1. Introduction**

The aim of this chapter is to focus on the methodology used throughout the study. Specific attention will be given to the primary and secondary objectives of the research as the guiding parameters for the selection of the target population, sample size and research design. The pilot study and its impact on the final questionnaire will be discussed. The design, layout and administration of the final questionnaire will be explained. A summary of the biographical information obtained from the sample populations will also be presented. The analysis of data obtained will be described. The validity and reliability of the research design and information obtained as a result will be highlighted. Finally, the role of research ethics in the study will be explored.

#### **2. Research objectives**

The research objectives stipulated below form the “heart” of the study and each individual objective acts as a vein, channelling blood through the “body” of knowledge being gathered, gained and generated by means of this research project. These objectives aid in sharpening the focus of the study and thereby enabled the researcher to approach the project in such a way as to ensure that the “golden thread” was maintained throughout each phase of the research.

##### **2.1 Primary objective**

The primary objective of this research is to establish the awareness of, and compliance with, labour legislation in Emfuleni’s Domestic Worker Sector.

## **2.2 Secondary objectives**

The secondary objectives support the primary objective and required the researcher to focus on both the theoretical and empirical objectives, as indicated below.

### **Theoretical secondary objectives:**

- Provide a historical overview of the domestic worker sector.
- Distinguish the social, economic and legislative rationale for reform in the domestic worker sector.
- Investigate the introduction, content and implications of Sectoral Determination 7: Domestic Worker Sector.
- Explore the concepts of awareness and compliance within the scope of the study.
- Determine how levels of awareness and compliance by both domestic workers and employers of domestic workers can be assessed.

### **Empirical secondary objectives:**

- Determine current levels of awareness and compliance by both domestic workers and employers of domestic workers.
- Investigate the link between awareness of employment standards and action.
- Describe the application value of the research findings.

## **3. Research methodology**

### **3.1 Literature study**

Wisker (2001:114) states that the “basic process of research is based on inquisitiveness”. According to her, research is based on “enquiry methods and hypotheses, and contributes to our fund of knowledge about elements and areas of the world with which we are involved in the research”. She further highlights the fact that knowledge is produced during the course of the research, of which “self-knowledge” on the part of the researcher is significant. This notion is strengthened by Hart’s (1998:26-27) view that



the review thereof has a personal dimension that aims to develop the skills and abilities of the researcher.

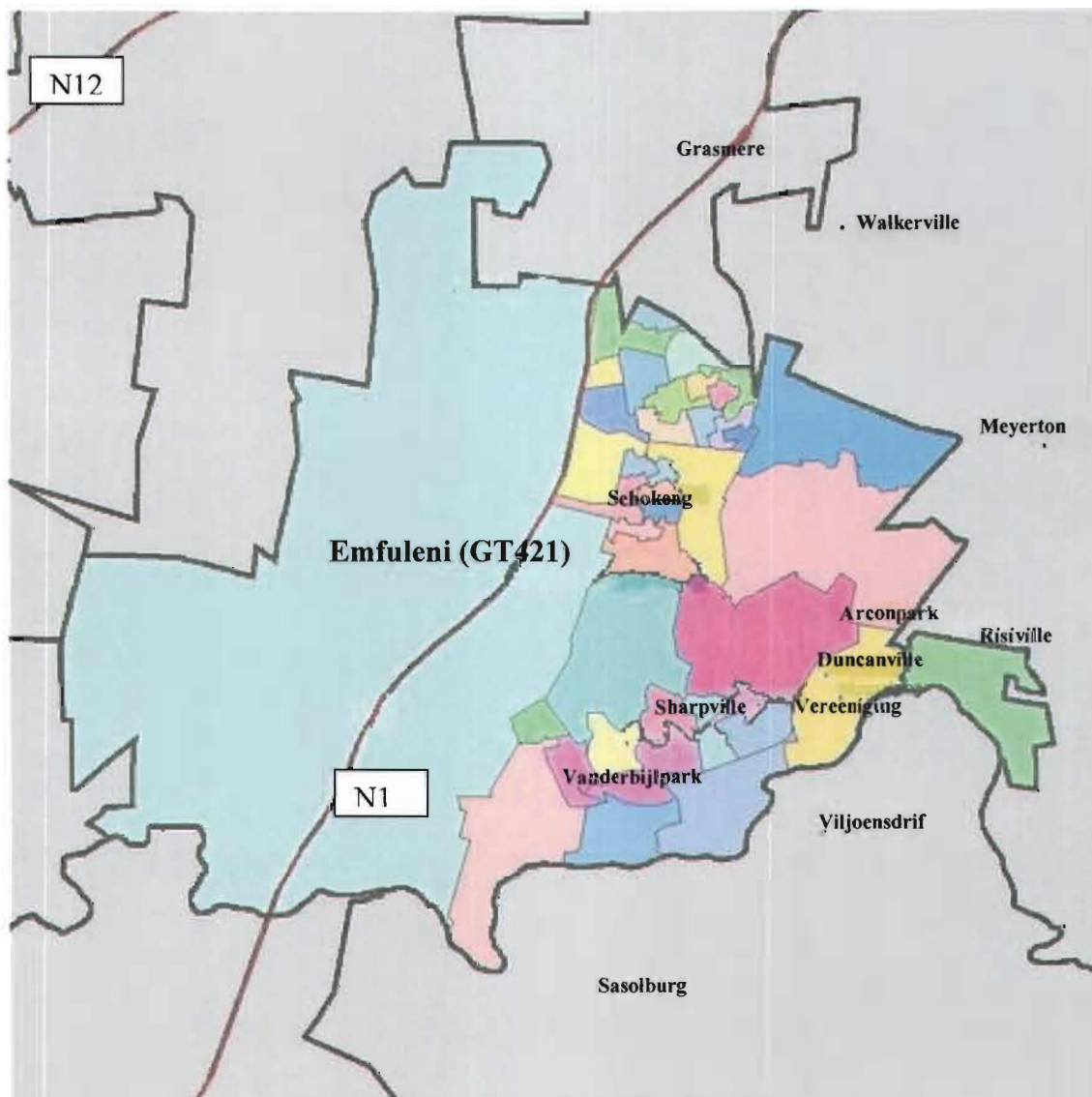
The researcher gained a great deal of insight into the general characteristics of the potential respondents (see Chapter 2, Table 2) through the literature review which aided in developing a sensitivity to the composition of role players in the domestic worker sector. The researcher, however, faced the challenge of converting knowledge gained into written text, which was only possible after acknowledging the fact that “writing is learned by writing” (Potter, Le Voi, Weild & Ward 2002:73). Chapter 2 is the result of an intensive literature study which linked the researcher's own work with known literature.

Peterson (2000:15) states that unless the researcher understands the information requirements, no attempt should be made to construct a questionnaire. The researcher directed all research actions to ensuring a thorough understanding of the context and content of the topic under research. This enabled the researcher to construct a meaningful measuring instrument, which ultimately enabled the collection of relevant statistical data.

### **3.2 Target population**

Breakwell *et al.* (2002:95) regards as the first step in survey design, the defining of the population from which the researcher wants to draw a sample. Opting for a realistic sampling frame, the researcher had to restrict the population to those that the researcher could reasonably access. Greenfield (2002:195) states that only once the population of interest has been defined will the researcher be able to work out the best way to sample them. As advocated by him, the researcher had to restrict the survey population due to the practical inability of giving all members of the population a chance of being selected.

Employers of domestic workers and domestic workers working within the geographical parameters of the Emfuleni Local Municipal District therefore constituted the target population for this study. The map below (see Figure 19) provides a visual illustration of the location of this district.



**Figure 19: Emfuleni Local Municipal District**

Source: Municipal Demarcation Board 2007

According to the Municipal Demarcation Board of South Africa, the Emfuleni Local

Municipality, together with the Lesedi Local Municipality and the Midvaal Local Municipality, constitutes the greater Sedibeng District Municipality (2007:1). The geographical area of Emfuleni comprises 9 658 860 square kilometres and is made up of approximately 130 different residential areas. Emfuleni was classified as an Area A for the purposes of Sectoral Determination 7 by the Demarcation Board, thus a municipal district with a high rate of urban population.

According to the Census of 2001 (4004:3,5), Emfuleni had a total of 152 959 formal households (potential employers of domestic workers) and 17 124 persons employed in private households (potential domestic workers), which constitute the target population for this study.

### **3.3 The sampling procedure**

According to Wisker (2001:138-139), any research method will depend on the researcher's ability to find and work on a sample. According to her the reason for sampling is to get a fair spread and reduce bias of choice. Smit (1995:16) emphasises that it is essential that the sample selected must be fully representative of the population in order to obtain valid answers to the research problem in the form of knowledge and insight gained.

- N= 152 959 private households and
- N= 17 124 persons employed in private households.

The research design ultimately necessitated that the researcher should make certain decisions regarding the number of participants required for the study. It was clear that alternative approaches were required in the sampling of employers of domestic workers and domestic workers in order to facilitate the maximisation of effective data gathering, since they were not necessarily all in the same employment relationship.

### **3.4 The sample size and selection of sampling elements**

Given the practical implications of approaching employers of domestic workers at their households and domestic workers at their place of employment, as well as the vastness of the various areas that constitute Emfuleni (see Chapter 3, Figure 19), it was decided to approach these two groups in different ways. This would enable the researcher to generate sufficient responses, given the practical implications of the limited time frame, financial constraints, nature of the population being studied, complexity of the survey design and available resources (Smit 1995:17; Breakwell *et al.* 2002:31; Greenfield 2002:185-186). For these reasons, a similar questionnaire was distributed to a total of 600 households and 400 domestic workers.

#### **3.4.1 Sample selection of employers of domestic workers within Emfuleni**

Convenience sampling (Gillham 2002:18) was used to select the Vaal University of Technology as an employer of a large number of individuals in the designated geographic region. All employees currently employed at the main campus of the Vaal University of Technology in Vanderbijlpark were earmarked as potential respondents.

Although the main campus is situated in Vanderbijlpark, employees reside in all the residential areas that form part of the Emfuleni Local Municipality and so it is regarded as sufficiently representative of the research area. This also ensured a highly representative population, as the Vaal University of Technology is regarded as an equal opportunity employer (Department of Labour 2005:1-12) which employs a total of 375 academic staff and 792 non-academic staff (including administrative and service workers) at the time of sample generation. Since this division included all levels of employees, no further differentiation was made based on job level, income level or educational level.

A detailed list of all employees working at the main campus of the Vaal University of Technology in Vanderbijlpark was obtained from the IT department of the University.

Employees are classified as either academic or non-academic at the institution and therefore a process of simple random sampling (Welman & Kruger 2000:52-54) was applied, whereby “each member of the population has the same chance of being included in the sample”. This process resulted in the selection of a total of 200 academic employees and 400 non-academic employees out of the total workforce, for the purpose of this study (n= 600). No further differentiation was made since respondents were requested to indicate whether their household either employed or did not employ a domestic worker.

It must, however, be noted that Sectoral Determination 7 applies only to the utilisation of labour by the employer of a domestic worker, or the provision of labour by a domestic worker, within a private household and for a minimum duration of 24 hours or more per month (Van Niekerk 2003:7-9). If a domestic worker was employed, the person had to work for a minimum of 24 hours per month. A further criterion was that the household had to fall within the boundaries of the Emfuleni Local Municipal District.

Only those respondents who were able to answer "yes" to all three of the questions stipulated in Section A (Annexure A) of the employers' questionnaire were requested to continue and complete the remaining questions, as they met the requirements for qualifying as respondents in this study.

Although a total of 134 questionnaires was returned (via the internal mail), the statistical analysis will be limited to those 68 respondents who replied positively to all three questions in Section A (Annexure A) and correctly completed the rest of the questions as requested.

#### **3.4.1.1 Composition of sample group: Employers**

Delimitation of the demographic characteristics of the sample population is vital for the development of a thorough understanding of the composition of the respective sample

populations. The researcher's current insight into these characteristics initially stems from the literature review and is complemented by the statistical analysis of responses received. Completed questionnaires enabled the researcher to explore the general demographics of the respondents, as indicated by the percentages in Table 9, for the employers of domestic workers. Nil responses are not indicated.

**Table 9: Biographical information of employers of domestic workers (n=68)**  
(Section B of Annexure A)

1	Gender:	Male		Female	
		22,06%		77,94%	
2	Ethnic group:	Black African	Coloured	Indian /Asian	White
		23,52%	2,94%	4,41%	69,12%
3	Marital status:	Single	Married	Divorced	Widowed
		13,24%	76,47%	4,41%	5,88%
4	Age:	19-30 years			7,35%
		31-40 years			35,29%
		41-50 years			26,18%
		51-60 years			27,94%
		Older than 61 years			2,94%
5	Highest level of formal education attained:	None			1,47%
		Grade 4-7			2,94%
		Grade 8-9			2,49%
		Grade 10-12			16,18%
		Diploma			8,82%
		Degree			14,71%
		Post Graduate			52,94%
6	Employment status:	Unemployed			1,47%
		Employed			94,12%
		Self-employed			1,47%
		Pensioner			2,94%
7	Home language:	Afrikaans	English	Sepedi	Sesotho
		63,23%	13,24%	1,47%	11,76%
		Setswana	isiXhosa	isiZulu	Other
		1,47%	4,41%	4,41%	0

Whereas the literature generally regards the employment relationship of employers and domestic workers as one that occurs mostly between females, the biographical information depicted in Table 9 indicates that a large number of employers are in fact male (22,06%). The employment relationship should thus not be regarded as a gender-specific relationship. A variety of reasons could be alleged for this tendency, but in this case it would amount to mere speculation, since the questionnaire did not attempt to explore reasons for this phenomenon.

As can be seen in Table 9, a total of 23,52% of employers indicated that they are Black, 2,94% are Coloured, 4,41% are Indian/Asian and 69,12% are White. Of these respondents, 13,24% were single, 76,47 married, 4,41% divorced and 5,88% widowed.

Table 9 further indicates that the age distribution of employers is concentrated between the ages of 31 and 60. This accords with the fact that 94,12% indicated that they were employed, which is consistent with their age bracket. A further reason for the high rate of reported employment of employers could be the fact that the questionnaire was distributed within an institution that acts as their employer (see Chapter 3, 3.4.1).

Respondents indicated that 52,94% had post graduate qualifications, 17,71% had a degree, 8,82% had a diploma and 16,18% had attained at least grade 10 (see Table 9). These levels of education are regarded as indicative of the ability of these respondents to gain knowledge.

Although Table 9 indicates that 69,35% of employers indicated their home language as Afrikaans, 13,24% as English and 11,76% as Sesotho, the questionnaire was distributed only in English as that is the official language used at the Vaal University of Technology for all correspondence.

Sectoral Determination 7 defines the concept "domestic worker" broadly to include a variety of job categories (see Chapter 2, Figure 8). Responses to Question (Q) 1 of Section C (Annexure A) (see Table 10) reflects the fact that respondent employers mostly made use of domestic workers in the traditional sense (100%). A total of 44,12% of employers also reported that they employed gardeners (44,12%), caregivers for children (1,47%) or caregivers for the aged (1,47%). This is not to say that domestic workers that fall into the other categories of domestic workers, as indicated in the definition, are not to be found within the geographical boundaries of Emfuleni.

**Table 10: Household profile of employers of domestic workers  
(Section C of Annexure A)**

<b>1</b>	<b>Types of workers currently employed by respondent's household:</b>	Domestic worker	100%
		Gardener	44,12%
		Caregiver for children	1,47%
		Caregiver for the aged	1,47%
<b>2</b>	<b>Age of domestic worker currently employed by household:</b>	19-30 years	8,82%
		31-40 years	29,41%
		41-50 years	33,82%
		51-60 years	22,06%
		Older than 61 years	5,88%

Table 10 further indicates that there is no employment by respondent employers of under-aged domestic workers. In comparing this tendency to responses of domestic workers in this regard (see Table 11), the researcher became aware that there should not be a sense of complacency, since 1,82% of respondent domestic workers indicated that they were younger than 15 years and 0,36% were between the ages of 15 and 18 years at the time. Although these statistics are small compared to the total number of respondents, Sectoral Determination 7 specifically prohibits child labour.



### **3.4.2 Sample selection of domestic workers working within Emfuleni**

Due to the individualised nature of the employment relationship that exists between domestic workers and their employers and the sensitive nature of the information sought, the researcher opted not to intrude unnecessarily in private households. For this purpose a total of 25 graduate and postgraduate students at the Vaal University of Technology were sourced to act as fieldworkers. They were requested to approach domestic workers at taxi ranks, on public transport and in their communities, for the purpose of the study. Utilising accidental sampling enabled the researcher to “collect information from members of the population that are near and readily available” (Welman & Kruger 2000:62-63).

#### **3.4.2.1 Composition of sample group: Domestic workers**

A total of 400 questionnaires was distributed via the fieldworkers for completion by domestic workers during the month of October 2006. Only those respondents who were able to answer "yes" to both of the questions as stipulated in Section A (Annexure B) of the domestic workers' questionnaire were requested to continue and complete the remaining questions, since they met the requirements for respondents in this study. This thus implied that they worked for a minimum of 24 hours a week in a private household within the geographical boundaries of Emfuleni.

In total, 274 questionnaires were returned and are included in the statistical analysis. These completed questionnaires also enabled the researcher to explore the general demographics of the domestic workers, as indicated by the summary of responses in Table 11. Nil responses are again not indicated.

As suggested by the literature (see Chapter 2), and also supported by statistical data gathered from respondents, Table 11 indicates that the largest portion of respondent domestic workers are in fact Black African women. A total of 72,26% of respondents indicated that they are female and 86,13% of respondents indicated that they are Black.

Table 11 further shows that only 37,23% of domestic workers indicated that they were married. A total of 36,13% indicated that they were single, 12,77% that they were divorced and 11,68% were widowed.

**Table 11: Biographical information of domestic workers**

**(Section B of Annexure B)**

1	Gender:	Male: 26,64%		Female: 72,26%			
2	Ethnic group:	Black African 86,13%	Coloured 7,30%	White 0,73%			
3	Marital status:	Single 36,13%	Married 37,23%	Divorced 12,77%	Widowed 11,68%		
4	Age:	Younger than 15 years	1.82%	5	Highest level of formal education attained:	None	9,49%
		15-18 years	0,36%			Grade 0-3	9,49%
		19-30 years	12,77%			Grade 4-7	23,36%
		31-40 years	35,04%			Grade 8-9	27,37%
		41-50 years	35,04%			Grade 10-12	26,64%
		51-60 years	13,50%			Diploma	1,82%
		Older than 61 years	0.73%				
6	Home language:						
	Afrikaans 8,03%	Sepedi 9,49%	Sesotho 38,32%	siSwati 1,46%			
	Xitsonga 2,19%	Setswana 9,49%	Tshivenda 1,82%	isiXhosa 8,39%	isiZulu 20,07		
7	Number of persons dependent on current income of domestic worker:						
	Adult dependants		Child dependants				
	0	34,38%	0	10,49%			
	1	29,30%	1	24,34%			
	2	4,69%	2	23,22%			
	3	3,52%	3	24,34%			
	4	0,78%	4	5,99%			
	More than 5	0,39%	More than 5	3,00%			

**Table 11: Biographical information of domestic workers (continues)**  
**(Section B of Annexure B)**

<b>8</b>	<b>Combined household income per month:</b>	Less than R500.00	4,74%
		R501.00-R1000.00	43,43%
		R1001.00-R1499.00	28,10%
		R1500.00-R1999.00	10,22%
		R2000.00-R2999.00	8,03%
		R3000.00-R3999.00	2,92%
<b>9</b>	<b>Current occupation for which domestic worker is engaged:</b>	Domestic worker	65,68%
		Gardener	17,34%
		Caregiver for children	5,54%
		Caregiver for the aged	0,74%
		Caregiver for the sick	0,37%
		Driver/Chauffeur	6,64%
		Domestic worker supplied by an agency	3,69%
<b>10</b>	<b>Age at which domestic worker first started working as a domestic worker:</b>		
	Mean: 30 Years	Maximum: 54 Years	Minimum: 10 Years

Although the majority of respondents were between 19 and 60 years of age, Table 11 also shows that 1,82% indicated that they were younger than 15 years and 0,36% that they were between 15 and 18 years of age. Table 11 further indicates, however, that the average age at which respondents started working as domestic workers was 30 years.

The lack of education, as is evident from the 69,71% of respondent domestic workers who indicated that they had attained less than a grade ten certificate, undeniably entrenches the overall inability to “escape” the domestic worker cycle (see Chapter 2, Figure 1).

Table 11 further underlines the financial need that respondent domestic workers experience. It becomes clear that there is a vast extended responsibility on the shoulders of the domestic worker to care for and/or support others by means of his/her income. This is further illustrated by the fact that 48,17% of respondents had a combined household income of less than a thousand rand per month.

Since it is common practice for domestic workers to be employed by more than one employer at any given time, Section E (Annexure B) aimed at assessing the current employment situation. This section attempted to establish total days worked per week, total number of employers, the compensation received from each employer, total number of hours worked per week, as well as the combined total monthly compensation received by the domestic worker from all employers. It must be noted that this section was so very poorly completed that the researcher will reflect only on the usable data that emerged, i.e.: total number of days worked per week and the number of employers who employ the domestic worker simultaneously. Table 12 highlights responses in this regard.

**Table 12: Total current employment profile  
(Section D of Annexure B)**

<b>1</b>	<b>Total number of days employed per week:</b>	One	1,82%
		Two	2,19%
		Three	5,11%
		Four	7,66%
		Five	58,03%
		Six	19,34%
		Seven	5,11%
<b>2</b>	<b>Number of simultaneous employers:</b>	1	79,85%
		2	10,62%
		3	3,66%
		4	1,83%
		More than 4	0,73%

Only 1,82% of domestic workers indicated that they worked only one day a week, 2,19% worked two days a week, 5,11% indicated that they worked four days a week and a total of 58,03% of domestic workers indicated that they worked five days per week. It should be noted that 79,85% of domestic workers indicated that they worked only for a single employer. This largely gives validity to their responses assessed in Section E (Annexure B), which focuses on their relationship with their main employer, in an attempt to establish compliance levels by comparing this employer's actions to legislative requirements.

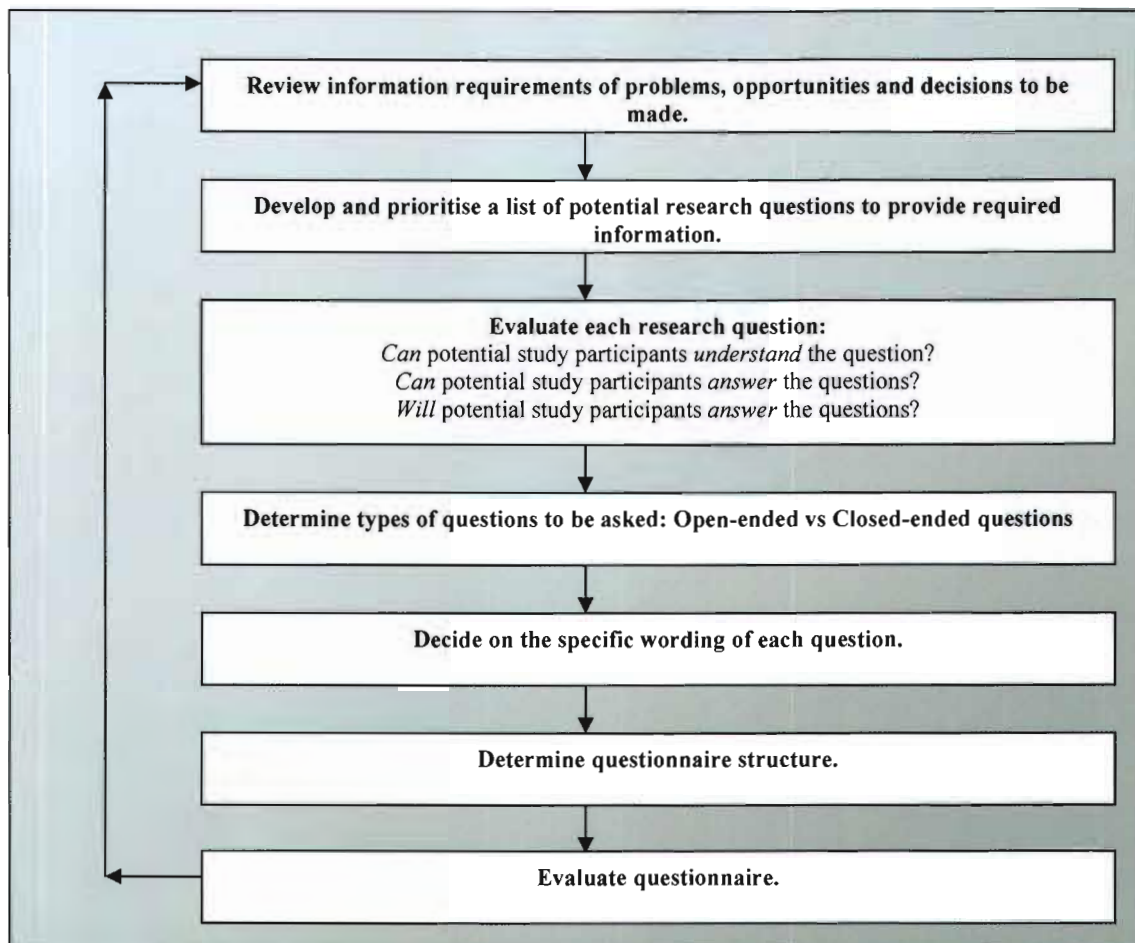
### **3.5 Data collection and research instrument**

#### **3.5.1 Construction of questionnaire**

Peterson (2000:3) states that “research questions seldom appear in isolation”. This growing awareness became an all too real part of the researcher’s understanding of the topic in general. During the initial literature review and thereafter, the researcher started with a compilation of possible questions and aspects that needed to be addressed in the questionnaire. The end result of these actions was a “basket” full of possibilities. The challenge, however, lay in the filtering, refinement and ultimately the compiling of a measuring instrument that would enable the achievement of the set objectives.

Peterson (2000:14) identified various steps to facilitate the construction of a questionnaire, as indicated in Figure 20. As advocated by Peterson (2000:14-15), the researcher adopted a systematic approach in the constructing of the questionnaires for the employers of domestic workers and domestic workers respectively. After the initial information review, a list of research questions was developed and prioritised. Each research question was carefully evaluated. Special attention was given to the wording of each question in an attempt to guard against possible misunderstandings. The questionnaire's structure was designed with the optimisation of response rate in mind. Progress was evident when reflecting on the various consecutive drafts of the initial questionnaires.

As further indicated in Figure 20, the evaluation of the questionnaire actually “loops back” to the first step, necessitating critical evaluation and improvement, or affirmation of those elements that are already delivering desired reactions or information. Although evaluation took place at each step of this process, it must be mentioned that the pilot study ultimately played a vital part in evaluating the application value of the questionnaires for both employers of domestic workers and domestic workers, given the diverse nature of the target population.



**Figure 20: Steps followed in the construction of the questionnaire**

Source: Peterson (2000:14)

### 3.5.2 Pilot study

In order to validate the usefulness of the preliminary questionnaire, a pilot study was undertaken during the course of July and August 2006. The main aim of the pilot study was to enable the researcher to get feedback on the clarity and functionality of the questionnaire (Gillham 2002:19). Breakwell *et al.* (2002:159) state that it is probably impossible to design the perfect questionnaire. This became apparent from feedback received from respondents and peers during the course of the pilot study. The researcher views this as an inevitable part of the research process.

A total of 50 households employing a domestic worker and 50 domestic workers within the demarcated area were randomly selected to take part in the pilot study. It must be noted that these selected employers and domestic workers were not necessarily in a direct employer-employee relationship, but did comply with the requirements of this study. The completed questionnaires were statistically analysed and critically evaluated. This exercise proved to be a valuable experience and is to a large extent responsible for the actual outcome of the research project as a whole.

According to Smit (1995:17), researchers have to take cognisance of both operational and organisational decisions that could impact on the outcome of data collection. He therefore warns that potential problems should be anticipated as far as possible and that plans be drawn up to avoid such problems. The researcher viewed the pilot study as a gradual transformation process, aiding the researcher in moving from an initial draft questionnaire to a final workable questionnaire (see Chapter 3, Figure 20). A great deal of attention was paid to those elements that the pilot study indicated as problematic. The following actions were taken as a result of feedback received:

- the questionnaire was refined,
- special attention was paid to the actual layout of the questionnaire,
- the number of questions were reduced,
- attention was paid to the order of questions,
- attempts were made to make the questionnaire more user-friendly,
- A4 paper size was used for the final questionnaire instead of the original A5,
- methods to increase response rates were explored,
- the need to motivate participation was acknowledged, and
- time constraints of respondents were considered.

Gillham (2002:39) stated that an uncluttered look and the overall length of the questionnaire have a direct effect on the response rate. This advice was central in the researcher's attempts to ensure that each question justified its place in the final



questionnaire. The statistical analysis of responses during this stage proved invaluable and aided in getting the “go-ahead” for the final questionnaire.

Breakwell *et al.* (2002:32-33) argue that “deadlines” aid in punctuating the research. The pilot study indicated that a realistic timeframe for the distribution, completion and return of questionnaires would be a period of one month.

### **3.5.3 Contents of questionnaires**

Although each phase of the research process can be clearly distinguished, the phases are inevitably interdependent and the researcher considered all aspects of the research process at each individual phase. For this purpose, careful consideration was given to the way in which the questionnaires were structured as well as to the content and its impact on the response rate, information gained and ultimately its usefulness for statistical analysis.

Due to the unique nature of the study, the researcher was unable to attain from the literature a pre-existing measuring instrument that would enable the procurement of data as necessitated by the research objectives. The researcher therefore opted to design a tailor-made measuring instrument to maximise the application value of data gathered.

Several brainstorming sessions, careful planning and deliberation with study leaders, colleagues and representatives of the Department of Labour as well as domestic workers culminated in the final questionnaire for both the employer of the domestic worker (Annexure A) and the domestic worker (Annexure B).

Breakwell *et al.* (2002:158-159) view the apparent simplicity, the versatility, and the low cost as the main advantages of using a questionnaire. Despite these apparent benefits the researcher paid special attention to the formulation and layout of questions in an attempt

to ensure access to data that reflect the various elements that are central to the research objectives.

The researcher opted in the design of the questionnaire to guide respondents to move from questions more general in scope to more specific question types, as the respondent progressed through the questionnaire. There was thus a logical progression from more general questions to more specific ones. Breakwell *et al.* (2002:172-173) state that “people need time to get accustomed to the types of issues you are interested in...”. The questionnaire was designed not to give offence and thus gradually guided the respondent along a route of information volunteering, which ultimately enabled the researcher to reach the set objectives. This progression is illustrated in Table 13, which provides a sectional overview of the questionnaire construct.

**Table 13: Sectional overview of questionnaires**

	<b>Employer</b> (Annexure A)	<b>Domestic worker</b> (Annexure B)
<b>Section A</b>	Verifying sample population (Q1-3)	Verifying sample population (Q1-2)
<b>Section B</b>	Biographical information of employer (Q1-7)	Biographical information of domestic worker (Q1-10)
<b>Section C</b>	Household profile (Q1-2)	Awareness (Q1-40)
<b>Section D</b>	Awareness (Q1-40)	Current employment (Q1-5)
<b>Section E</b>	Current employment relationship (Q1-31)	Main employer relationship (Q1-31)
<b>Section F</b>	Termination of employment (Q1-2)	Termination of employment (Q1-2)
<b>Section G</b>	General (Q1-9)	General (Q1-6)

The administration of the questionnaire survey enabled the researcher ultimately to measure the levels of awareness of, and compliance with, labour legislation in

Emfuleni's domestic worker sector among both employers of domestic workers and of domestic workers.

### **3.5.4 Administration of questionnaires**

Wisker (2001:147) acknowledges the fact that questionnaires are a method that enables a researcher to gather a large number of responses, but also warns that response rates are frequently not high because people become irritated by questionnaires and refuse to complete them. It is thus advisable to introduce the context of the questionnaire explicitly so that all study participants possess the same level of prior knowledge when answering the various questions (Peterson 2000:8). Gillham (2002:38) expressed the view that if respondents are clear about what the researcher is trying to find out and why, they are more likely to respond appropriately and helpfully or, indeed, at all.

#### **3.5.4.1 Covering letter**

The researcher was well aware of the fact that both employers of domestic workers and domestic workers themselves would have varying reasons for completing the questionnaire or opting not to participate in the study. This "respondent's freedom of choice" was clearly communicated in the covering letter to all potential respondents. However, the researcher argues that the covering letter largely contributed to the final response rate, both because of the sincere plea for co-operation as well as the researcher's careful explanation of the potential impact of participation on the final product.

The assurance of anonymity further contributed to the respondents' decision on participation. Fear of prosecution, especially in the case of the employers of domestic workers, was a reality counteracted by the assurance of confidentiality. This assurance was given in an attempt to limit resistance to co-operation (Peterson 2000:7).

#### **3.5.4.2 Mail survey (Employers)**

Permission was obtained for an extensive internal mail campaign to be undertaken at the main campus of the Vaal University of Technology (Vanderbijlpark). Each selected respondent received a personalised envelope containing a covering letter explaining the nature of the research, clear instructions on the completing and returning of the questionnaire and a self-addressed envelope for returning the completed questionnaire to the researcher via the internal mail. In an attempt to ensure sufficient responses, 600 questionnaires were distributed in this manner.

The issue of timing was crucial and therefore the questionnaires were distributed as employees returned from their spring recess at the beginning of October 2006. The closing date of 30 October 2006 was indicated in the covering letter and a sincere request for co-operation was communicated to encourage swift responses. Although there was an initial surge in responses, a general e-mail reminder was sent out on 1 November 2006 to all employees, thanking those who had already responded and requesting those respondents still intending to complete the questionnaire to view it as urgent.

#### **3.5.4.3 Fieldworkers**

An initial training session was conducted with selected fieldworkers on the content of the questionnaire and their role in accessing respondents. This was followed by enthusiastic outreach actions by fieldworkers at taxi ranks, on public transport and in communities where domestic workers could be accessed.

Although the questionnaire was available only in English, fieldworkers were well informed about the content and meaning of the various sections of the questionnaire and of the importance of its accurate completion. Given these facts, fieldworkers were able to translate the questions accurately, as required by respondents. The researcher constantly kept in mind the characteristics of the target population, with specific

reference to their ability to complete the questionnaire accurately. Therefore, in the light of the limited literacy skills of many of the domestic workers approached, the fieldworkers provided a valuable link between the researcher and the respondents. The fieldworkers also enabled the researcher to reach “as large a geographical spread of the population of interest as possible” (Greenfield 2002:196).

A total of 400 questionnaires were distributed via the fieldworkers for completion by domestic workers during the month of October 2006. The closing date of 31 October was indicated in the covering letter and fieldworkers were requested to return completed questionnaires shortly after this date.

### **3.5.5 Processing of questionnaires**

According to Greenfield (2002:240), the concept “statistics” has a two-fold meaning, referring to numerical data describing some phenomenon, and to the science of collecting and analysing those data.

Peterson (2000:9-10) emphasises that the manner in which answers to research questions are obtained must be taken into account when analysing and interpreting them. For this purpose he identified three interrelated themes that must be kept in mind, namely:

- the source of an answer to the research question – the researcher thus has to facilitate retrieval,
- the mode of questionnaire administration – the extent to which questions are effective is partially a function of how the questionnaire is administered to study participants, and
- the cognitive and communication skills of study participants.

According to Breakwell *et al.* (2002:33), the choice of statistical analysis is determined by the research design, the types of data collected and the research questions that need to be answered. The researcher experienced this stage of the research as very rewarding

since the statistical summary of responses indicated real progress towards the attainment of the set research objectives. Greenfield (2002:49) views a statistician as objective, and the researcher became aware of the significant role that this “research partner” played in realising set objectives.

Despite the obvious application value of statistical analysis, Smit (1995:18-19) states that “statistics should be viewed as an aid to research and not a substitute for sound logical reasoning”. Smit also regards statistical methods as tools that enable the researcher to:

- interpret the research data accurately and reliably,
- sort through the vast amount of information collected during the course of the research,
- draw conclusions from information gathered,
- show relationships that exist between variables in order to make meaningful predictions, and
- put research findings to practical use.

According to Booth, Colomb and Williams (1995:175), “readers judge the quality of your research by the significance of your claim and the power of your argument”. The aim of the statistical analysis is therefore ultimately to aid in the reader’s understanding of data and arguments put forward by the researcher by having these presented in an alternative way. For this purpose extensive use will be made of visual aids in the form of tables, charts, graphs, diagrams, maps and logical structures.

Gillhan (2002:1) warns that “good research cannot be built on poorly collected data”. This sentiment is very strongly worded in Section 4.2 of the Declaration of Helsinki (1975) in Greenfield (2002:45) which states that “it is unethical to conduct research which is badly planned or poorly executed”. The researcher thus guarded against detracting from the value of results as a result of potential problems that could have been

anticipated. Therefore the researcher adopted a proactive approach at each step of the research process.

Booth *et al.* (1995:192), however, state that while it is important to present data visually, the researcher has an ethical obligation not only to ensure that the correct “story” is being conveyed but also to guard against “unfair manipulation” of data. The value of visual devices in communicating complex data thus lies in the fact that they help the researcher to discover patterns and relationships that might otherwise have been missed (Booth *et al.* 1995:197). For this reason the researcher explored the various alternatives before finalising the statistical representation of results.

### **3.5.6 Validity and reliability**

According to Stone *et al.* (1990:427) in Peterson (2000:11), the quality of questionnaire-based information has profound implications for the validity of results and utility of practice-related recommendations made. The researcher fully acknowledged the need to design and administer a questionnaire that actually accomplishes what it is intended to accomplish. Breakwell *et al.* (2002:24-25) specify that one of the main reasons for the formulation of research questions is to ensure that the data collected will actually address the research questions which are of interest. To attain this, the research questions themselves should shape the design of the research from the onset.

The researcher attempted to enhance the validity and reliability of the measuring instrument, findings and recommendations through the following actions:

- the use of “ambiguous and vague wording” (Greenfield 2002:174) in the questionnaire was avoided,
- data collection was done with great circumspection in order to ensure data collection methods used were scientifically valid (Smit 1995:17),
- the researcher used sound planning and appropriate statistical techniques to ensure valid and significant results (Smit 1995:19),



- a purposeful attempt was made to ensure the procurement of a representative “cross-section” (Breakwell *et al.* 2002:89) of the populations under study so that it is possible to make comparisons between sub-groups and look for relationships between variables,
- the researcher guarded, at each stage of the research project, against influencing the research design or outcome as a result of personal beliefs, attitudes or pre-conceived ideas,
- data entered was validated with each entry to eliminate errors or mistakes (Greenfield 2002:262). This was achieved by proof reading data entered by the statistician to ensure that there were no errors, omissions or inconsistencies in the capturing of data. Each questionnaire received back by the researcher was numbered to ensure that the researcher could refer to individual questionnaires should statistical analysis indicate the need for this.

Potter *et al.* (2002:154-155) state that “academic research is about creating a community of scholars which is sustained by both trust and scepticism”. According to them, any piece of research by any professional academic should be capable of being repeated in order to test the reliability of the results. It is argued by the researcher that the pilot study played a vital role in ensuring the reliability of the study. This is due to the fact that results obtained by means of the actual study largely corresponded with trends identified during the pilot study. This is regarded as being indicative of the possibility of repeating the study in similar circumstances. Wisker (2001:253) states that reliability relates to how well the researcher has carried out the research. According to her, research is considered reliable if another researcher who carries out the same research activities with the same kind of group is likely to replicate the findings. However, she emphasises that these findings “need not be identical”. The researcher actively pursued “accuracy and honesty” in describing the research methodology used in this study in order to ensure reliability should it be repeated in future.

Since facts (knowledge and actions) were assessed and not perceptions, and questions posed to respondents were not repeated (due to the sheer number of stipulations being assessed in terms of both awareness and compliance) within the questionnaires, validity of the measuring instrument was not statistically assessed. Wisker (2001:253) however states that findings of research projects will likely be valid if there is cohesion between the conceptual framework, questions and findings of the research. Thus methods, approaches and techniques used must fit with and measure issues being researched.

It is argued that the measuring instrument designed by the researcher clearly enabled access to required data (see Chapter 4, 3.11 (Table 16) & Chapter 5, (Table 26)). Breakwell *et al.* (2002:170) stated that it is useful to assess factual knowledge by means of a questionnaire survey. In the case of the present study this was especially helpful in assessing awareness levels, which ultimately reflect on knowledge levels or even the lack thereof, and compliance levels.

### **3.5.7 Research and ethics**

The researcher's work links her with those whose research she has used in this study and also those who will use the researcher's research in future. Research thus challenged the researcher to constantly make choices that honour the researcher's ethical principles and also accommodate the interests of others (Booth *et al.* 1995:255-256).

Greenfield (2002:179) aided in shaping the researcher's ethical responsibility towards the following categories of people:

- The public:  
ensuring survey results were presented fairly in public and ensuring that any distortions were corrected,
- The profession:  
it was important not to act in a way that would discredit the profession or make it difficult for other researchers to conduct research in future because of the

researcher's actions. The researcher's own ethical standards required that a purposeful attempt be made to refrain from any intentional plagiarism,

- The respondents:

the survey was conducted in such a way as to ensure that informed consent was given by the respondent, participation was voluntary, confidentiality was protected and no harm came to the respondents as a result of their participation in the research.

#### **4. Conclusion**

The aim of Chapter 3 was to indicate clearly the methodology used during the course of this study. Hart (1998:28) defines methodology as: "A system of methods and rules to facilitate the collection and analysis of data. It provides the starting point for choosing an approach made up of theories, ideas, concepts and definitions of the topic; therefore the basis of a critical activity consisting of making choices about the nature and character of the social world". By giving a clear outline of each phase of this study, the researcher has enabled the reader to develop an orientation to and understanding of the approaches taken and of their value.

As the researcher set out to create and add to a "community of shared understanding and interest" (Booth *et al.* 1995:256-257) through the current research topic, she embarked on a journey of discovery which will culminate in the evaluation of the statistical data obtained. This data will be illustrated and discussed in detail in Chapter 4. A purposeful attempt will be made to link the "world of literature" and the "real world" which is an integral part of the everyday reality faced by both employers and domestic workers within the domestic worker sector.

## **CHAPTER 4**

### **ANALYSIS AND INTERPRETATION OF EMPIRICAL FINDINGS**

#### **1. Introduction**

Chapter 4 will in essence focus on the reporting of the empirical findings. The research results will be presented in an attempt to facilitate the understanding of the significance of the findings within the scope of the study. Although different approaches were adopted for accessing respondents, the content of the respective questionnaires is similar and therefore results will be presented simultaneously in a comparative manner.

The research questionnaires were aimed at establishing current levels of awareness and compliance by both employers of domestic workers and domestic workers within the demarcated area. It must be noted that a direct employment relationship does not necessarily exist between respondent employers and domestic workers. Sectoral Determination 7 acted as the guiding parameter in assessing knowledge of its stipulations and the appropriateness of actions by both parties with regard to these stipulations. Responses were initially analysed by using descriptive statistics and are now illustrated to further facilitate the accomplishment of the set research objectives.

#### **2. Analysis of survey results**

Sectoral Determination 7: Domestic Worker Sector provided the ultimate measure for assessing the relevance of current awareness levels, by assessing knowledge levels. The questionnaires attempted to assess awareness levels by asking knowledge-related questions. Analysis in this regard will focus on correct, incorrect, "not sure" or missing (no) responses. Since the existence of a "not sure" response indicates the lack of correct awareness, it was vital to include this alternative. It must be noted that careful selection was required, since not every stipulation of the determination could be assessed, given the sheer number of stipulations and the limitations faced by the use of questionnaires.

Aspects focussed on in the assessment of compliance were selected along these same parameters, although the alternative viewpoints of the employer of a domestic worker and a domestic worker are reflected in the wording of the questionnaires and ultimately in their responses.

The presentation of results will thus correspond to the layout of the questionnaires (see Annexure A and Annexure B) as completed by both employers of domestic workers and domestic workers.

## 2.1 Classification of responses: Awareness

Awareness levels of respondents were assessed by asking knowledge-related questions. In order to distinguish between different levels of awareness within the scope of the study the researcher needed to quantify responses. Combined correct responses will be classified as indicated in Table 14. Percentages of less than 39% will be regarded as lacking in awareness, 40% to 59% will be regarded as having limited awareness and 60% and above will be classified as having significant awareness. This classification will be applied to each question as presented in the section to follow.

**Table 14: Classification of awareness levels**

<b>Percentage of correct responses</b>	<b>Classification of awareness levels</b>
100% - 60%	<b>Significant awareness</b>
59% - 40%	<b>Limited awareness</b>
39% - 0%	<b>Lack of awareness</b>

Source: Own research

## 2.2 Classification of responses: Compliance

Legislative compliance requires by its very nature actions that fully comply with the stipulations of a particular law. The researcher acknowledges that only actions that thus correspond 100% with the stipulations of Sectoral Determination 7 can constitute full compliance. Within the scope of this study compliance was assessed by comparing actions of employers, as reported by both the employers themselves and domestic workers (regarding their main employer), with the stipulations of Sectoral Determination 7. Applying this strict criterion to combined totals of responses to the various stipulations would, however, limit the application value of the findings, since actions will then only be classified only as being either fully compliant (100%) or non-compliant in the case of all combined responses of less than 100% compliance.

**Table 15: Classification of compliance levels**

Percentage of compliant responses	Classification of compliance levels
100%	Full compliance
99% - 60%	Significant compliance
59% - 40%	Limited compliance
39% - 0%	Lack of compliance

Source: Own research

Table 15 provides a classification of compliance which will facilitate the differentiation between various levels of compliance within this study. Combined compliant responses will be classified as either lacking in compliance (less than 39%), or constituting limited

compliance (40% to 59%), or being significantly compliant (60% to 99%) or will be classified as fully compliant (100%).

It must be noted that the above classification will be limited to those stipulations of Sectoral Determination 7 for which responses to the questionnaires enabled statistical calculation of compliance levels.

### **3. Awareness of labour legislation within the Emfuleni Local Municipal District**

Since awareness regarding labour legislation cannot be assumed, it was vital to assess objectively the current levels of awareness within the demarcated area. In order to assess levels of awareness, the questionnaires were structured to enable the measurement of relevant knowledge. Gotshalk (1969: 13) stated that “knowledge as a construct is the handiwork of awareness operating on its own behalf”. Respondents were thus confronted by a variety of statements/questions which originated from the stipulations of Sectoral Determination 7 and it was required of them to choose the correct option or alternative. The resultant responses from the employers of domestic workers (see Section D in Annexure A) and domestic workers (see Section C in Annexure B) will be presented.

Each statement/question had only one correct alternative. The statistical results generated by assessing the correctness of responses will be presented in a comparative format. The discussion of questions and resultant responses will be grouped according to common themes, as implied in Sectoral Determination 7. The specific statement/question will be stated, responses will then be discussed and a general finding in this regard will be presented. The correct alternative to each question will be printed in green to facilitate the reader's orientation to the discussion that follows. Each compilation of responses will also be illustrated to further explain trends. Table 16 will be presented at the end of this section (see Chapter 4, 3.11) and will provide an



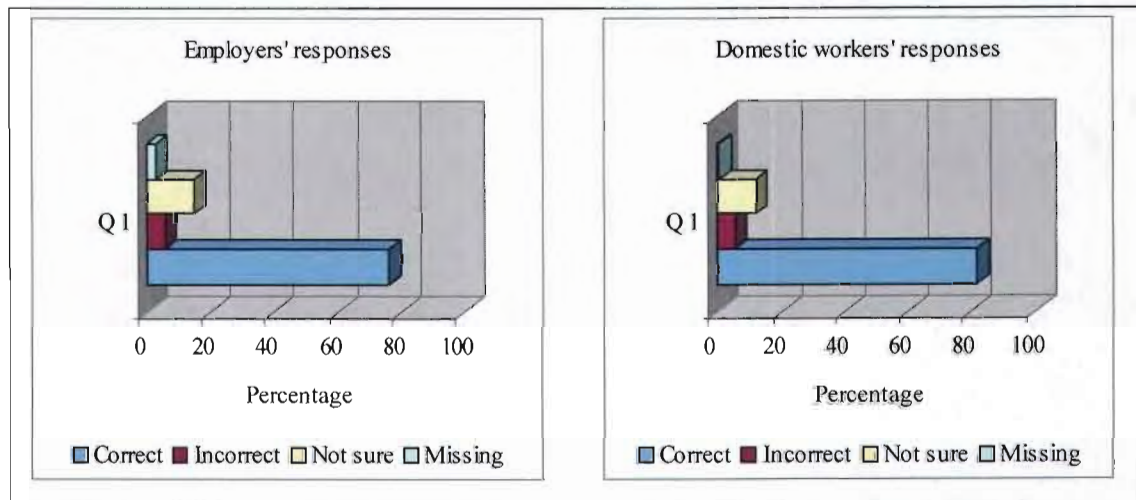
enumerative comparison of responses from both employers of domestic workers and also domestic workers as a reflection on the overall awareness within the scope of the study.

### 3.1 Demarcation of geographic area

#### Question 1:

For the purpose of calculating minimum wages, Emfuleni is categorised as an:		
Area A (Urban area)	Area B (Rural area)	Not sure

As can be seen from Figure 21, 76,47% of employers and 81,75% of domestic workers correctly indicated that Emfuleni is categorised as an Area A (Urban area) for the purpose of Sectoral Determination 7. A total of 14,71% of employers and 12,04% of domestic workers indicated, however, that they were not sure.



**Figure 21: Comparison between employers' and domestic workers' responses to the demarcation of the geographical area**

#### Finding:

- There is a significant awareness amongst both employers and domestic workers regarding the classification of Emfuleni as an Area A (Urban area) for the purpose of Sectoral Determination 7.

### 3.2 Wages, increases and deductions

#### 3.2.1 Calculation of wages

##### Question 2:

<b>When calculating wages for domestic workers, legislation differentiates between workers working for less than 27 hours per week and those working for more than 27 hours per week:</b>		
True	False	Not sure

Figure 22 indicates that 58,82% of employers and only 39,42% of domestic workers were correctly aware that the number of working hours, and in this case the limitation of more than or less than 27 hours per week, impacts on the calculation of wages. It must be noted that there is a noticeable level of uncertainty amongst domestic workers in this regard as reflected by the 39,05% of "not sure" responses, which is further amplified by 20,80% incorrect responses.

##### Question 3:

<b>Domestic workers working for less than 24 hours per month do not enjoy the protection of Sectoral Determination 7.</b>		
True	False	Not sure

A lack of appropriate awareness is apparent from the large number of incorrect responses by both employers and domestic workers. Figure 22 indicates that only 38,24% of employers and 35,04% of domestic workers are appropriately aware of the limitation of at least 24 working hours per month for the purpose of being protected by Sectoral Determination 7. It is alarming that a total of 61,76% of employers and 64,96% of domestic workers indicated the incorrect alternative in this regard.

##### Question 4:

<b>The current minimum wage rate per hour for domestic workers employed in urban areas and who work for more than 27 hours per week is:</b>				
R4.10	R4.15	R5.11	R6.30	Not sure

Figure 22 illustrates that only 26,47% of employers and 10,22% of domestic workers were aware that the applicable minimum wage was R5,11 per hour for domestic workers working for more than 27 hours per week. A great deal of uncertainty is evident from the 42,65% of employers and 39,78% of domestic workers who indicated that they were not sure.

**Question 5:**

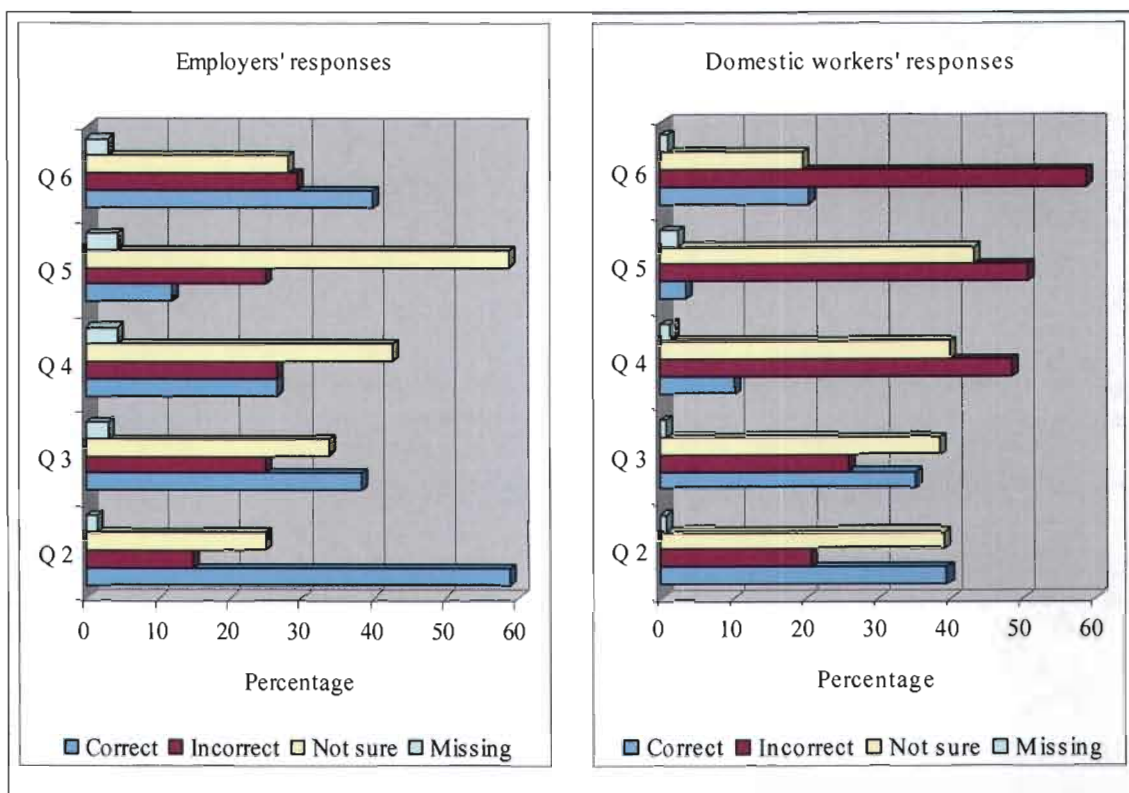
<b>The current minimum wage rate per hour for domestic workers employed in urban areas and who work for less than 27 hours per week is:</b>				
R3.95	R4.15	R4.90	R6.04	Not sure

A significant amount of uncertainty is evident from the 58,82% of employers and 43,07% of domestic workers who indicated that they were not sure what the minimum rate should be for domestic workers who are employed for less than 27 hours per week within an urban area. Figure 22 further indicates that only 11,76% of employers and 3,65% of domestic workers had the appropriate awareness in this regard.

**Question 6:**

<b>According to legislation, salary increases for domestic workers are due to take place:</b>				
1 January	In November/ December	On birthday of employee	At the discretion of the employer	Not sure

As seen in Figure 22, a total of 39,71% of employers and 20,44% of domestic workers correctly indicated that salary increases were due in November/December. A total of 58,75% of domestic workers, however, illustrated an incorrect awareness though their choices of alternatives. It should be noted that as part of the incorrect responses, 16,18% of employers and 22,99% of domestic workers indicated that salary increases should occur at the discretion of the employer.



**Figure 22: Comparison of responses regarding the calculation of wages**

#### **Findings:**

- Employers have a limited awareness and domestic workers have a lack of awareness regarding the differentiation Sectoral Determination 7 makes in respect of the compensation of domestic workers working for more than or less than 27 hours a week.
- A lack of awareness is evident in both employers and domestic workers regarding the limitation of 24 working hours as a prerequisite for protection by Sectoral Determination 7.
- There is a lack of awareness regarding prescribed levels of minimum wages by both employers and domestic workers.
- Both employers and domestic workers exhibited a lack of awareness regarding the appropriate salary increase interval according to Sectoral Determination 7.

### 3.2.2 Payment of wages

#### Question 7:

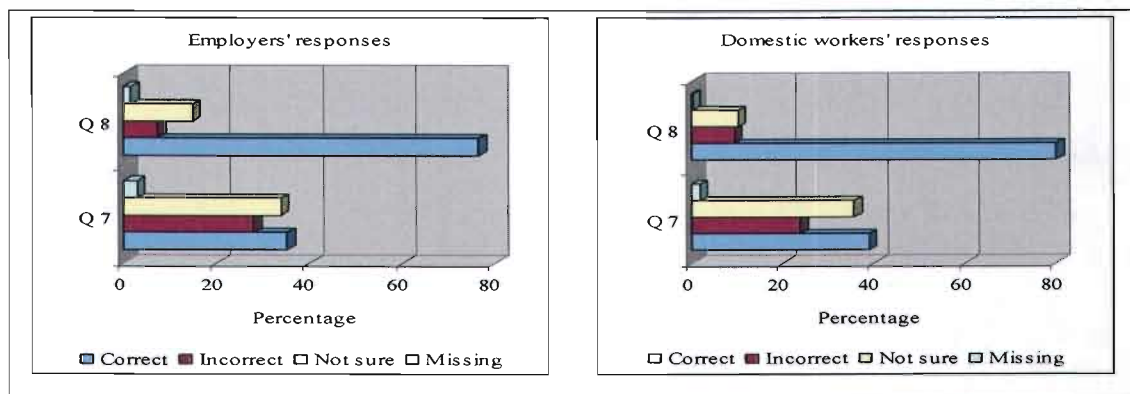
Which one of the following may not be deducted from a domestic worker's compensation?				
The rand value of unpaid leave	10% of total value of wages for accommodation	Contributions to benefit funds	Value of food, clothing and equipment used	Not sure

As illustrated in Figure 23, only 35,29% of employers and 38,83% of domestic workers were correctly aware of the fact that the value of food, clothing and equipment used may not be deducted from the compensation of a domestic worker according to Sectoral Determination 7. It must also be noted that a large portion of respondents, 33,82% of employers and 35,53% of domestic workers, indicated that they were not sure what deductions the law permits.

#### Question 8:

A detailed payslip must be issued to a domestic worker each time he/she receives wages.		
True	False	Not sure

Figure 23 indicates that 76,47% of employers and 79,93% of domestic workers are correctly aware of the fact the Sectoral Determination 7 requires the issuing of a detailed payslip.



**Figure 23: Comparison of responses regarding the payment of wages**

### Findings:

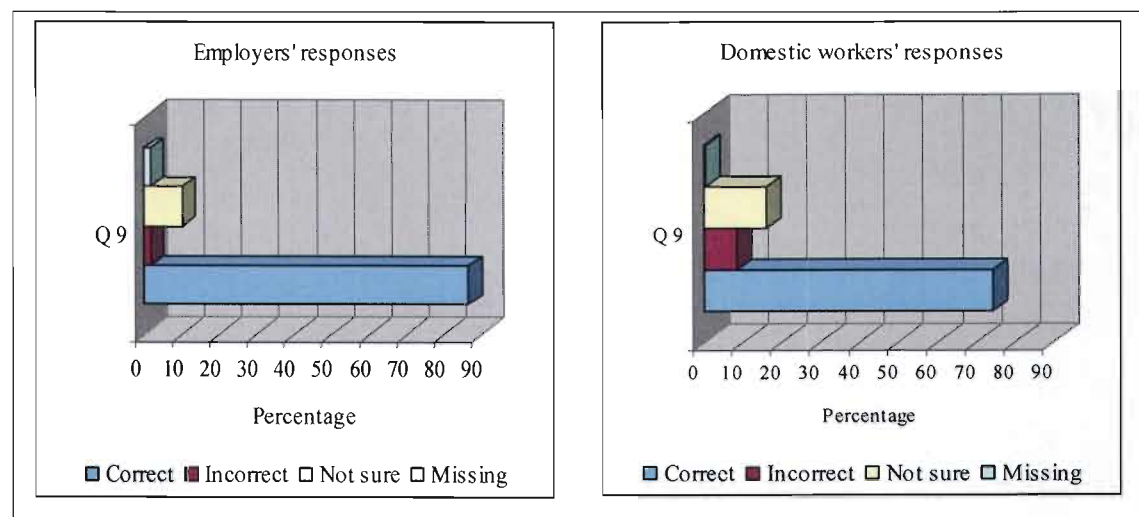
- There is a lack of awareness regarding permitted deductions that can be made from the domestic worker's compensation by both employers and domestic workers.
- Both employers and domestic workers are significantly aware of the need to issue a detailed payslip.

### 3.3 Particulars of employment

#### Question 9:

Domestic workers in your employment must be furnished with written particulars of employment.		
True	False	Not sure

A significant awareness is evident from the 86,76% of employers and 74,45% of domestic workers who correctly indicated the need to furnish domestic workers with written particulars of employment as required by Sectoral Determination 7, as illustrated in Figure 24. Only 1,47% of employers incorrectly indicated that there is no need to provide domestic workers with written particulars of employment.



**Figure 24: Comparison of responses regarding the issuing of written particulars of employment**



**Finding:**

- There is a significant awareness regarding the obligation to issue a domestic worker with written particulars of employment by both employers and domestic workers.

**3.4 Hours of work****3.4.1 Maximum working hours and meal breaks****Question 10:**

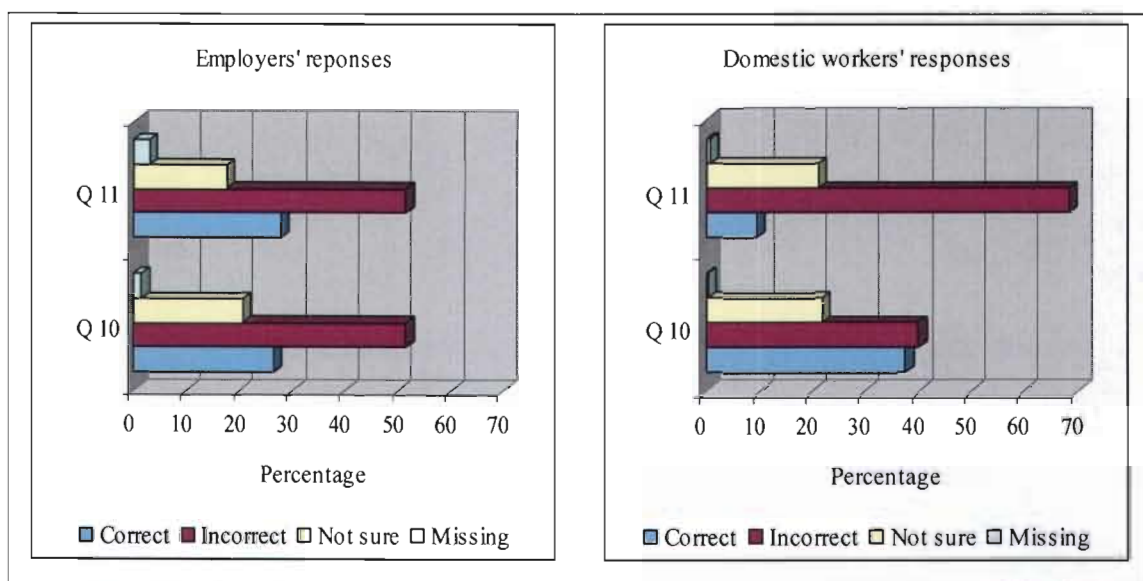
Labour legislation states that the maximum number of working hours (excluding overtime) for domestic workers is:				
40 hours per week	45 hours per week	48 hours per week	Determined at the discretion of the employer	Not sure

Figure 25 indicates that a total of 26,47% of employers and 37,59% of domestic workers correctly indicated that the maximum number of working hours (excluding overtime) is limited to 45 hours per week. A significant number of employers (41,18%) indicated that 40 hours was the correct alternative, which led to the overall high rate of incorrect responses. A total of 12,77% of domestic workers were also under the impression that the decision regarding maximum working hours was based on the discretion of the employer.

**Question 11:**

Domestic workers ought to have a meal break of:				
15 minutes every 3 hours	60 minutes every 4 hours	60 minutes every 5 hours	Open to the discretion of the employer	Not sure

As can be seen in Figure 25, only 27,94% of employers and 9,49% of domestic workers correctly indicated that domestic workers ought to have a meal break of 60 minutes every 5 hours. It should also be noted that 19,12% of employers and 22,26% of domestic workers incorrectly indicated that the granting of meal breaks was open to the discretion of the employers.



**Figure 25: Comparison of responses regarding maximum working hours and meal breaks**

#### **Finding:**

- There is a lack of correct awareness amongst both employers and domestic workers regarding the maximum number of working hours and meal breaks.

#### **3.4.2 Overtime**

##### **Question 12:**

Domestic workers are obliged by law to work overtime.		
True	False	Not sure

As can be seen from Figure 26, a total of 76,47% of employers and 70,07% of domestic workers correctly indicated that domestic workers are not obligated by law to work overtime.

##### **Question 13:**

Overtime worked is limited to not more than 10 hours per week.		
True	False	Not sure



Figure 26 indicates that a total of 36,76% of employers and 51,46% of domestic workers correctly indicated that overtime worked is limited to no more than 10 hours per week. However, a considerable number of employers (41,18%) indicated that they were not sure of the legislative stipulations regarding overtime worked.

**Question 14:**

<b>Overtime worked by domestic workers should be compensated at a rate equal to:</b>				
The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure

A total of 54,41% of employers and 34,31% of domestic workers correctly indicated that overtime worked should be compensated at a rate of one and a half times the normal rate. Figure 26 reflects a significant number of incorrect responses of domestic workers, which also includes 28,10% of domestic workers who indicated that overtime should be compensated at a rate of two times the normal rate. Since a total of 65,69% of domestic workers selected incorrect alternatives in this regard, it must be noted that this could lead to misconception and ultimately could impact on the effective functioning of the individual employment relationship.

**Question 15:**

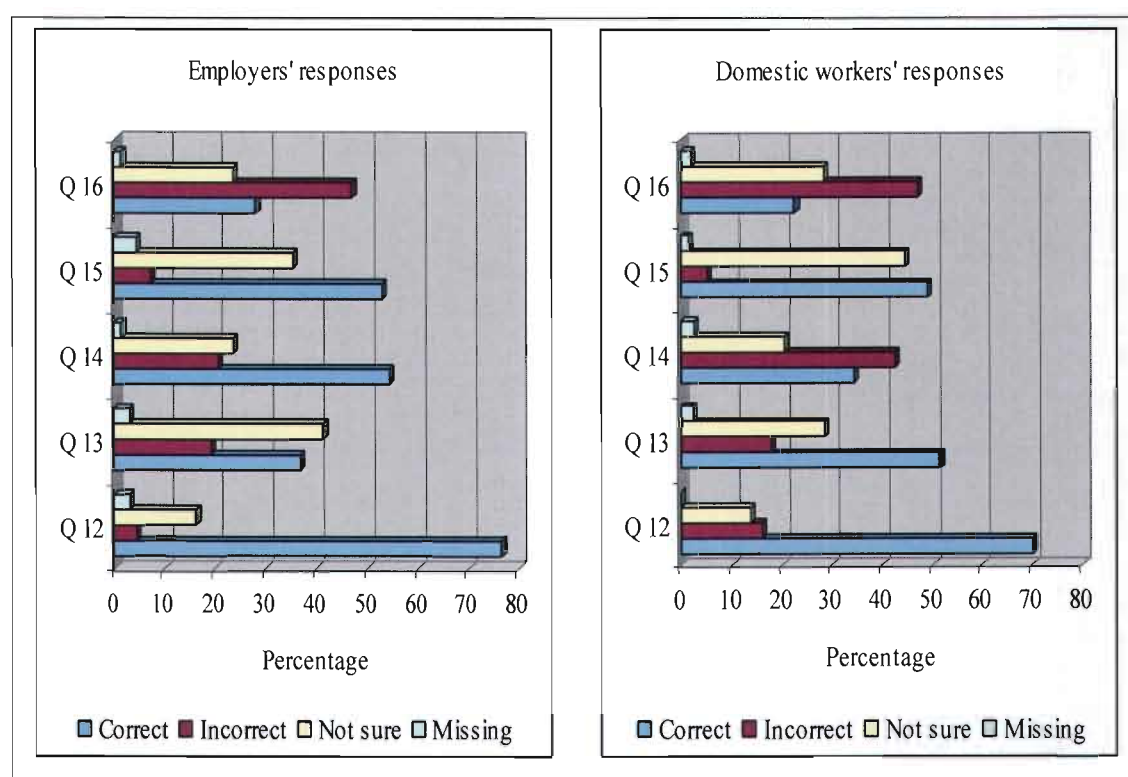
<b>Legislation requires that domestic workers working between 18h00 – 6h00 (night work) must receive an allowance or must work reduced hours.</b>		
True	False	Not sure

Figure 26 indicates two opposing states of awareness. On the one hand, 52,94% of employers and 48,91% of domestic workers are correctly aware that domestic workers doing night work must receive an allowance or work reduced hours. On the other hand, a total of 35,29% of employers and 44,53% of domestic workers indicated that they were not sure of the legal stipulations pertaining to night work.

### Question 16:

Domestic workers are not permitted to work more than _____ hours per day, including overtime.				
8	10	12	15	Not sure

A lack of appropriate awareness is evident from the large number of incorrect responses regarding the maximum permitted work hours per day. As can be seen in Figure 26, a total of 47,05% of employers and 47,07% of domestic workers selected the wrong alternative. Added to these responses are the 23,53% of employers and 28,47% of domestic workers who selected the "not sure" alternative.



**Figure 26: Comparison of responses regarding overtime**

### Findings:

- There is a significant awareness amongst both employers and domestic workers regarding the fact that domestic workers are not obligated by law to work overtime.

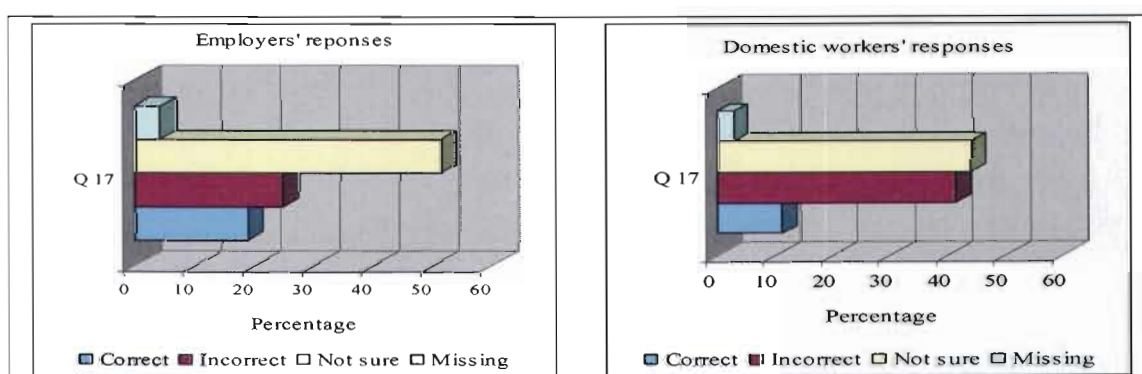
- Employers exhibited a lack of awareness and domestic workers a limited awareness regarding the total number of permitted hours of overtime that may be worked within any given week.
- Employers have a limited awareness and domestic workers a lack of awareness regarding the stipulation that overtime worked should be compensated at a level of one and a half times the normal rate.
- There is a lack of correct awareness by both employers and domestic workers, regarding the maximum number of permitted working hours per day.

### 3.4.3 Rest periods

#### Question 17:

Domestic workers must have a rest period of at least _____ hours between working days.				
8	10	12	15	Not sure

Figure 27 indicates that only 19,12% of employers and 11,31% of domestic workers correctly indicated that domestic workers are entitled to a rest period of at least 12 hours between working days. The lack of appropriate awareness in this regard is evident from the 25% of employers and 41,60% of domestic workers who selected incorrect alternatives. This sentiment is even further accentuated by the fact that 51,47% of employers and 44,16% of domestic workers indicated that they were not sure.



**Figure 27: Comparison of responses regarding rest periods**

**Finding:**

- There is a lack of appropriate awareness amongst both employers and domestic workers regarding the correct rest periods between workdays.

**3.4.4 Working on public holidays****Question 18:**

Working on public holidays is only by agreement.		
True	False	Not sure

Figure 28 indicates a significant awareness regarding the fact that working on a public holiday can occur only by agreement. A total of 88,24% of employers and 87,23% of domestic workers selected the correct alternative.

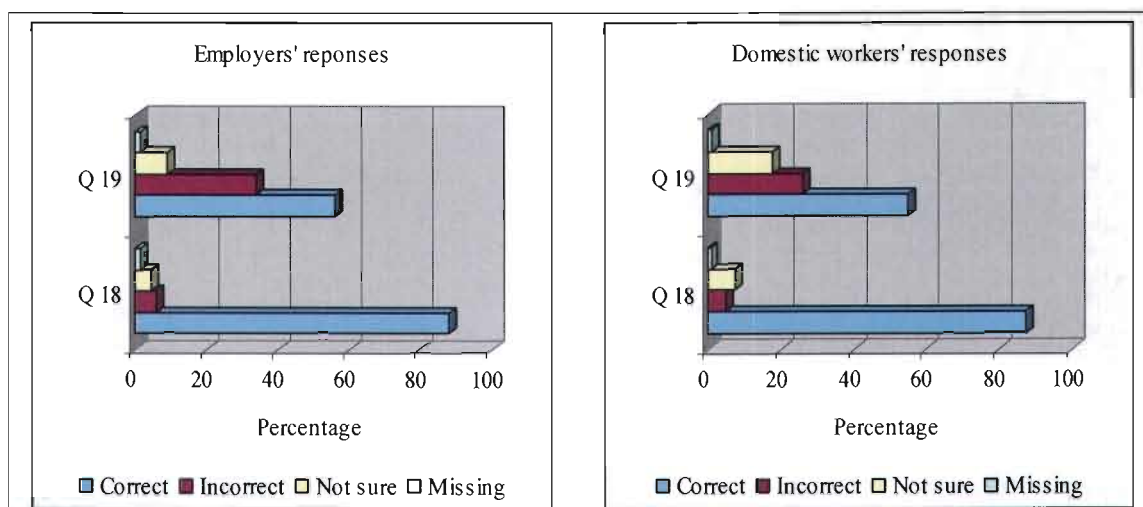
**Question 19:**

Compensation for working on a public holiday is at a rate equal to:				
The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure

As can be seen in Figure 28, a total of 55,88% of employers and 55,11% of domestic workers correctly indicated that working on a public holiday should be compensated at a rate of double the normal rate. Although 32,35% of employers incorrectly indicated that compensation for working on a public holiday should occur at one and a half times the normal rate, not one employer indicated that it should occur at the normal daily rate. A total of 17,88% of domestic workers, however, indicated that they were not sure.

**Findings:**

- Both employers and domestic workers are significantly aware that working on public holidays can occur only by agreement.
- Limited awareness is evident amongst both employers and domestic workers regarding compensation for working on a public holiday.



**Figure 28: Comparison of responses regarding work on public holidays**

### 3.4.5 Payment for working on Sundays

#### Question 20:

<b>Domestic workers who work on Sundays only from time to time , should receive double the normal rate for the day's work.</b>		
True	False	Not sure

Figure 29 indicates that a total of 58,82% of employers and 61,68% of domestic workers correctly indicated that domestic workers who do not regularly work on Sundays should be compensated at a rate of double the normal daily rate. It should, however, be noted that 30,88% of employers and 22,26% of domestic workers indicated their uncertainty in this regard by selecting the "not sure" alternative.

#### Question 21:

<b>Domestic workers who usually work on Sundays must receive 1.5 times the normal wages for the day's work.</b>		
True	False	Not sure

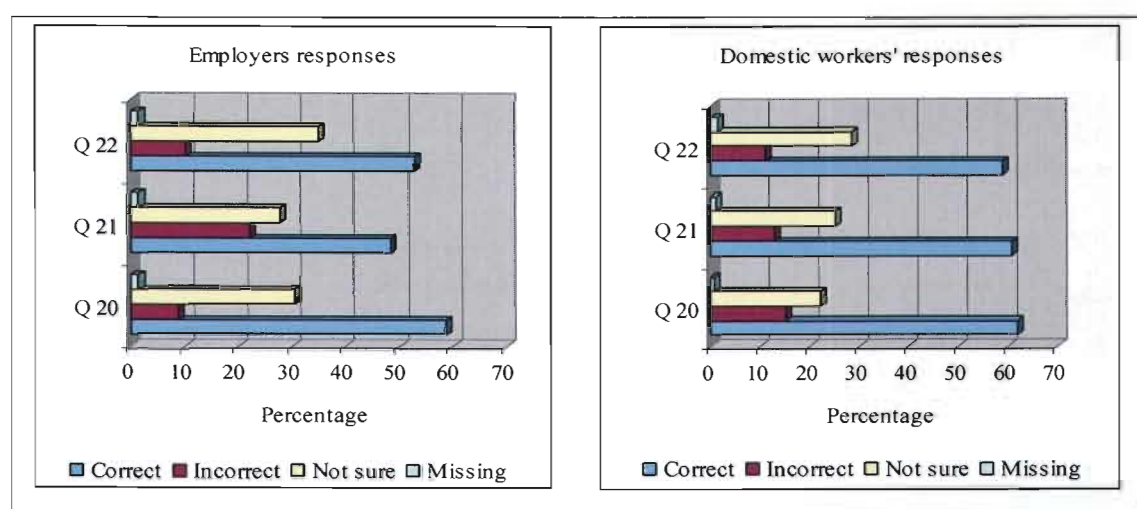
Figure 29 further indicates that 48,53% of employers and 60,58% of domestic workers correctly indicated that domestic workers who usually work on Sundays should be compensated at a rate of one and a half times the normal daily rate. The existence of

uncertainty in this regard is also evident from the 27,94% of employers and 25,18% of domestic workers whose responses indicated that they were not sure.

#### Question 22:

Time worked on Sundays or public holidays can be exchanged for paid time off by agreement.		
True	False	Not sure

Despite the fact that 48,53% of employers and 58,76% of domestic workers correctly indicated that time worked on Sundays or public holidays can be exchanged for paid time off by agreement, Figure 29 highlights the fact that the total of incorrect and "not sure" responses amounted to 50% for employers and 39,79% for domestic workers.



**Figure 29: Comparison of responses regarding payment for Sunday work**

#### Findings:

- Employers exhibited a limited awareness and domestic workers a significant awareness regarding the compensation for Sunday work.
- Both employers and domestic workers have limited awareness regarding the possibility of exchanging time worked on Sundays or public holidays for paid time off by agreement.



### 3.4.6 Standby time

#### Question 23:

Employers could request that their domestic worker be on standby. Standby is from _____ to _____.			
18h00-06h00	20h00-06h00	20h00-08h00	Not sure

As is evident from Figure 30, a great deal of uncertainty exists amongst both employers (61,76%) and domestic workers (54,38%) regarding the specific hours that are regarded as standby time. Only 14,71% of employers and 19,71% of domestic workers correctly indicated that standby time is regarded as the time period from 20h00 to 06h00, during which the employer could request the domestic worker to be available should the need arise.

#### Question 24:

Agreement to standby arrangements must be in writing.		
True	False	Not sure

A total of 64,71% of employers and 56,20% of domestic workers correctly indicated that agreement to standby arrangements must be in writing as indicated in Figure 30. Despite this, 30,88% of employers and 34,31% of domestic workers indicated their uncertainty in this regard by marking the "not sure" option.

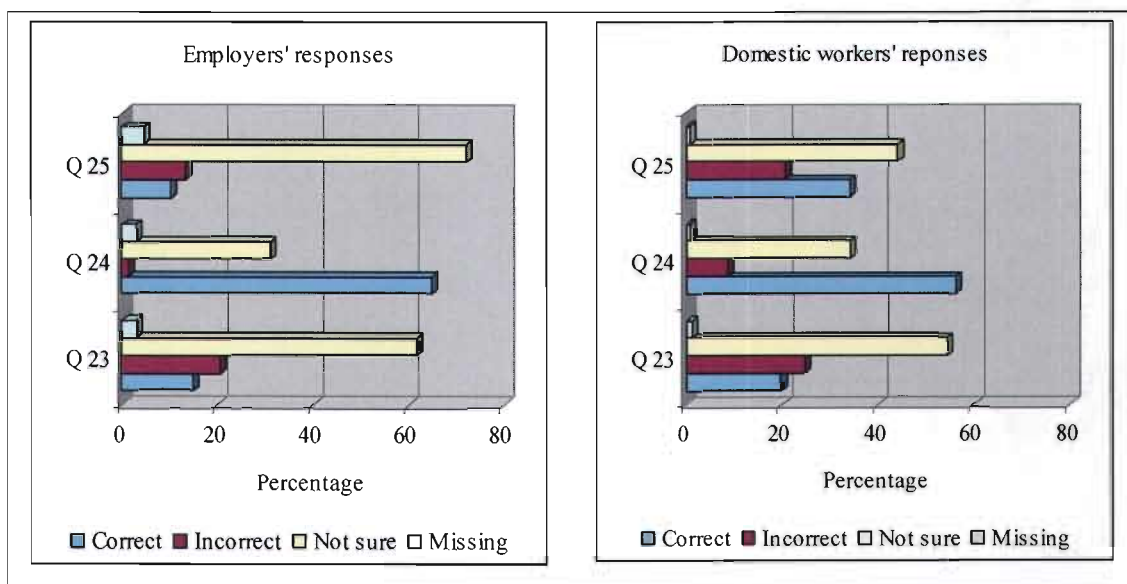
#### Question 25:

Domestic workers must be paid an allowance of at least R _____ per standby shift.				
R15.00	R20.00	R25.00	No allowance is payable by law	Not sure

Figure 30 indicates that only 10,29% of employers and 34,31% of domestic workers correctly indicated that an allowance of R20.00 is due per standby shift. It should be noted that no employers selected the option of no allowance payable by law, which shows some insight, but a total of 72,06% of employers and 44,16% of domestic



workers indicated that they were not sure regarding the stipulations regulating the payment of standby allowances.



**Figure 30: Comparison of responses regarding standby time and the compensation thereof**

#### Findings:

- Both employers and domestic workers exhibited a lack of awareness regarding the specific time periods regarded as standby time.
- There is a significant awareness amongst both employers and domestic workers regarding the stipulation that standby arrangements must be in writing.
- There is lack of awareness regarding the stipulations regulating the payment of standby allowances amongst both employers and domestic workers.

### 3.5 Leave stipulations

#### 3.5.1 Annual leave

##### Question 26:

Domestic workers are entitled to 1 day's paid leave for every days worked.			
7	17	21	Not sure

As seen in Figure 31, only 30,88% of employers and 20,44% of domestic workers correctly indicated that a domestic worker is entitled to one day paid leave for every 17 days worked. Although 25,00% of employers and 30,66% of domestic workers indicated that they were not sure, a further 35,29% of employers and 30,66% of domestic workers chose the incorrect option, which indicated a significant lack of awareness in this regard.

### 3.5.2 Family responsibility leave

#### Question 27:

Domestic workers are entitled to _____ days' family responsibility leave per year.				
0	3	5	7	Not sure

Figure 31 indicates that 20,59% of employers and 39,78% of domestic workers correctly indicated that a domestic worker is entitled to five days' family responsibility leave per year. Despite these low scores attained, the fact that not one employer indicated that domestic workers were not entitled to family responsibility leave by choosing the nil option should be noted. A total of 38,24% of employers and 24,09% of domestic workers, however, indicated their uncertainty in this regard by marking the "not sure" option.

### 3.5.3 Sick leave

#### Question 28:

Domestic workers are entitled to _____ weeks' sick leave within a sick-leave cycle of 3 years.			
4 weeks	6 weeks	8 weeks	Not sure

Figure 31 further indicates that only 14,17% of employers and 20,07% of domestic workers correctly indicated that domestic workers are entitled to six weeks' sick leave within a three-year cycle. The limited awareness in this regard became even more apparent from the 33,82% of employers and 40,88% of domestic workers who indicated the wrong alternatives. A total of 45,59% of employers and 37,23% of domestic workers also indicated their uncertainty in this regard.

**Question 29:**

Proof of illness can be requested if the domestic worker has been absent for more than _____ consecutive days.				
2	3	4	7	Not sure

Figure 31 indicates that a total of 50% of employers and 37,23% of domestic workers correctly indicated that proof of illness can be requested by the employers if the domestic worker has been absent for two consecutive days. It must be noted that 25% of employers and 24,82% of domestic workers indicated three days as the correct alternative, which is incorrect. Added to this, 16,18% of employers and 15,69% of domestic workers indicated their uncertainty in this regard by selecting the "not sure" alternative.

**3.5.4 Maternity leave****Question 30:**

Pregnant domestic workers are entitled to _____ months' maternity leave.			
3 months	4 months	6 months	Not sure

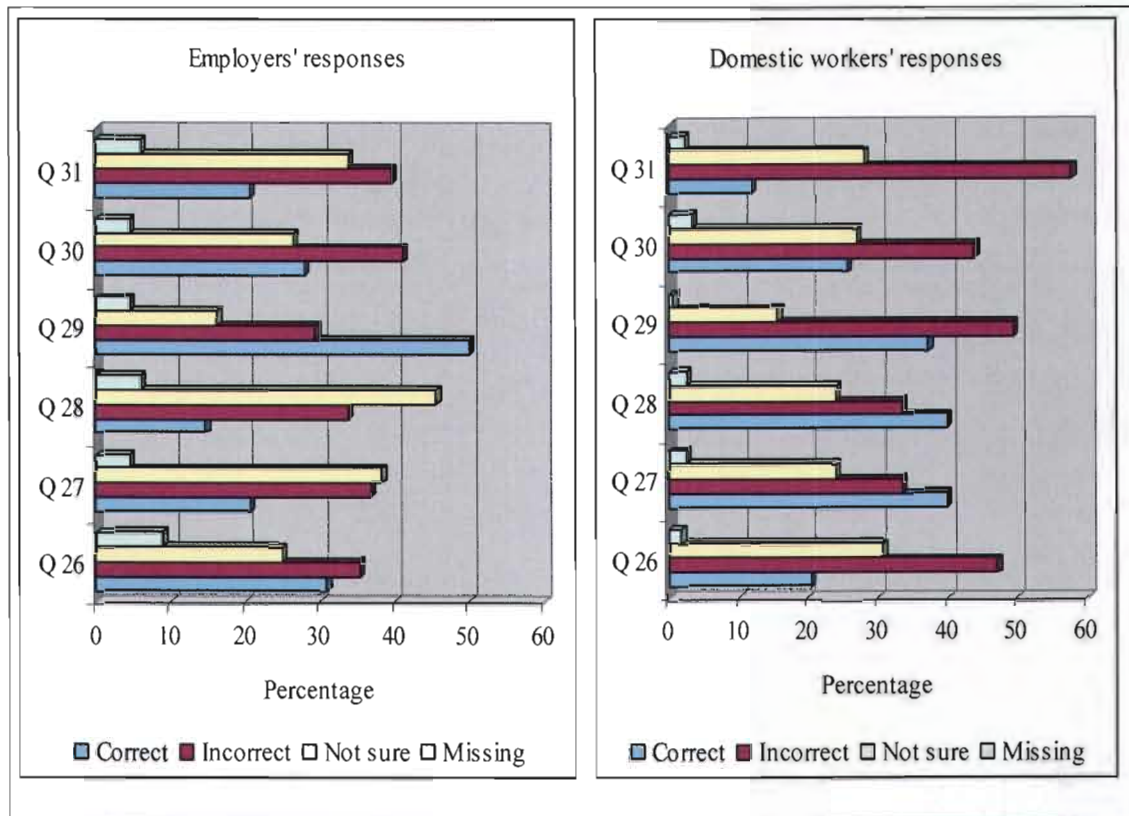
Figure 31 also illustrates that only 20,59% of employers and 25,55% of domestic workers correctly indicated that pregnant domestic workers are entitled to four months' maternity leave. A total of 41,17% of employers and 43,79% of domestic workers indicated the wrong alternative. The extent of misconceptions in this regard is further amplified by the total of 26,47% of employers and 27,01% of domestic workers who indicated that they were not sure.

**Question 31:**

Labour law compels employers to compensate domestic workers during the period of maternity leave.		
True	False	Not sure

Awareness regarding compensation during the period of maternity leave is lacking, as indicated in Figure 31. A total of 39,71% of employers and 57,66% of domestic workers

incorrectly indicated that the law compelled employers to compensate domestic workers during the period of maternity leave. A great deal of uncertainty is also apparent from the 33,82% of employers and 28,10% of domestic workers who indicated that they were not certain.



**Figure 31: Comparison of responses regarding leave stipulations**

#### Findings:

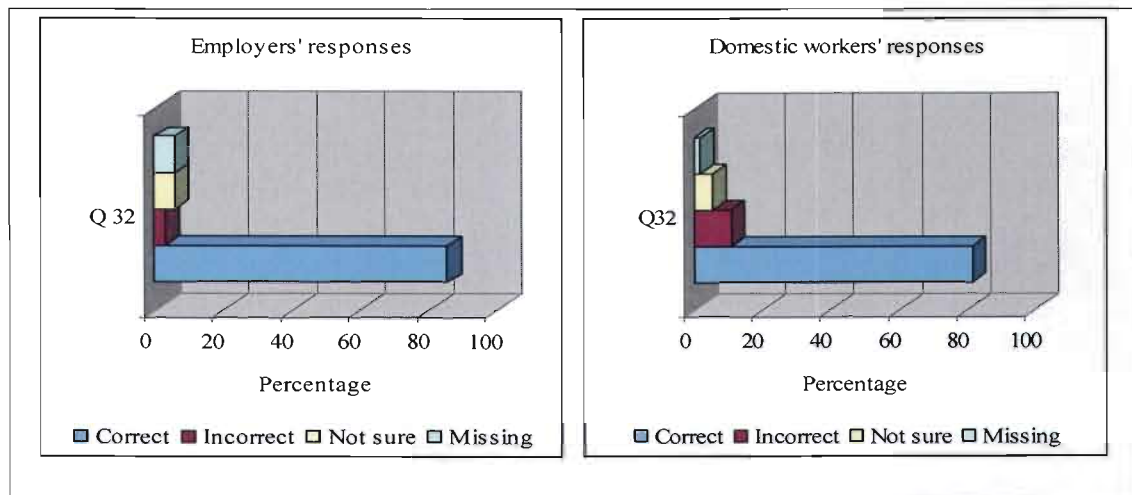
- There is an apparent lack of awareness by both employers and domestic workers regarding the stipulations regulating the granting of annual leave, family responsibility leave, sick leave and maternity leave.
- The limited extent of awareness in this regard is further amplified by the large number of "not sure" responses reflected in response to the above questions.

### 3.6 The prohibition of child labour

#### Question 32:

Children under the age of 15 may be employed as domestic workers.		
True	False	Not sure

Figure 32 indicates that 85,29% of employers and 81,75% of domestic workers correctly indicated that children under the age of 15 may not be employed as domestic workers.



**Figure 32: Comparison of responses regarding the prohibition of child labour**

#### Finding:

- There is a significant awareness regarding the prohibition of child labour amongst both employers and domestic workers.

### 3.7 Termination of employment

#### 3.7.1 Notice of termination

#### Question 33:

Termination of employment must be done in writing.		
True	False	Not sure

A significant awareness is evident from the 89,71% of employers and 74,09% of domestic workers who correctly indicated that the termination of employment must be done in writing as shown in Figure 33.

### 3.7.2 Termination period

#### Question 34:

What period of notice must be given to a domestic worker who has been employed for less than 6 months?				
24 hours	1 week	4 weeks	Left to the discretion of the employer	Not sure

As can be seen from Figure 33, a total of 23,53% of employers and 34,31% of domestic workers correctly indicated that domestic workers who have worked for a period of less than six months need to be given only one week's notice. Only 8,82% of employers and 16,06% of domestic workers incorrectly selected the 24 hours alternative. It should be noted that 4,41% of employers and 8,76% of domestic workers incorrectly indicated that the notice period should be left to the discretion of the employer. Added to this, 35,29% of employers and 28,47% of domestic workers indicated that they were not sure of the applicable notice period in this regard.

### 3.7.3 Retrenchment

#### Question 35:

Retrenched domestic workers are entitled to:				
No severance pay	1 week's severance pay for every year of service	2 weeks' normal pay	1 month's compensation	Not sure

Figure 33 indicates that only 36,76% of employers and 30,66% of domestic workers correctly indicated that retrenched domestic workers are in fact entitled to one week's severance pay for every year of service. The lack of awareness in this regard is further evident from the 41,18% of employers and 44,53% of domestic workers who indicated that they were not sure of the stipulations in this regard.

### 3.7.4 Certificate of employment

#### Question 36:

Employers have to provide employees with a certificate of employment upon termination of employment.		
True	False	Not sure

A total of 64,71% of employers and 71,90% of domestic workers correctly indicated that an employers has to provide a certificate of employment to the domestic worker upon the termination of employment as illustrated by Figure 33.

### 3.7.5 Remedy to perceived unfair dismissal

#### Question 37:

Domestic workers who feel that they have been unfairly dismissed must refer their complaint to the ...			
Department of Labour / CCMA	Labour union	Labour Court	Not sure

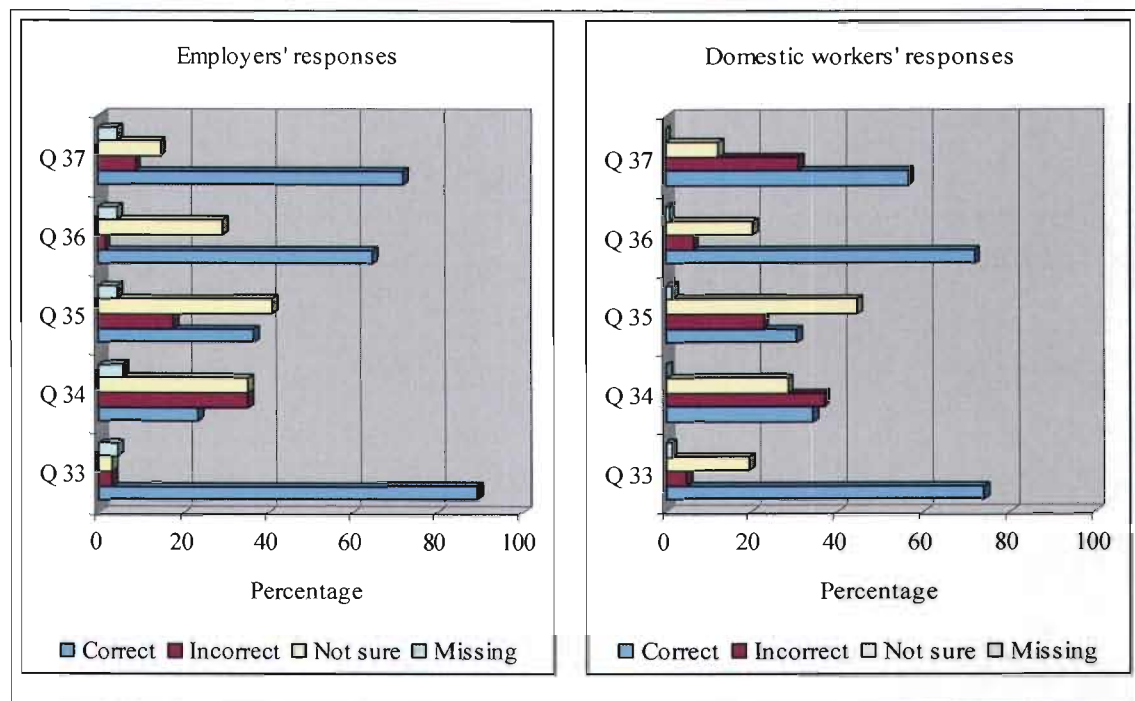
As can be seen from Figure 33, a total of 72,06% of employers and 56,57% of domestic workers correctly indicated that the Department of Labour or the CCMA are the appropriate institutions to which complaints are referred regarding unfair dismissals. Even less awareness in this regard is evident from the total of 31,02% of domestic workers who selected the incorrect alternatives.

#### Findings:

- There is a significant level of awareness by both employers and domestic workers regarding the fact that the termination of employment must be done in writing.
- Awareness regarding the notice period for a domestic worker working for less than six months and the correct compensation upon retrenchment is lacking in both employers' and domestic workers' responses.



- Both employers and domestic workers are significantly aware of the need to issue a domestic worker with a certificate of employment upon the termination of employment.
- Employers are significantly aware of the correct procedure for the referral of disputes regarding unfair dismissals to the Department of Labour or the CCMA. Domestic workers, however, have a limited awareness in this regard.



**Figure 33: Comparison of responses regarding the termination of employment**

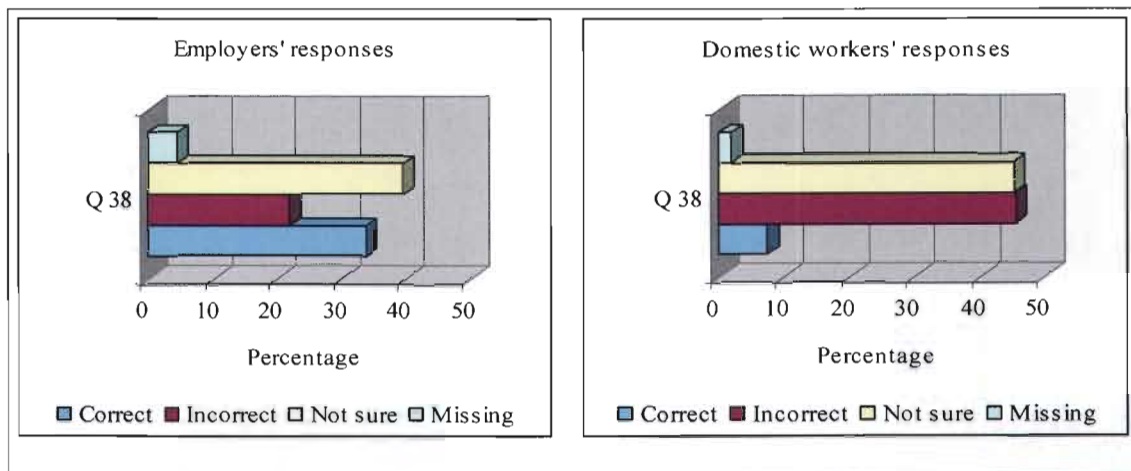
### 3.8 Record keeping

#### Question 38:

Employers must keep records of employment for a period of:				
12 months	2 years	3 years	No need to keep records	Not sure

Figure 34 indicates that although a total of 33,82% of employers correctly indicated that records must be kept for a period of three years, only 7,30% of domestic workers had this awareness. A great deal of uncertainty is evident from the 39,71% of employers and

45,26% of domestic workers who indicated their uncertainty in this regard by selecting the "not sure" alternative. It should be noted that employers are responsible for record keeping, which could account for the poor awareness in this regard by domestic workers.



**Figure 34: Comparison of responses regarding the keeping of records**

#### **Finding:**

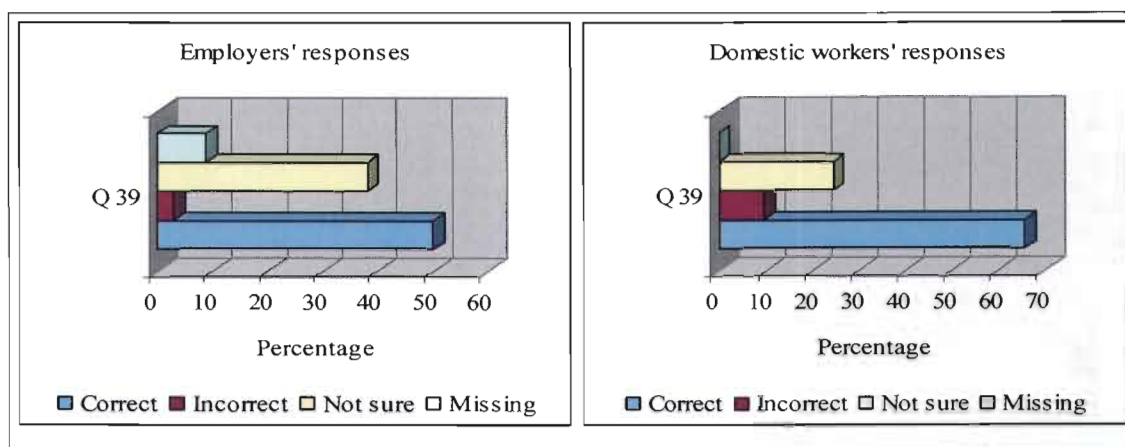
- There is a lack of awareness by both employers and domestic workers regarding the period required for keeping records.

### **3.9 Accessibility of Sectoral Determination 7**

#### **Question 39:**

<b>A copy of current labour legislation (i.e. Sectoral Determination 7) must be in the possession of every employer of a domestic worker.</b>		
True	False	Not sure

Figure 35 indicates that 50% of employers and 65,69% of domestic workers correctly indicated that every employer of a domestic worker has to be in possession of a copy of Sectoral Determination 7. It should, however, be noted that 38,24% of employers indicated their uncertainty in this regard by selecting the "not sure" alternative and there was also a total of 8,82 missing responses, which further illustrates the limited awareness of this stipulation.



**Figure 35: Comparison of responses regarding the accessibility of Sectoral Determination 7**

#### **Finding:**

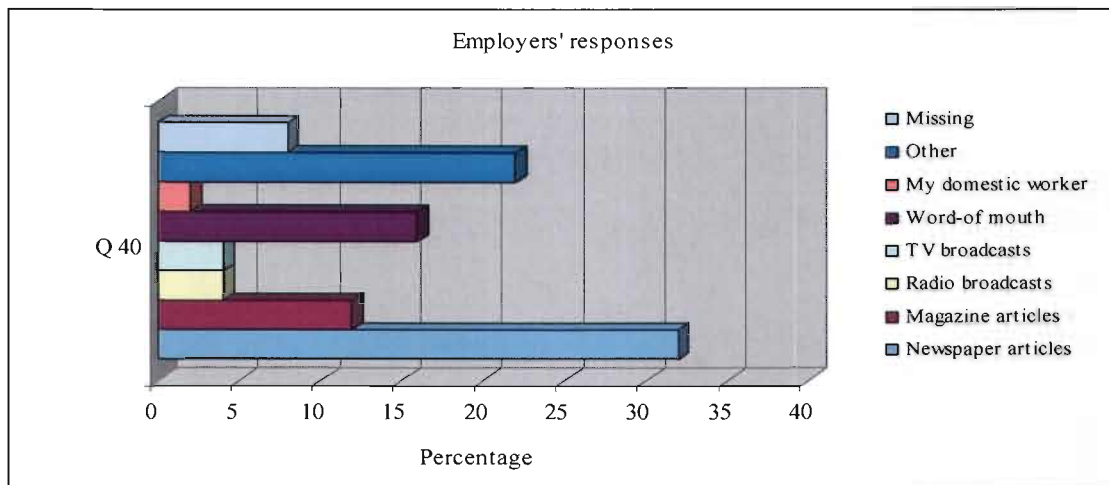
- Employers have a limited awareness regarding the fact that every employer of a domestic worker has to be in possession of a copy of Sectoral Determination 7. Domestic workers, however, exhibited a significant awareness in this regard.

### **3.10 Sources of information**

#### **Question 40:**

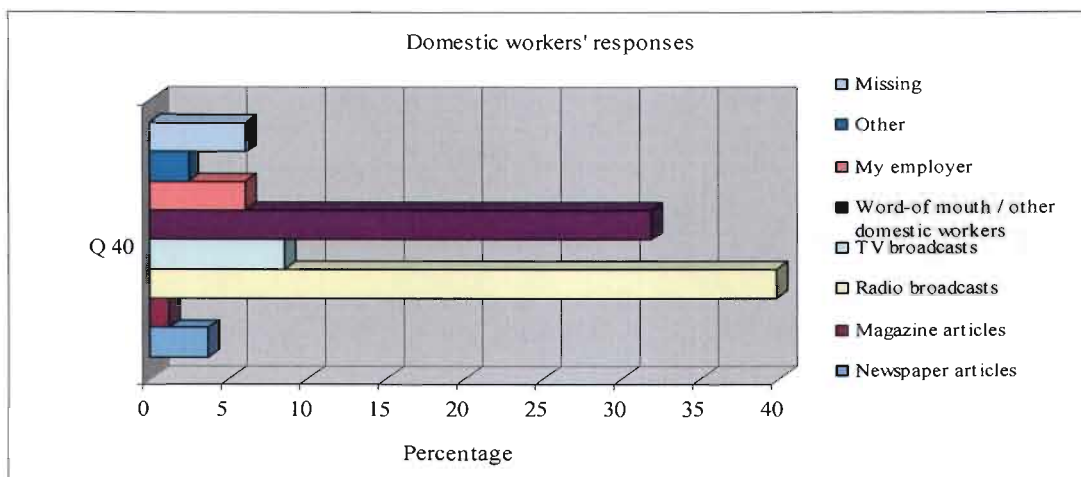
Through which of the following media did you gain information about current legislation in the domestic worker sector? (Mark all relevant alternatives.)			
Newspaper articles	Magazine articles	Radio broadcasts	TV Broadcasts
Word-of-mouth	My domestic worker	Other (Specify)	

Figure 36 illustrates that the primary sources of information for employers were newspaper articles (32%), magazine articles (12%), word-of-mouth (16%) and other (22%). Reported alternative methods of gaining information included the Department of Labour, the website of the Department of Labour, legislation, the Government Gazette and the internet. Only 2% of employers reported that they gained information through interaction with their domestic worker.



**Figure 36: Sources of information as reported by employers**

Figure 37 depicts the sources of information as reported by domestic workers. It is interesting to note that the primary source was radio broadcasts (39,88%), followed by word-of-mouth or other domestic workers (31,90%). Television broadcasts (8,59%) and their employer (6,13%) played a significantly smaller role in the whole process of awareness creation.



**Figure 37: Sources of information as reported by domestic workers**

**Findings:**

- While employers predominantly gained information from newspaper articles and the internet, domestic workers' awareness stemmed from radio broadcasts and word-of-mouth interactions.
- The implication of these trends is that employers and domestic workers will have to be approached in different manners when information related to labour legislation within the domestic worker sector is conveyed.

**3.11 Summary of findings regarding the awareness of labour legislation by both employers and domestic workers in Emfuleni**

Given the complicated nature of the various stipulations contained in Sectoral Determination 7, the challenge is to provide a general pronouncement regarding the overall awareness levels of both employers and domestic workers within the demarcated area.

In Table 16 the researcher opted to provide a comparative layout of each question by indicating the total of correct responses (regarded as appropriate awareness), and the incorrect, "not sure" and missing responses (regarded as inappropriate awareness). These responses aid in identifying the predominant trend for each question and are highlighted by green ink when responses indicating awareness of the stipulation exceed responses indicating inappropriate awareness, and by red ink where inappropriate awareness by respondents exceeds appropriate awareness. For a detailed discussion of each question refer to the preceding sections.





**Table 16: Enumeration of responses in the assessment of awareness levels**

Employer response Section D (Annexure A)					Domestic worker response Section C (Annexure B)				
Question	Correct	Incorrect	Not sure	Missing	Question	Correct	Incorrect	Not sure	Missing
1	76,47%	5,88%	14,71%	2,94%	1	81,75%	5,47%	12,04%	0,73%
2	58,82%	14,71%	25,00%	1,47%	2	39,42%	20,80%	39,05%	0,73%
3	38,24%	25,00%	33,82%	2,94%	3	35,04%	25,91%	38,32%	0,73%
4	26,47%	26,47%	42,65%	4,41%	4	10,22%	48,54%	39,78%	1,46%
5	11,76%	25,00%	58,82%	4,41%	5	3,65%	50,73%	43,07%	2,55%
6	39,71%	29,41%	27,94%	2,94%	6	20,44%	58,75%	19,71%	1,09%
7	35,29%	27,93%	33,82%	2,94%	7	38,83%	23,81%	35,53%	1,83%
8	76,47%	7,35%	14,71%	1,47%	8	79,93%	9,49%	10,22%	0,36%
9	86,76%	1,47%	10,29%	1,47%	9	74,45%	8,76%	16,06%	0,73%
10	26,47%	51,47%	20,59%	1,47%	10	37,59%	40,14%	21,90%	0,36%
11	27,94%	51,47%	17,65%	2,94%	11	9,49%	68,61%	21,17%	0,73%
12	76,47%	4,41%	16,18%	2,94%	12	70,07%	16,06%	13,87%	0,00%
13	36,76%	19,12%	41,18%	2,94%	13	51,46%	17,88%	28,47%	2,19%
14	54,41%	20,59%	23,53%	1,47%	14	34,31%	42,70%	20,44%	2,55%
15	52,94%	7,35%	35,29%	4,41%	15	48,91%	5,11%	44,53%	1,45%
16	27,94%	47,05%	23,53%	1,47%	16	22,63%	47,07%	28,47%	1,82%
17	19,12%	25,00%	51,47%	4,41%	17	11,31%	41,60%	44,16%	2,92%
18	88,24%	5,88%	4,41%	1,47%	18	87,23%	4,74%	7,30%	0,73%
19	55,88%	33,82%	8,82%	1,47%	19	55,11%	25,90%	17,88%	1,09%
20	58,82%	8,82%	30,88%	1,47%	20	61,68%	15,33%	22,26%	0,73%
21	48,53%	22,06%	27,94%	1,47%	21	60,58%	13,14%	25,18%	1,09%
22	52,94%	10,29%	35,29%	1,47%	22	58,76%	11,31%	28,47%	1,46%
23	14,71%	20,59%	61,76%	2,94%	23	19,71%	24,82%	54,38%	1,09%
24	64,71%	1,47%	30,88%	2,94%	24	56,20%	8,76%	34,31%	0,73%
25	10,29%	13,23%	72,06%	4,41%	25	34,31%	20,79%	44,16%	0,73%
26	30,88%	35,29%	26,47%	7,35%	26	20,44%	47,08%	31,02%	1,46%
27	20,59%	36,76%	38,24%	4,41%	27	39,78%	33,57%	24,09%	2,55%
28	14,71%	33,82%	45,59%	5,88%	28	20,07%	40,88%	37,23%	1,82%

**Table 16: Enumeration of responses in the assessment of awareness levels (continues)**

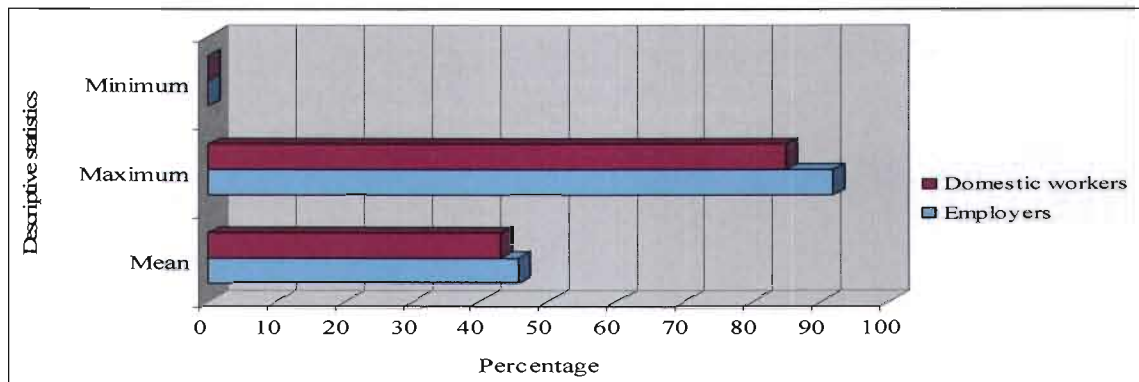
Employer response Section D (Annexure A)					Domestic worker response Section C (Annexure B)				
Question	Correct	Incorrect	Not sure	Missing	Question	Correct	Incorrect	Not sure	Missing
29	50,00%	29,41%	16,18%	4,41%	29	37,23%	46,35%	15,69%	0,73%
30	27,94%	41,17%	26,47%	4,41%	30	25,55%	43,79%	27,01%	3,28%
31	20,59%	39,71%	33,82%	5,88%	31	12,04%	57,66%	28,10%	2,19%
32	85,29%	2,94%	5,88%	5,88%	32	81,75%	10,95%	5,47%	1,82%
33	89,71%	2,94%	2,94%	4,41%	33	74,09%	5,11%	19,34%	1,46%
34	23,53%	35,29%	35,29%	5,88%	34	34,31%	36,86%	28,47%	0,36%
35	36,76%	17,65%	41,18%	4,41%	35	30,66%	22,99%	44,53%	1,82%
36	64,71%	1,47%	29,41%	4,41%	36	71,90%	6,57%	20,44%	1,09%
37	72,06%	8,82%	14,71%	4,41%	37	56,57%	31,02%	12,40%	0,00%
38	33,82%	22,06%	39,71%	4,41%	38	7,30%	45,61%	45,26%	1,82%
39	50,00%	2,94%	38,24%	8,82%	39	65,69%	9,85%	24,45%	0,00%

As can be seen from Figure 38, the descriptive statistics indicate that when the individual scores attained by employers and domestic workers upon completion of section D (see Annexure A) and section C (see Annexure B), were calculated, the average score attained by the employers was 45,80%, and by the domestic workers, 43%.

**Finding:**

- Both employers and domestic workers within the demarcated area have a limited awareness regarding the stipulations of Sectoral Determination 7.





**Figure 38: Summative assessment of scores attained by respondents in the measurement of awareness levels**

The impact of this limited awareness, as indicated above, will become evident only in the section to follow, when reflecting on compliance and the extent to which actions correspond to legislative stipulations.

#### **4. Compliance with labour legislation within the Emfuleni Local Municipal District**

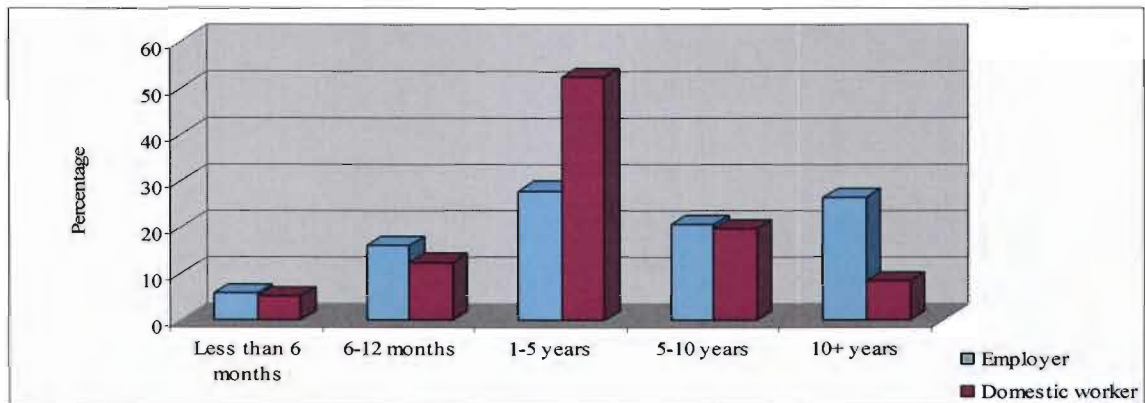
In an attempt to increase response rates and to avoid evoking resistance, no specific mention was made of the concept of compliance within the questionnaires, which referred instead to the current employment relationship. By analysing the current employment relationship, actual behaviour could be compared to legislative stipulations in an attempt to assess the extent of compliance. Since domestic workers are often employed by more than one employer, they were requested to report on the employment relationship with the employer whom they regarded as their main employer.

Initial reflection will be given to responses as provided by both employers (see section E, Annexure A) and domestic workers (see Section E, Annexure B) whereafter a summative comparison will present a comprehensive reflection on compliance levels as deduced from the responses obtained (see Chapter 4, Table 26).

#### 4.1 General employment profile of current employment relationship

##### 4.1.1 Length of current employment relationship

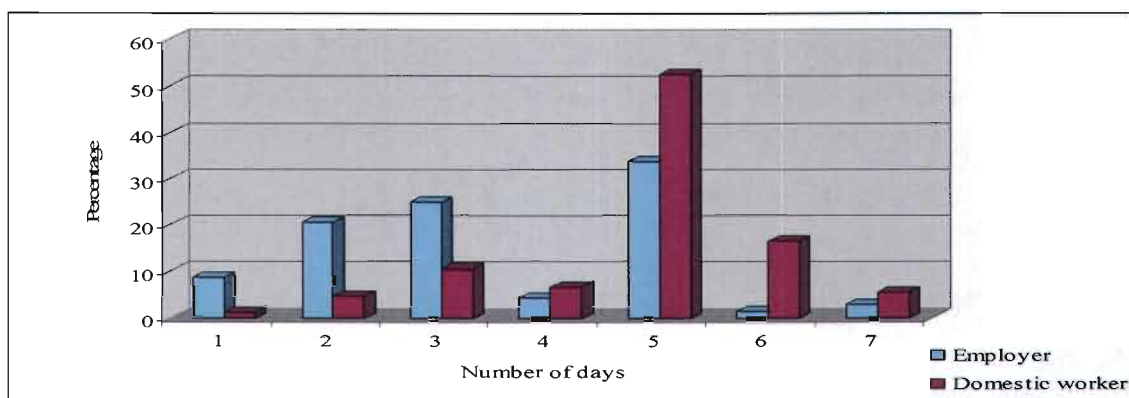
As can be seen from Figure 39, only 22,06% of employers and 17,52% of domestic workers indicated that they had an employment relationship of less than twelve months. A total of 74,54% of employers and 80,29% of domestic workers reported that their current employment relationships had already exceeded a period of twelve months.



**Figure 39: The length of current employment relationship**

##### 4.1.2 Number of days worked

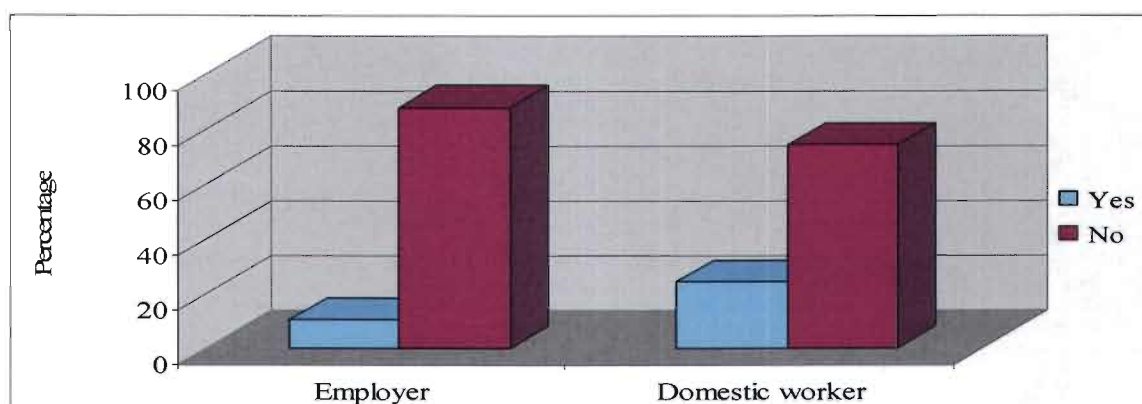
Figure 40 illustrates the reported days of employment within the current employment relationship. The majority of domestic workers (52,38%) indicated that they worked five days a week for their main employer. Employers had a more varied response in this regard, since 20,59% of employers indicated that their domestic worker worked for only two days a week, while 25% indicated three days and 4,41% reported a four-day work week. It was further indicated that 33,82% of employers required their domestic worker to work for five days a week. The occurrence of a seven-day workweek is limited as is evident from the 2,94% of employers and 5,49% of domestic workers who selected this alternative.



**Figure 40: Reported number of days worked per week within the current employment relationship**

#### 4.1.3 Provision of accommodation

The occurrence of live-in work arrangements is illustrated in Figure 41. A total of 10,29% of employers reported that they provided live-in accommodation and 24,45% of domestic workers that they lived on the premises of their main employer.

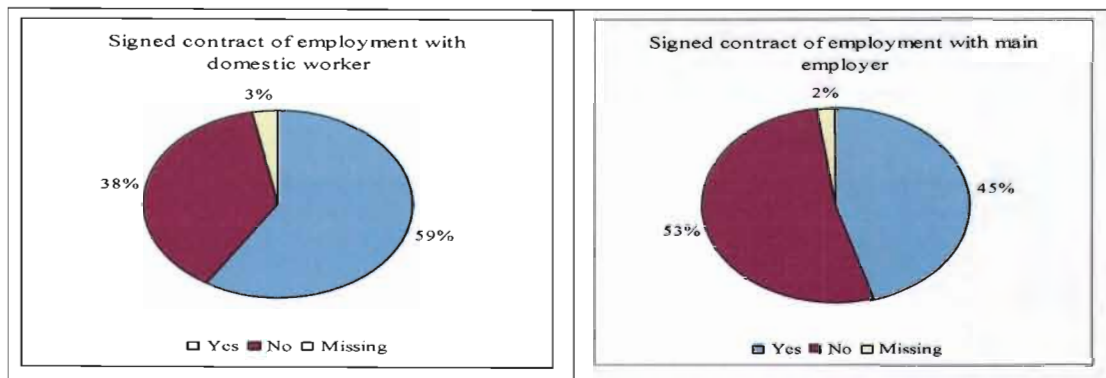


**Figure 41: The reported occurrence of live-in working arrangements**

#### 4.1.4 Existence of signed employment contract

Figure 42 illustrates that a total of 58,82% of employers and 45,26% of domestic workers reported that they had signed a contract of employment. The majority of

domestic workers (52,55%), however, indicated that they had not yet signed a contract of employment with their main employer.



**Figure 42: Comparison of responses regarding the existence of a signed contract of employment**

It must be noted that of the 45,26% of domestic workers who reported that they had signed an employment contract with their main employer (Figure 42), only 72,58% indicated that they had a copy of the signed employment contract.

#### **Finding:**

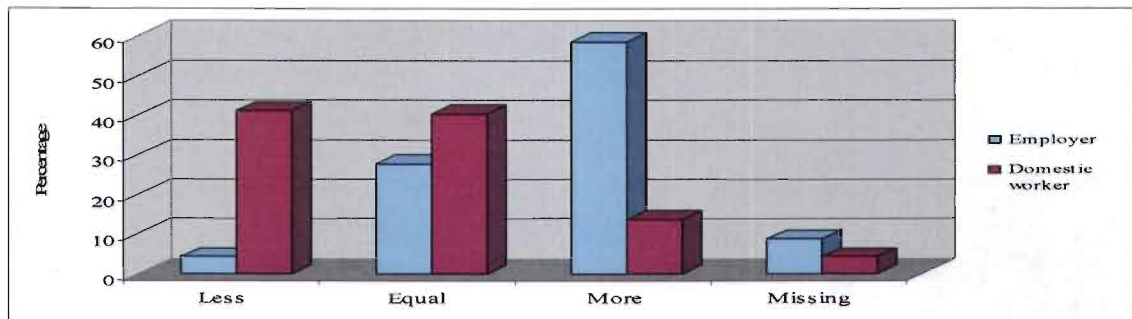
- Compliance with regard to the existence of a signed contract of employment is limited.

## **4.2 Compensation within the current employment relationship**

### **4.2.1 Perceived current compensation levels compared to legislative requirements**

Prior to assessing actual wages paid, it is also important to reflect on both employers' and domestic workers' perceptions regarding the current compensation levels. Figure 43 indicates that only 4,41% of employers regard the current payment to their domestic workers as being less than what is required by law. This is offset against the 32,64% of domestic workers who perceive their current compensation to be less than is required by law.

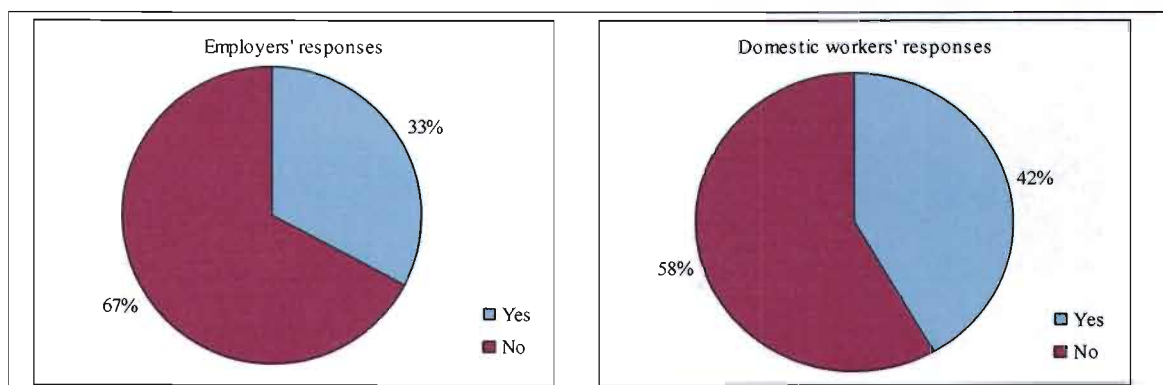
The overall perception of employers seems to be that they compensate their domestic workers at a rate that is equal to (27,94%) or even exceeds (58,82%) the rate prescribed by legislation.



**Figure 43: Comparison of responses regarding the perceptions of current compensation levels compared to legislative requirements**

#### 4.2.2 Impact of minimum wages on current compensation levels

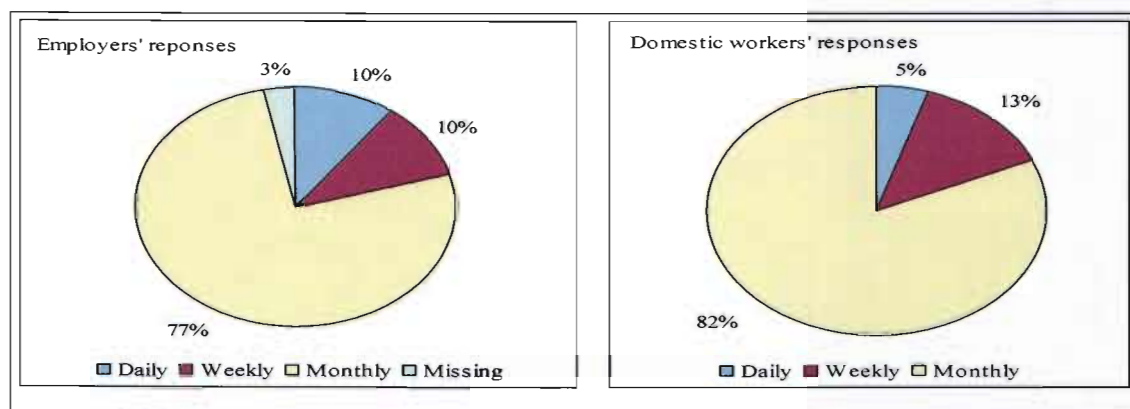
As evident from Figure 44, a total of 30,88% of employers and 40,15% of domestic workers indicated that the inception of minimum wages gave rise to higher rates of compensation. It should be noted that 63,24% of employers and 56,20% of domestic workers indicated that the rate of compensation within their individual employment relationships did not increase as a result of the inception of minimum wages.



**Figure 44: Impact of the setting of minimum wages levels on current compensation**

### 4.2.3 Compensation intervals

Sectoral Determination 7 allows for compensation to be paid either daily, weekly or monthly. Figure 45 indicates that both employers (76,47%) and domestic workers (81,75%) indicated that the predominant compensation interval is monthly.



**Figure 45: Comparison of responses regarding current compensation intervals**

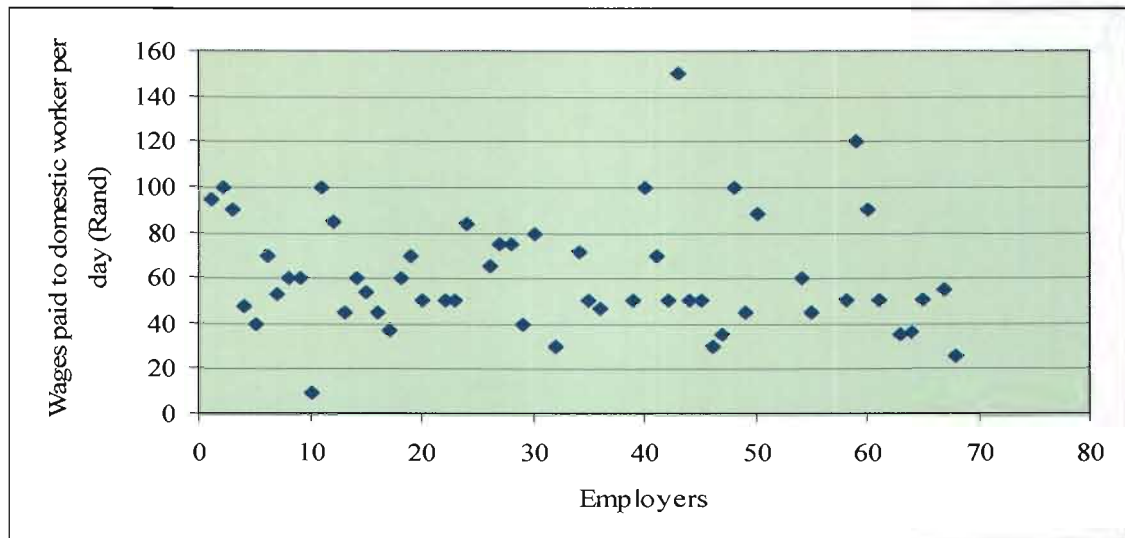
#### Finding:

- There is significant compliance with regard to compensation intervals by employers. Domestic workers reported full compliance by their main employers with regard to compensation intervals.

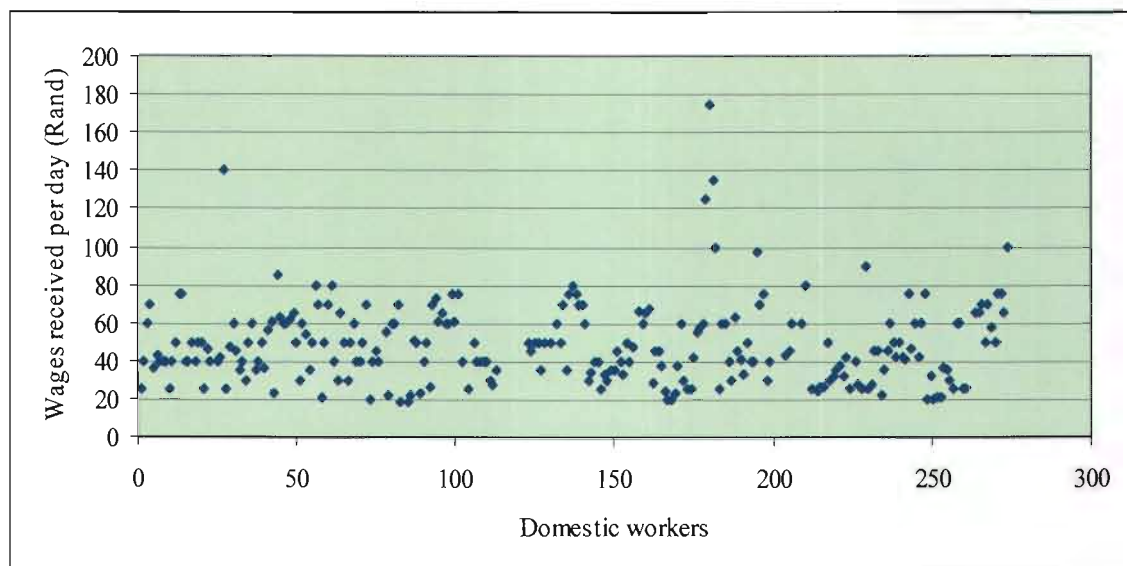
### 4.2.4 Reported payment per day

It should be noted that the number of hours worked directly affects the overall daily wage. For the purpose of this section, however, no differentiation was made based on hours worked but reflects solely on the total daily wage, irrespective of hours worked. It should, however, be noted that only once the actual hourly rate is calculated can these compensation levels be meaningfully compared to the stipulations of Sectoral Determination 7 (see Chapter 4, 2.4.6).

Figure 46 illustrates the daily rates that employers reported paying their domestic workers. As indicated in Figure 48, the average daily wage was R61,57. The highest daily wage reported was R150,00, and the lowest R10,00 as reported by employers.



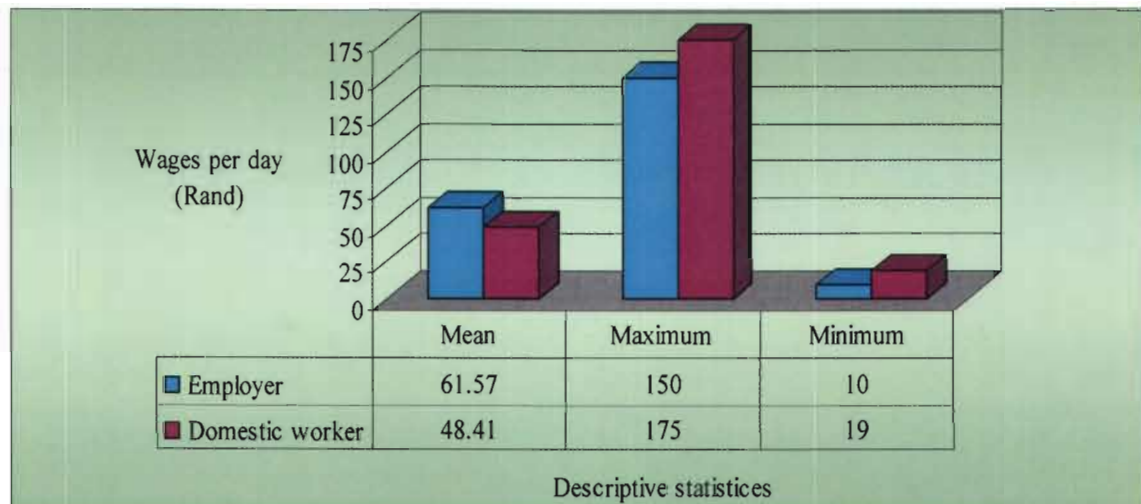
**Figure 46: Reported wages paid to domestic worker per day**



**Figure 47: Reported payment received per day from main employer**



Figure 47 indicates the daily rates domestic workers reported receiving from their main employers. As can be seen from Figure 48, the average daily wage received was R48,41. There is a significant discrepancy, evident from the fact that the highest daily wage reported by domestic workers was R175,00 and the lowest, R19,00.



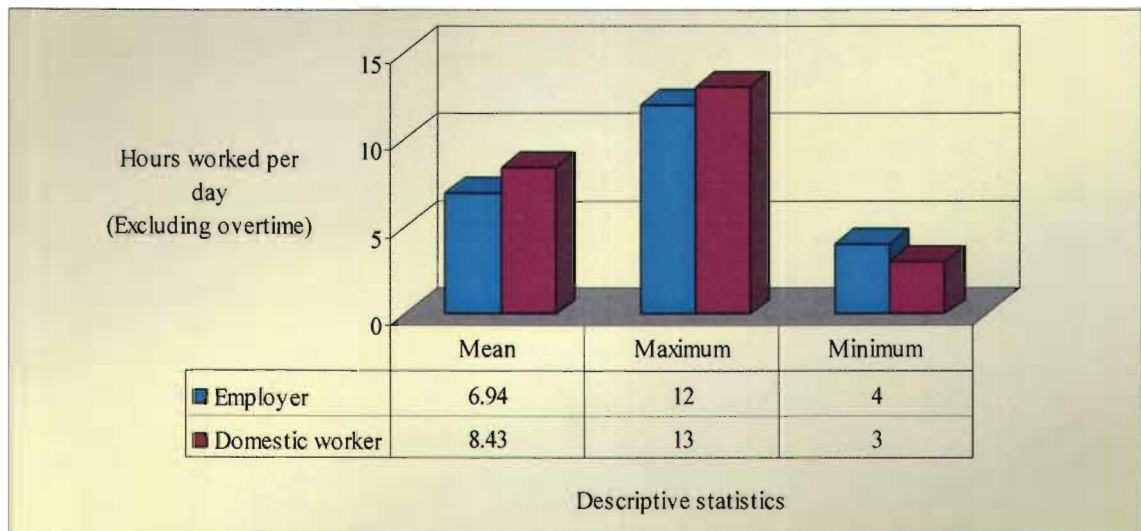
**Figure 48: Comparing reported daily wages paid by employers and received by domestic workers within current employment relationship**

#### 4.2.5 Average number of hours worked per day

In the calculation of wages, Sectoral Determination 7 differentiates between domestic workers working for less than 27 hours a week and those working for more than 27 hours a week. It is thus vital to establish the actual hours worked within the employment relationships of the respondents. This differentiation will form the basis for calculating the actual hourly wage (see Chapter 4, 2.4.6).

As can be seen from Figure 49, the reported responses of employers indicated that they employed a domestic worker on average 6.94 hours per day. The maximum reported workday was 12 hours long. No employer reported a workday of more than 12 hours.

Domestic workers, however, reported a longer average workday (8,43 hours), which is evident from the illustration in Figure 49. The maximum reported workday was 13 hours long. Only 1% of domestic workers reported a workday of longer that 12 hours.



**Figure 49: Comparing normal working hours per day within current employment relationships**

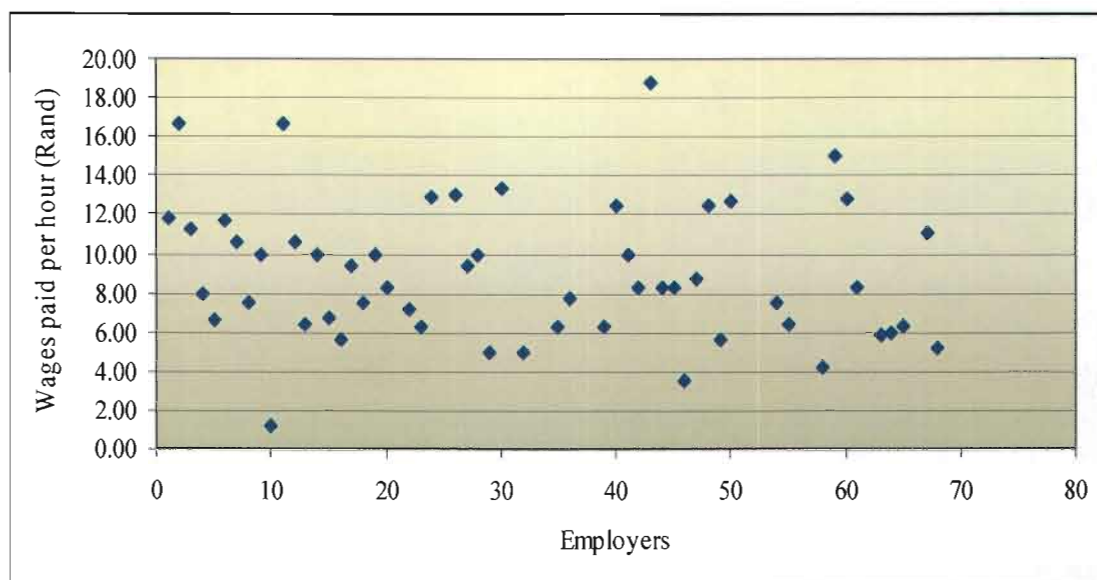
**Finding:**

- Employers fully complied with the stipulation that a workday may not exceed 12 hours. Domestic workers reported significant compliance by their main employers with regard to the maximum work hours per day.

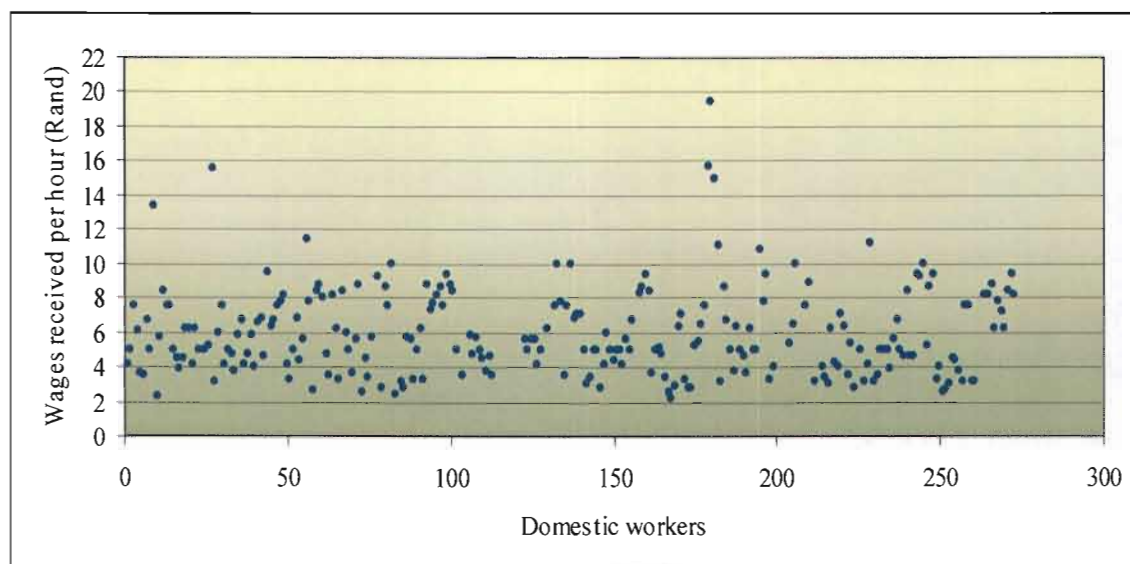
**4.2.6 Calculating wage rate per hour**

Having taken cognisance of the reported daily wage rate (see Chapter 4, 4.2.4) and the number of hours worked (see Chapter 4, 4.2.5), the actual hourly rate was calculated. This calculation is briefly discussed below.

Figure 50 indicates the wage rate paid per hour by employers to their domestic workers. The highest reported hourly wage rate paid by employers to their domestic worker was R18,75 per hour, compared with the lowest of R1,25 per hour, as indicated in Figure 50.



**Figure 50: Wage rate paid per hour to domestic worker**



**Figure 51: Wages received per hour by domestic worker from main employer**

Feedback received from domestic workers is illustrated in Figure 51, which indicates the actual hourly rate received from their main employer. From Figure 51 it is evident that the highest reported hourly wage rate received by domestic workers was R19,44 per hour compared to the lowest of R2,22 per hour.

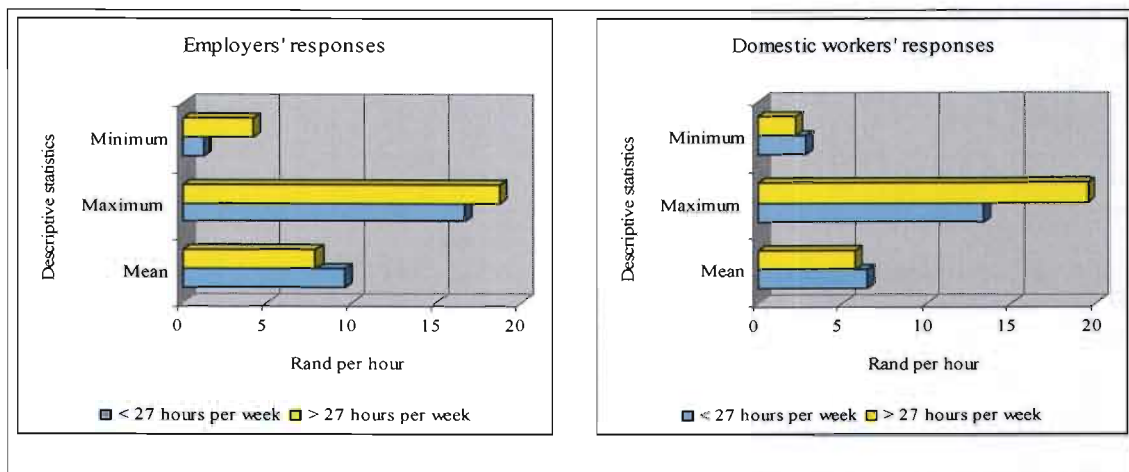
Considering that the average hourly rate reported by employers was R9,02 per hour and the average hourly rate domestic workers reported receiving was R5,90 per hour, it is vital to assess the extent to which these hourly wages received actually comply with legislative stipulations.

Since, for the purpose of wage calculation, Sectoral Determination 7 differentiates between domestic workers working for more than 27 hours a week and those who work less than 27 hours per week for (see Chapter 2, Table 5 & 6), assessing compliance according to this criterion was a challenge. By multiplying the days worked per week with the hours worked per day the number of actual hours worked weekly was attained. Through descriptive statistics the researcher was able to distinguish these two categories of employees.

Figure 52 indicates that the average hourly wage paid to domestic workers working for less than 27 hours per week was R9,59 per hour as reported by employers and R6,50 per hour as reported by domestic workers. The stipulated minimum wage for this group of domestic workers is R6,04 per hour, which indicates that on average employers are compensating domestic workers at a rate of R3,55 per hour above that which is stipulated as the minimum by Sectoral Determination 7. Domestic workers' responses also indicated that they are on average being compensated at a level of 46 cents per hour above the stipulated minimum for this category.

Figure 52 further indicates that the average hourly wage paid to domestic workers working for more than 27 hours per week was R7,87 per hour as reported by employers

and R5,77 per hour as reported by domestic workers. Sectoral Determination 7 stipulates that the minimum wage per hour for this category of domestic workers should amount to a minimum of R5,11 per hour. The average compensation in this regard is thus R2,76 per hour above that which is required by law as reported by employers and 66 cents per hour above the required minimum, as reported by domestic workers.

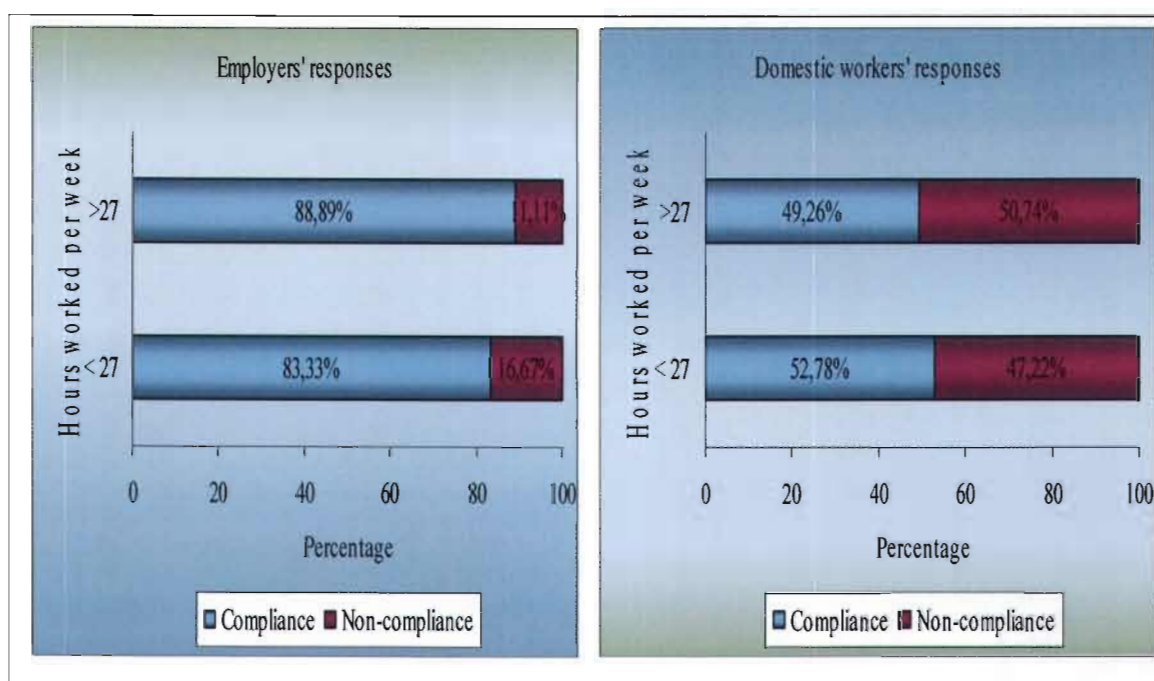


**Figure 52: Comparison regarding actual wages paid and received within the demarcated area**

The discrepancy in reported average hourly wages between employers' and domestic workers' responses for both those working for less than 27 hours per week and those working for more than 27 hours could be ascribed to the fact that there is not necessarily a direct employment relationship between respondent employers and domestic workers in both categories.

Figure 53 provides a summary of actual compliance with stipulated minimum wages. A total of 88% of employers and 49,26 of domestic workers reported a compensation level of R5,11 or more for domestic workers working for less than 27 hours per week. Figure 53 further indicates that 83,33% of employers and 52,78% of domestic workers indicated compliance levels of R6,04 and more for domestic workers working for more than 27 hours per week.





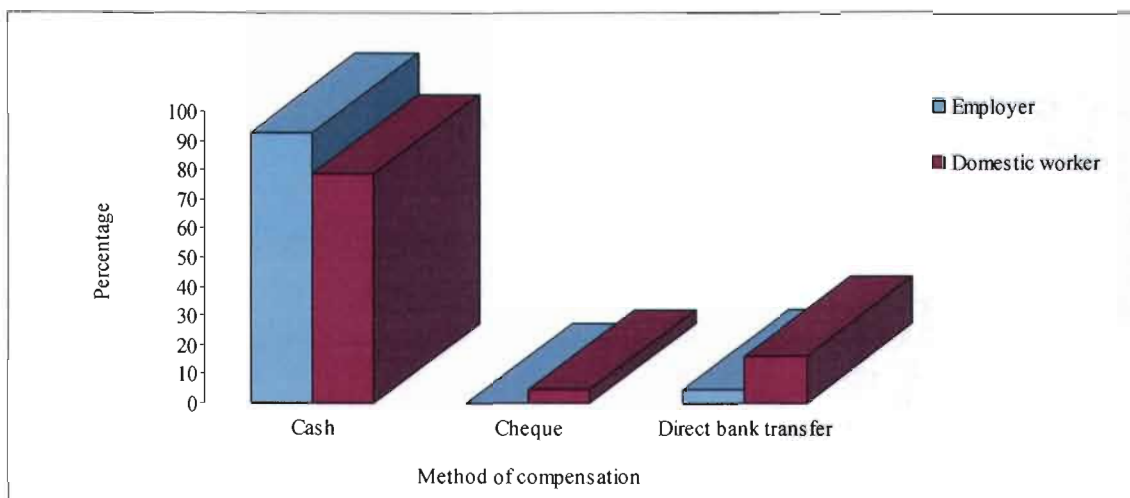
**Figure 53: Comparison of responses regarding compliance with minimum wage stipulations**

**Finding:**

- Employers complied significantly with regard to minimum wage stipulations. Domestic workers, however, reported limited compliance by their main employers with regard to minimum wage stipulations.

**4.2.7 Method of payment**

Sectoral Determination 7 makes provision for the payment of wages in cash, by means of a cheque or direct bank transfer (see Chapter 2, Figure 9). Figure 54 indicates that within the domestic worker sector the primary payment method is still cash. This trend is evident from the 92,65% of employers and 78,47% of domestic workers who indicated that payment made and received was in the form of cash.



**Figure 54: Comparison of responses regarding the reported methods of compensation**

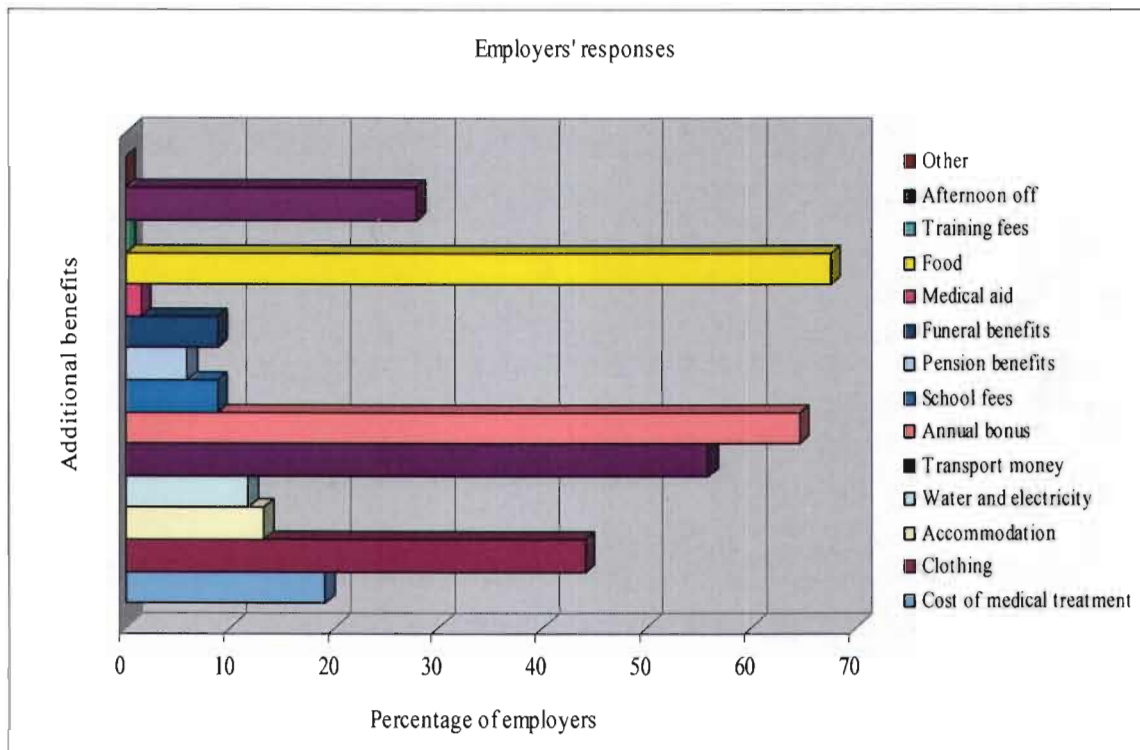
#### 4.2.8 Additional benefits offered

Although Sectoral Determination 7 does not stipulate that specific additional benefits must be made part of the employment agreement, it does make provision for parties to negotiate any conditions that exceed the minimum stipulations.

Figure 55 illustrates the additional benefits employers reported as being part of their employment relationship with their domestic worker. According to these responses, food (67,65%), an annual bonus (64,71%), transport money (55,88%), clothing (44,12%), an afternoon off (27,94%) and the cost of medical treatment (19,12%) was offered to domestic workers. Only 13,24% of employers indicated that they provided benefits related to accommodation, which correlates with the figure of 10,29% of employers who indicated that their domestic worker lived on their premises (see Chapter 4, Figure 41).

It should be noted that, although not required by law, no employer indicated that any benefit was granted related to training. Provision for pension benefits (5,88%) and medical aid benefits (1,47%) was also noticeably lacking (see Figure 55).



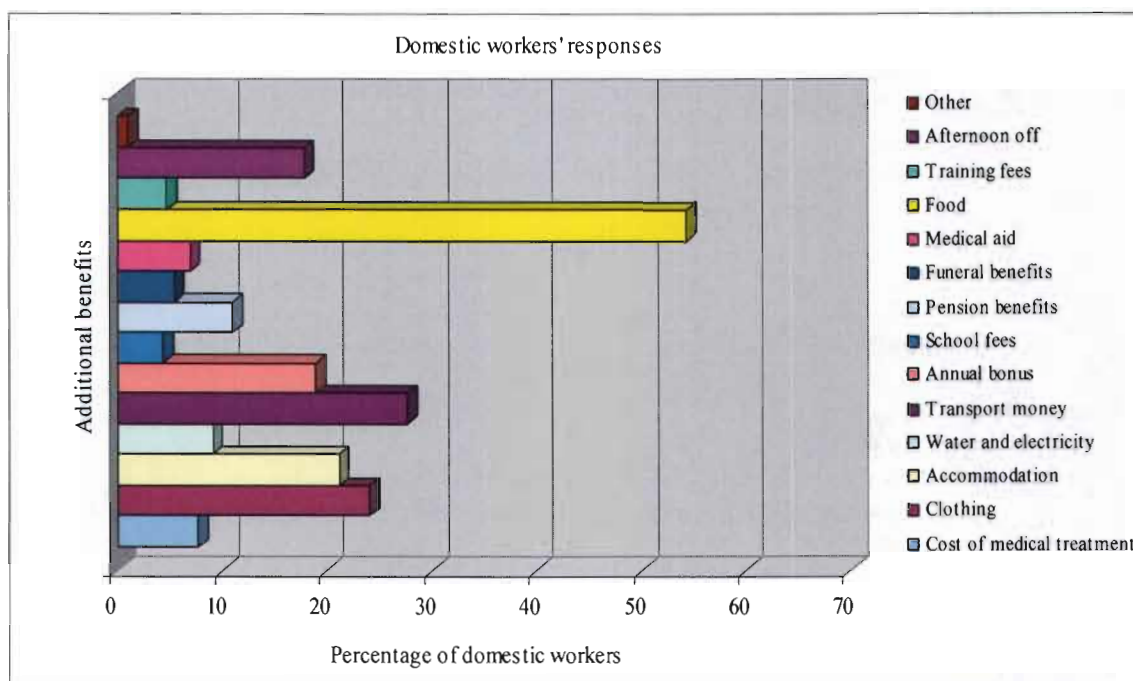


**Figure 55: Additional benefits provided to domestic workers**

Domestic workers reported that they received mostly food (54,38%) as an additional benefit. Figure 56 further indicates that transport money (27,74%), clothing (24,09%), accommodation (21,17%) and an afternoon off (17,88%) formed part of the additional benefits they received from their main employer.

As is highlighted above, Figure 56 also indicates the lack of pension benefits (10,95%), medical aid benefits (6,93%) and benefits related to training fees (4,74%) as reported by domestic workers.

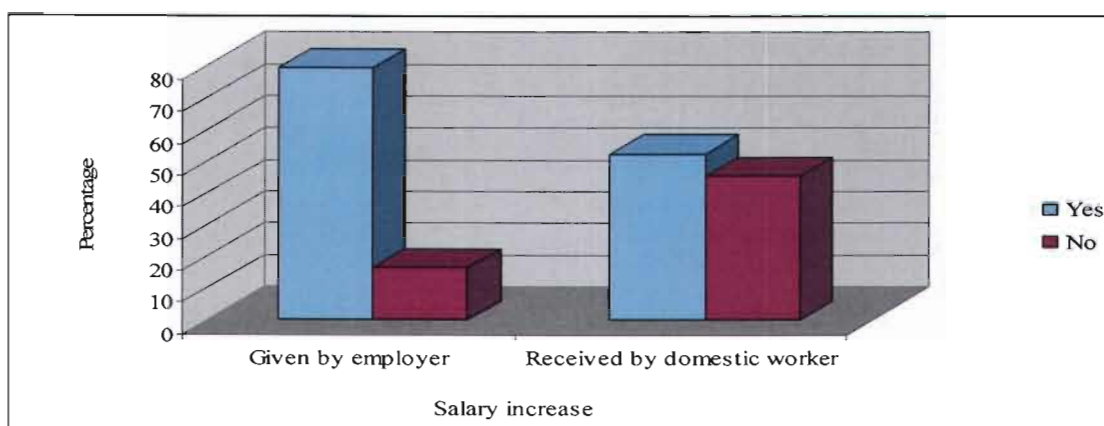
Again the discrepancies regarding benefits as reported by employers' and domestic workers' responses can be attributed to the fact that these respondents are not necessarily in a direct employment relationship.



**Figure 56: Additional benefits received by domestic workers from their main employer**

#### **4.2.9 The existence and extent of salary increases within current employment relationships**

As can be seen from Figure 57, a total of 79,41% of employers indicated that they had given their domestic worker a salary increase within the last 12 months (November 2005-October 2006,) as compared with the 52,55% of domestic workers who reported that they had received a salary increase within this period of time. Figure 57 further illustrates that 16,18% of employers indicated that they had not granted a salary increase and 45,25% of domestic workers reported that they had not received a salary increase in this period of time.



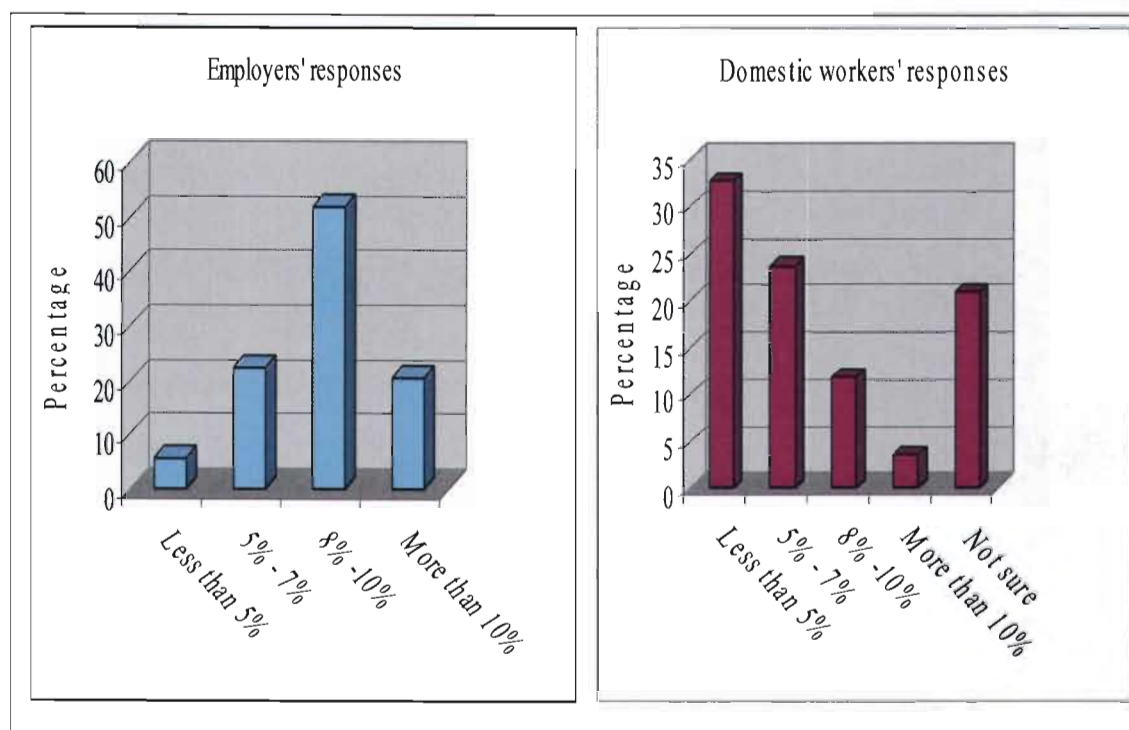
**Figure 57: Comparison regarding salary increases given/received**

When considering compliance in this regard, cognisance has to be taken of the reasons why salary increases were not granted as indicated by the “no” responses reflected in Figure 57. Table 17 provides a summary of the reasons put forward by both employers and domestic workers for the fact that no salary increase was granted. Financial constraints and the length of the employment relationship seemed to be the major reasons.

**Table 17: Summary of reported reasons for a lack of salary increases within the last 12 months (November 2005-October 2006)**

Employer reasons:	Domestic worker reasons:
<ul style="list-style-type: none"> <li>• Employment relationship of less than 12 months</li> <li>• Increases given in relation to transport money</li> <li>• Short work week (2 days)</li> <li>• No reason</li> <li>• No change in workload of domestic worker</li> </ul>	<ul style="list-style-type: none"> <li>• Employment relationship of less than 12 months</li> <li>• No reason/No idea</li> <li>• According to employer I earn enough to take care of myself</li> <li>• The employer did not want to</li> <li>• Not a full-time employee</li> <li>• It was not part of the agreement</li> <li>• She tells me she also receives very little/ Lack of finance</li> <li>• The employer is also a pensioner/ Inability to afford an increase</li> <li>• No increase received in the last four years</li> <li>• She provides food and cannot afford food and increase</li> <li>• I did not ask her for an increase / Too scared to ask for increase</li> <li>• Got a big increase in June 2005</li> <li>• Despite agreement of salary increase no increase was given</li> <li>• We haven't really talked about it</li> <li>• Never informed me about that</li> <li>• The employer is the only breadwinner in the house</li> </ul>

Figure 58 illustrates the actual extent of salary increases granted and received by those who indicated that they had granted or received a salary increase (see Figure 57).



**Figure 58: Comparison of responses regarding the extent of salary increases given/received within the last 12 months (November 2005-October 2006)**

As can be seen in Figure 58, only 5,56% of these employers indicated that they had granted salary increases of less than 5% and 22,22% had granted a salary increase of between 5% and 7%. It must be noted that 51,85% of employers indicated that they had granted salary increases of between 8% and 10%, and 20,37% of employers also indicated that they had granted a salary increase of more than 10%.

A total of 54,38% domestic workers reported that they had received less than a 5% salary increase within the previous 12 months, which is also illustrated in Figure 58. It is further evident from responses that 23,61% of domestic workers had received an increase of between 5% and 7%, while 11,81% indicated that they had received a salary

increase of between 8% and 10% . Only 3,47% of domestic workers indicated that they had received an increase of more than 10% during this time period. It should be noted that 20,83% of domestic workers actually indicated that they were not sure of the extent of the increase they received, which could be indicative of a lack of effective communication between the employer and domestic worker regarding compensation issues.

For the period 1 December 2005 to 31 November 2006, Sectoral Determination 7 prescribed a 7% salary increase for domestic workers. It should thus be noted that 51,85% of employers and 11,81% of domestic workers indicated that the salary increases that took place were between 8% and 10%. A further 20,37% of employers and 3,47% of domestic workers reported salary increases in excess of 10%.

**Finding:**

- Reported compliance by employers with regard to the existence of salary increases is significant. Domestic workers, however, reported limited compliance by their main employers in this regard.
- Employers complied significantly with stipulations regarding the extent of salary increases. Domestic workers, however, reported that their main employers were lacking in compliance in this regard.

**4.2.10 Reported deductions made from compensation**

Sectoral Determination 7 clearly stipulates the deductions employers may make from their domestic workers' compensation (see Chapter 2, Figure 9). A total of 32,12% of employers and 22,06% of domestic workers indicated that deductions were in fact made from the compensation of the domestic worker. Table 18 provides a summative comparison which highlights the reported deductions.



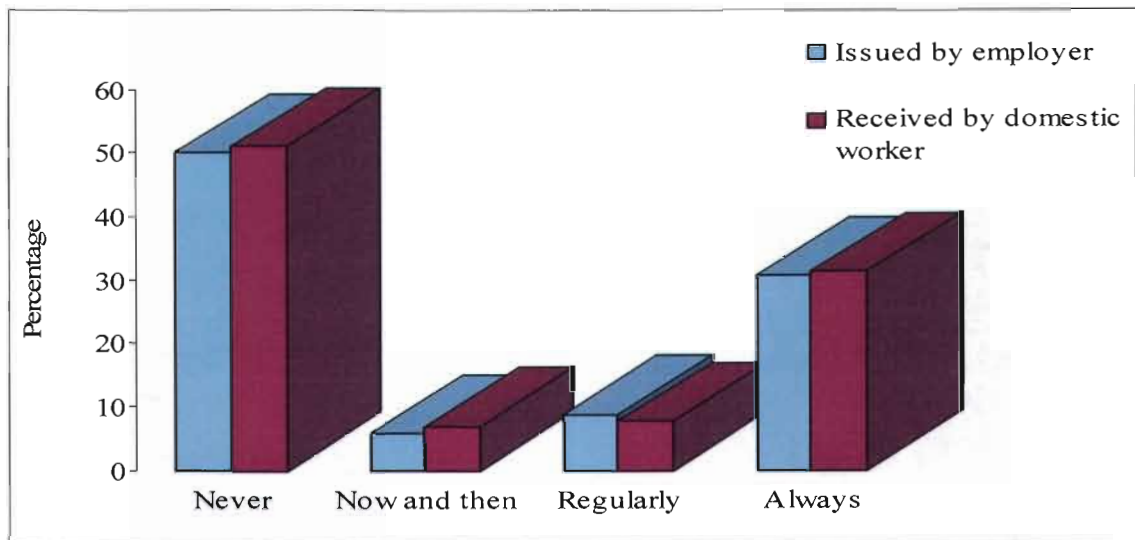
**Table 18: Reported deductions made from the domestic workers' compensation**

Deductions	Deductions made by employers	Deductions reported by domestic workers
Training costs	None	1,34%
Cost of equipment used	None	None
Cost of uniforms/clothes	None	5,68%
Cost of food/meals	None	5,68%
Cost of fines	None	1,34%
Rand value of unpaid leave	None	None
Repayment of loans/advances	46,67%	5,68%
UIF	60,00%	75,00%
Medical contributions	6,67%	26,14%
Pension contributions	6,67%	20,45%
Less than 10% of total value of wages for accommodation	13,33%	3,41%
10% of total value of wages for accommodation	None	None
More than 10% of total value of wages for accommodation	None	1,34%
Cost of breakage or damage as a result of employee actions	None	4,55%
Cost of transport provided	None	17,05%

Despite the stipulations of Sectoral Determination 7, Table 18 indicates that domestic workers reported deductions were made for training costs, uniforms or clothing, food, the cost of fines, and accommodation exceeding 10% of the total value of wages.

#### **4.2.11 The issue and receipt of detailed payslips**

Sectoral Determination 7 clearly states that each time a worker is paid, the employer must provide a detailed payslip (see Chapter 2, Figure 9). Figure 59 indicates that only 30,88% of employers indicated that they always provided their domestic worker with a detailed payslip, while 31,39% of domestic workers indicated that they always received a detailed payslip from their main employer. The extent of non-compliance in this regard is evident from the large number of employers (50%) and of domestic workers (51,09%) who indicated that a detailed payslip was never issued/received.



**Figure 59: Comparison regarding the issuing and receipt of detailed payslips**

**Finding:**

- Both employers and domestic workers reported that compliance was lacking with regard to the issuing of a detailed payslip.

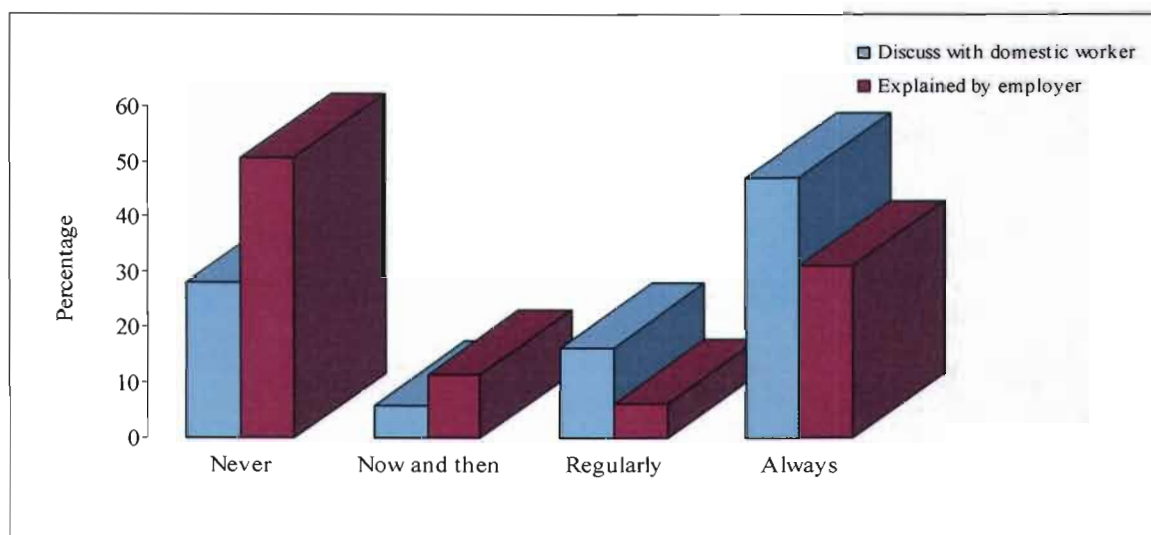
**4.2.12 The discussing of wage calculation within current employment relationships**

As indicated in Figures 9 and 10 (see Chapter 2), Sectoral Determination 7 requires the employer to ensure that the domestic worker understands the content of the employment contract. As part of this contract it is implied that the calculation of wages should also be discussed. A detailed payslip could very well assist in this regard but does not guarantee insight. The discussion of wage calculations is thus vital in an attempt to ensure understanding and eliminate potential misunderstandings.

Figure 60 indicates that only 47,06% of employers and 31,02% of domestic workers indicated that the calculation of wages was always discussed. It has to be noted that a total of 27,94% of employers and 50,73% of domestic workers indicated that the calculation of wages was never discussed.



The lack of compliance in this regard could affect the overall employment relationship due to the possibility of misunderstandings and misconceptions regarding the calculation of wages and any possible deductions. This consequence is avoidable. The value of this stipulation is seemingly overlooked, as is evident from the responses indicated in Figure 60.



**Figure 60: Comparison of responses regarding the discussion of wage calculation**

#### **Finding:**

- Employers indicated a limited compliance with the need to discuss wage calculations, while domestic workers reported that their main employers' compliance in this regard was lacking.

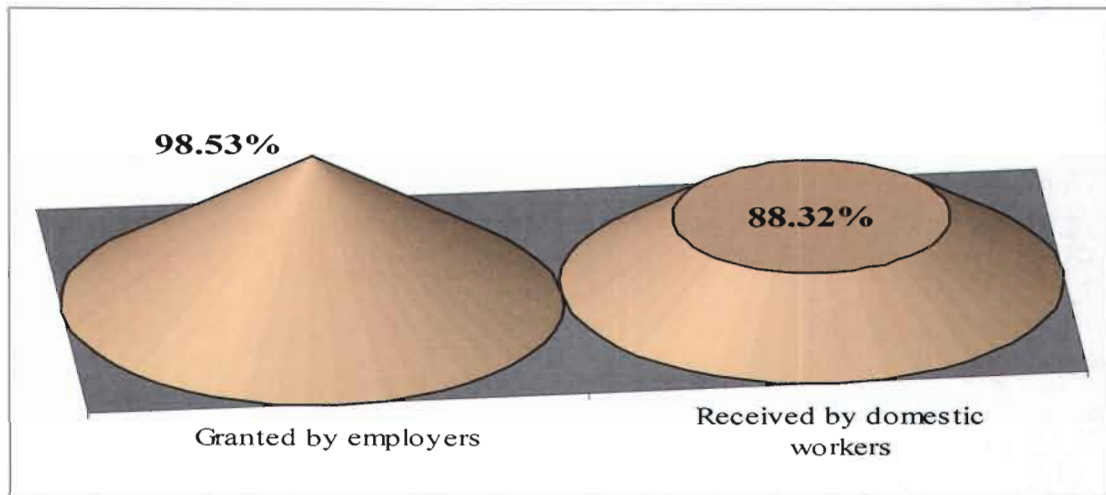
### **4.3 Working hours within the context of the current employment relationships**

Working hours are generally divided into ordinary hours and overtime hours, which are governed by the stipulations of Sectoral Determination 7 (see Chapter 2, Figure 12).

#### **4.3.1 Meal breaks**

According to Sectoral Determination 7, domestic workers are entitled to a 60-minute meal break after every five hours of work. Although the questionnaires did not establish

the extent of meal breaks granted, it did require respondents to indicate whether regular meal breaks were granted/received.



**Figure 61: Comparison of responses regarding the extent of meal breaks granted and received**

Figure 61 illustrates that a total of 98,53% of employers indicated that they did grant regular meal breaks to their domestic workers during the course of a workday. Although a total of 88,32% of domestic workers also indicated that they received regular meal breaks from their main employer during a workday, it must be noted that 10,58% indicated that they did not receive regular meal breaks.

**Finding:**

- Both employers and domestic workers reported significant compliance with regard to the granting of meal breaks.

#### **4.3.2 Sunday work**

Since the extent of Sunday work impacts on the actual wages payable, it is necessary to establish the occurrence of Sunday work. Table 19 indicates that a significant number of employers (88,24%) never require their domestic worker to work on a Sunday.

Furthermore, 56,93% of domestic workers indicated that they never worked on a Sunday. This corresponds to the 2,94% of employers and 5,49% of domestic workers who indicated that their employment relationship involved a seven-day workweek (see Chapter 4, 4.1.2).

**Table 19: Comparison of responses regarding the occurrence of Sunday work**

<b>Require domestic worker to work on Sundays (Employer)</b>	<b>Occurrence of Sunday work</b>	<b>Main employer requires domestic worker to work on Sundays (Domestic worker)</b>
88,24%	<b>Never</b>	56,93%
7,35	<b>Seldom</b>	20,80%
0	<b>Once a month</b>	5,84%
1,47%	<b>Twice a month</b>	9,49%
1,47%	<b>Three times a month</b>	2,55%
0	<b>Nearly every Sunday</b>	0
0	<b>Every Sunday</b>	4,01%

Sectoral Determination 7 stipulates that workers who work on Sundays from time to time only, should receive double the normal daily wage, while those who usually work on Sundays should receive one and a half times the normal daily wage.

**Table 20: Comparison of responses regarding the rate of compensation for Sunday work**

<b>Compensation paid (Employer)</b>	<b>Compensation for Sunday work</b>		<b>Compensation received (Domestic worker)</b>
66,18%	<b>Does not require domestic worker to work on Sundays</b>	<b>Never works on Sundays</b>	54,38%
0	<b>The normal daily rate</b>		12,41%
5,88%	<b>1,5 times the normal rate</b>		9,85%
7,35%	<b>2 times the normal rate</b>		18,98%
1,47%	<b>Paid time off</b>		1,82
19,12%	<b>Missing</b>		2,55%

It is, however, evident from Table 20 that 66,18% of employers and 54,38% of domestic workers indicated that Sunday work did not form part of their current employment relationship, which is consistent with responses reported in Table 19. It must be noted

that no employers indicated that they compensated their domestic worker at the normal daily rate for working on a Sunday. Non-compliance in this regard is evident, however, from the 12,41% of domestic workers who indicated that they were compensated at the normal daily rate for Sunday work.

### 4.3.3 Compensation for working on a Public holiday

Sectoral Determination 7 stipulates that compensation for working on a public holiday should occur at a rate of double the normal daily rate. A total of 60,26% of employers and 46,72% of domestic workers indicated that working on public holidays did not form part of their current employment relationships (see Table 21). Non-compliance with this stipulation is evident from the 5,88% of employers who indicated that they compensated their domestic workers at a rate of one and a half times the normal daily rate. A total of 16,42% of domestic workers also indicated that they were only compensated at the normal daily rate and a further 10,58% indicated that they received one and a half times the normal rate per day.

**Table 21: Comparison of responses regarding the rate of compensation for working on a Public holiday**

Compensation paid (Employer)	Compensation for working on a Public holiday		Compensation received (Domestic worker)
60,29%	Does not require domestic worker to work on Public holidays	Never works on Public holidays	46,72%
0	The normal daily rate		16,42%
5,88%	1,5 times the normal rate		10,58%
14,71%	2 times the normal rate		20,44%
1,47%	Paid time off		2,55%
17,65	Missing		3,28

Compliance is evident, however, from the 14,71% of employers and 20,44% of domestic workers who indicated that working on a public holiday occurred at double the normal

daily rate. Paid time off also constitutes compliance, although the occurrence of this arrangement seems limited, as reflected in Table 21.

A noticeable segment of employers (17,65%) refrained from indicating the basis upon which they compensated their domestic worker for working on a public holiday. It could be argued that they either did not make use of this arrangement or did not comply and therefore did not complete the question.

**Finding:**

- Significant compliance is evident from those employers who indicated that they compensated their domestic workers at a rate of double the normal rate per hour or exchanged time worked for paid time off for working on a public holiday. Domestic workers, however, reported limited compliance with regard to this stipulation by their main employers.

**4.3.4 Compensation for overtime**

Sectoral Determination 7 stipulates that overtime may not be worked unless by agreement and then at a rate of one and a half times the normal daily rate. Table 22 shows that 58,82% of employers and 39,78% of domestic workers indicated that the working of overtime did not form part of the current employment relationships.

However, an indication of non-compliance on the part of employers is evident from the 20,80% of domestic workers who indicated that they received the normal daily rate for working overtime.

No employers indicated that they compensated their employer at the normal daily rate for working overtime. Since compensation at a rate of one and a half or double the normal rate or even the granting of paid time off constitutes compliance, it must be noted that a combined total of 24,99% of employers and 35,03% of domestic workers

indicated that these alternatives formed part of their employment relationships, as is evident from Table 22.

A noticeable number of employers (16,18%) refrained from indicating the basis upon which they compensated their domestic worker for working overtime. It could be argued that they either did not make use of overtime arrangements or did not comply and therefore did not complete the question.

**Table 22: Comparison of responses regarding the compensation for overtime worked**

Compensation paid (Employer)	Compensation for overtime worked		Compensation received (Domestic worker)
58,82%	Does not require domestic worker to work overtime	Never works overtime	39,78%
0	The normal daily rate		20,80%
11,76%	1,5 times the normal rate		21,90%
8,82%	2 times the normal rate		11,31%
4,41%	Paid time off		1,82%
16,18%	Missing		4,38%

**Finding:**

- Full compliance is evident from those employers who made use of overtime worked by their domestic worker. Compensation occurred at a rate of one and a half or double the normal rate per hour or they exchanged time worked for paid time off for working overtime. Domestic workers also reported significant compliance by their main employers with regard to this stipulation where they did work overtime.

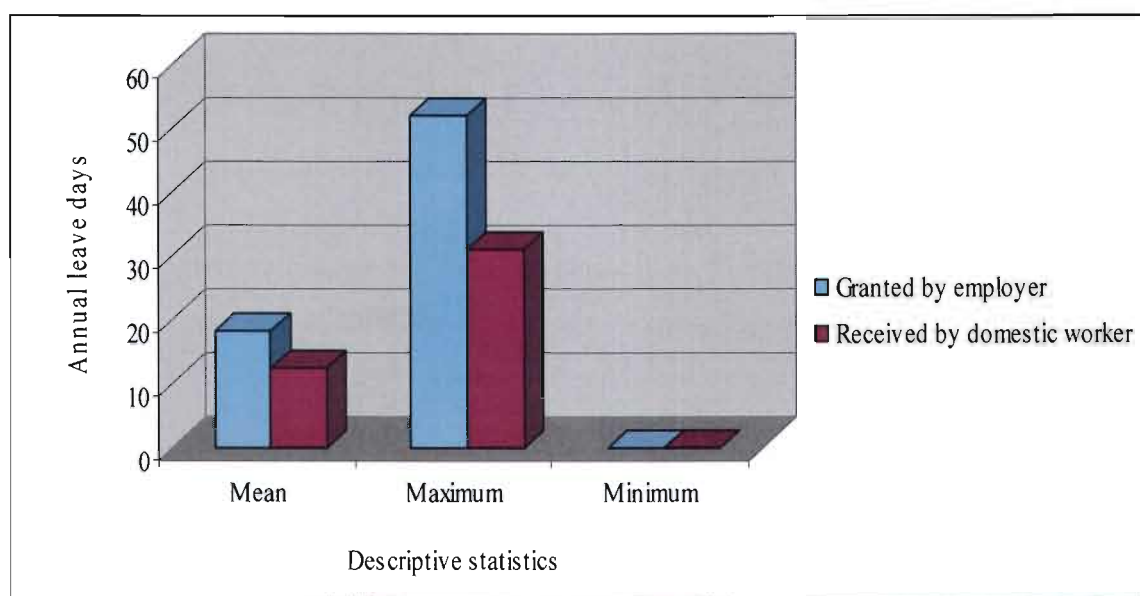
#### **4.4 The existence and occurrence of leave within the current employment relationships**

In an attempt to eliminate the granting of leave at the sole discretion of the employer, Sectoral Determination 7 provides clear stipulations with regard to the granting of leave as indicated in Figure 12 (see Chapter 2).

#### 4.4.1 Annual leave

A domestic worker is entitled to annual leave of at least 21 consecutive days, or one day for every 17 days worked or one hour for every 17 hours worked.

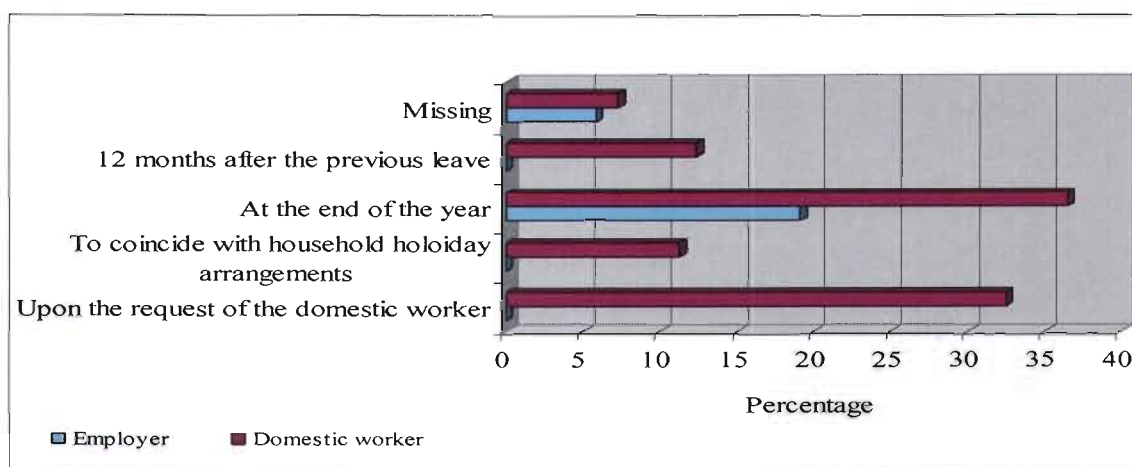
As can be seen from Figure 62, the average number of annual leave days granted was 18,18 days as reported by employers and 12,38 days as reported by domestic workers. It should be noted that the actual length of employment directly impacts on the number of annual leave days granted/received. The questionnaire, however, did not establish the actual length of service and therefore compliance can not be determined in this regard.



**Figure 62: Comparison of responses regarding annual leave granted/received within the last 12 months (November 2005-October 2006)**

Sectoral Determination 7 further stipulates that both parties must agree on the timing of annual leave, but in the case of a disagreement the employer will be entitled to make the final decision. Figure 63 provides an indication of the various alternatives that determine the occurrence of annual leave as reported by both employers and domestic workers within their current employment relationships.



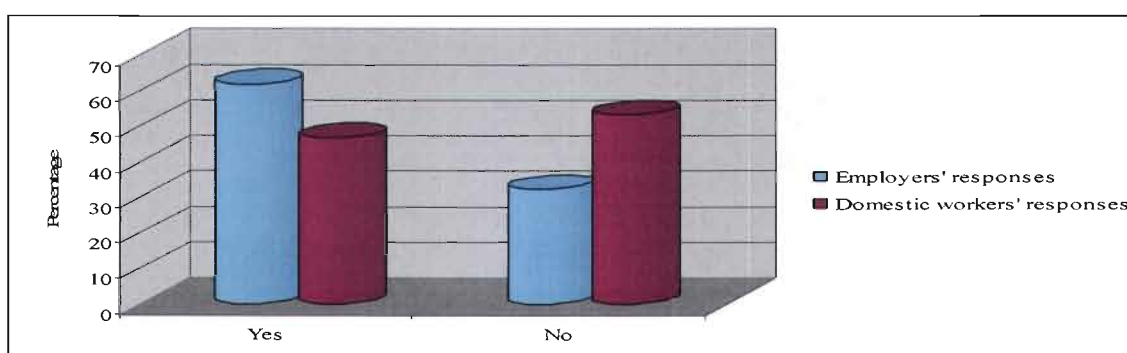


**Figure 63: Comparison of responses regarding the occurrence of annual leave**

## 4.4.2 Sick leave

### 4.4.2.1 Sick leave taken

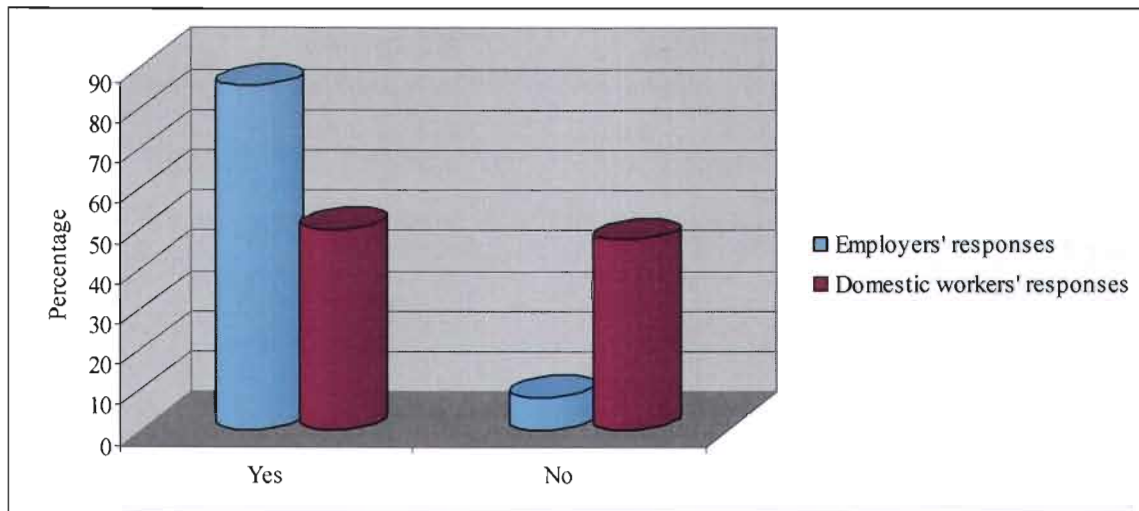
According to Sectoral Determination 7, a domestic worker is entitled to six weeks' paid sick leave within a three-year sick leave cycle. Figure 64 provides a summary of the reported occurrence of sick leave granted or taken within the last 12 months. A total of 61,76% of employers indicated that their domestic workers had made use of their sick leave benefits within the previous 12 months (November 2005-October 2006). Only 46,72% of domestic workers indicated that they had taken sick leave from their main employer within the previous 12 months.



**Figure 64: Comparison of responses regarding the reported occurrence of sick leave taken within the last 12 months (November 2005-October 2006)**

#### 4.4.2.2 Payment during sick leave

Compliance with stipulations regarding payment during sick leave is evident from Figure 65. As can be seen, a total of 85,29% of employers and 49,64% of domestic workers indicated that full pay was given when sick leave was taken.



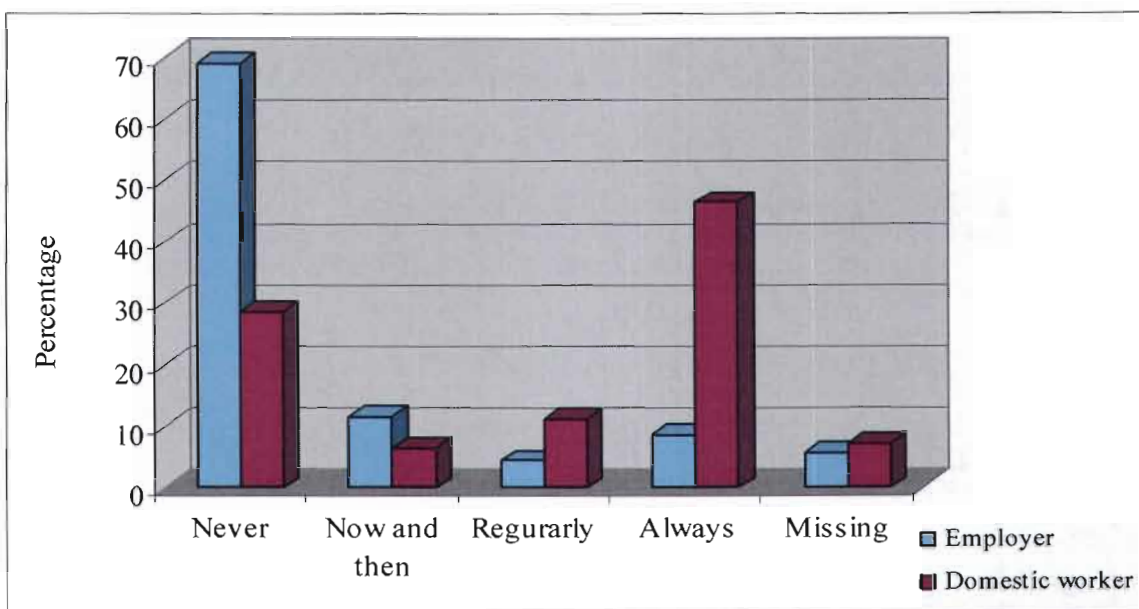
**Figure 65: Comparison of responses regarding payment of wages at normal daily rate during sick leave**

#### Finding:

- Employers complied significantly with regard to the stipulation that sick leave must occur at the normal daily rate. Domestic workers, however, reported that there was limited compliance by their main employers in this regard.

#### 4.4.2.3 Proof of illness

Although an employer is entitled to request proof of illness after two consecutive days of absence, it should be noted that 69,12% of employers indicated that they never requested proof of illness, as indicated in Figure 66. The reason for this could be the individualised nature of the employment relationship within the domestic worker sector. However, a total of 46,35% of domestic workers indicated that they always had to produce a medical certificate before sick leave was granted to them.



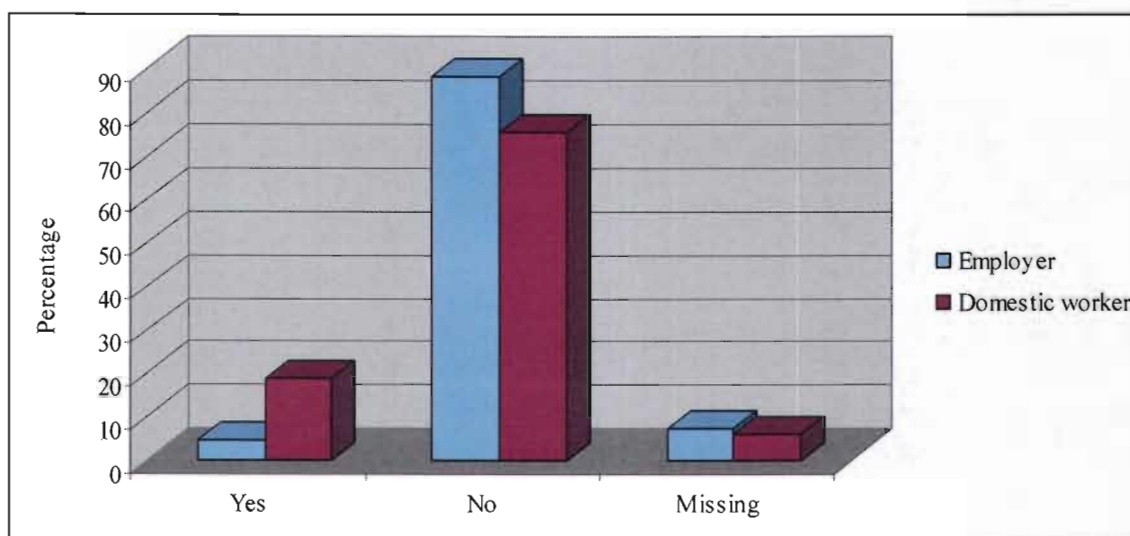
**Figure 66: Comparison regarding the request for proof of illness**

#### **4.4.3 Maternity leave**

Although Sectoral Determination 7 stipulates that pregnant domestic workers are entitled to four months' maternity leave, there is no legal obligation on employers to compensate the domestic worker during this period.

##### **4.4.3.1 Maternity leave granted/taken**

As can be seen from Figure 67, the occurrence of pregnancies amongst respondents seems to be limited, as is evident from the fact that only 4,41% of employers indicated that their domestic workers had taken maternity leave within the previous 12 months (November 2005-October 2006). This perception is further amplified by the fact that only 18,61% of domestic workers indicated that they had taken maternity leave within this period.

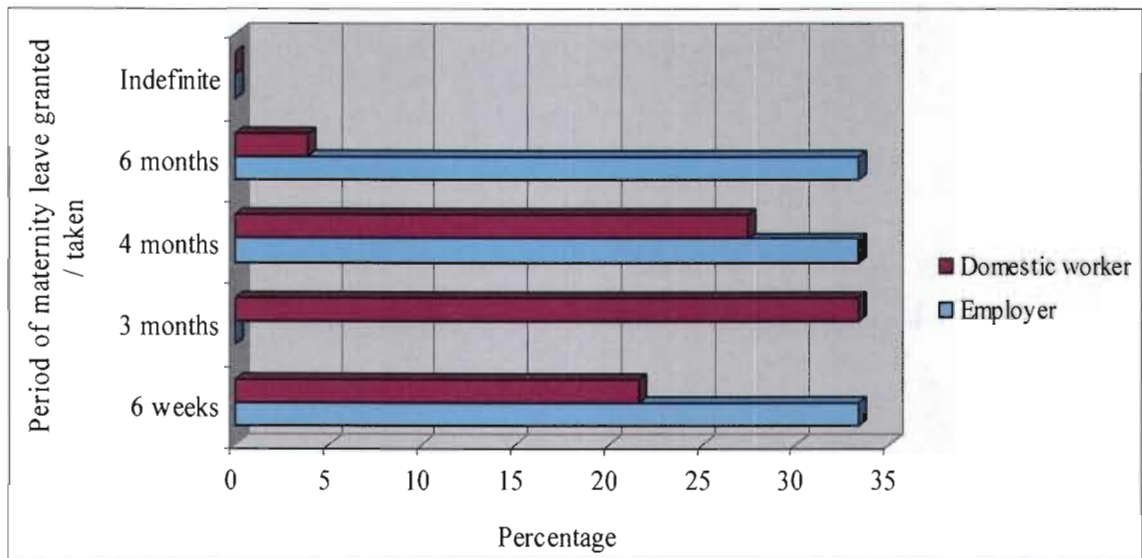


**Figure 67: Comparison of responses regarding the existence of maternity leave granted/taken within the last 12 months (November 2005-October 2006)**

#### **4.4.3.2 Period of maternity leave granted/taken**

Although Sectoral Determination 7 stipulates that a domestic worker is entitled to a four-month maternity leave period, this often occurs without compensation. Domestic workers could thus prefer to, or be necessitated to, take a shorter period of maternity leave, based on their own unique circumstances. Assessing overall compliance in this regard is thus not possible given the infinite number of individual arrangements that could take place between employers and domestic workers.

Figure 68 shows that only 33,33% of the employers indicated that they granted maternity leave of only 6 weeks. A total of 33,33% of employers granted four months and a further 33,33% indicated that they granted six months' maternity leave. Figure 68 further indicates that 54,90% of domestic workers indicated that they took maternity leave of less than four months.

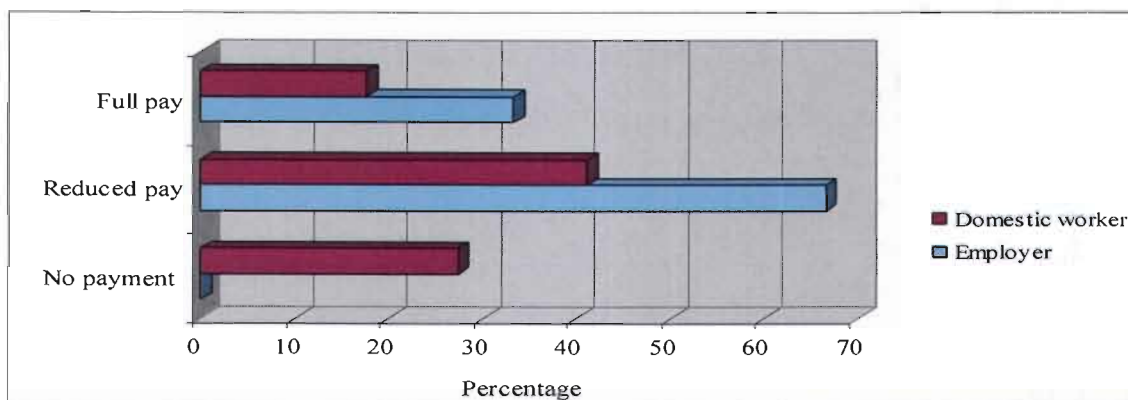


**Figure 68: Comparison of responses regarding the period of maternity leave granted/taken**

#### 4.4.3.3 Compensation during maternity leave

Since there is no legal obligation to compensate a domestic worker during maternity leave, full compliance in this regard was expected. The implications of no compensation during this period could, however, impact negatively upon the recovery period of the domestic worker who might feel compelled to return to work for financial reasons.

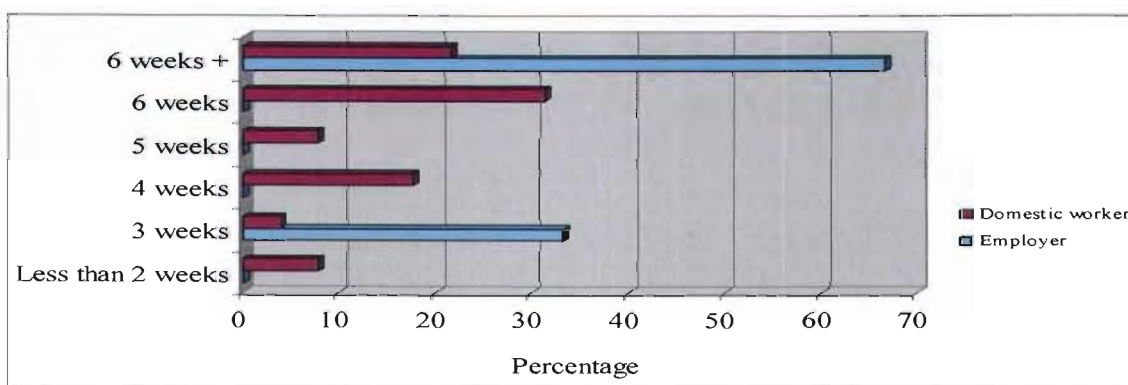
However, Figure 69 indicates that no employer who granted maternity leave did so without any form of compensation. A total of 33,33% of these employers indicated that maternity leave occurred with full pay and a further 66,67% indicated that it occurred at a reduced rate for the period. This trend is also evident from the fact that 41,18% of domestic workers who took maternity leave reported that it occurred with reduced pay and 17,65% indicated that they received full pay during this period.



**Figure 69: Comparison of responses regarding compensation during maternity leave**

#### 4.4.3.4 Return to work after birth of baby

Sectoral Determination 7 stipulates that domestic workers may not return to work for six weeks after childbirth, still birth or a miscarriage within the third trimester. Comparing the statistics reflected in Figure 70 with this stipulation, it is evident that a total of 33,33% of employers who granted maternity leave are non-compliant in this regard due to the fact that their domestic workers had returned to work within three weeks after childbirth. A total of 37,25% of domestic workers who took maternity leave also indicated that they had returned to work after the birth of their child in less than six weeks.



**Figure 70: Comparison of responses regarding the time period for the return to work after childbirth**



Figure 70 also shows compliance from the 66,67% of employers who indicated that their domestic workers had returned only after more than six weeks. A total of 52,94% of domestic workers indicated that they had returned only after six or more weeks post-childbirth.

**Finding:**

- Significant compliance is evident from responses of employers with regard to the six-week time limit before a domestic worker may return to work post-childbirth. Domestic workers reported limited compliance in this regard by their main employers.

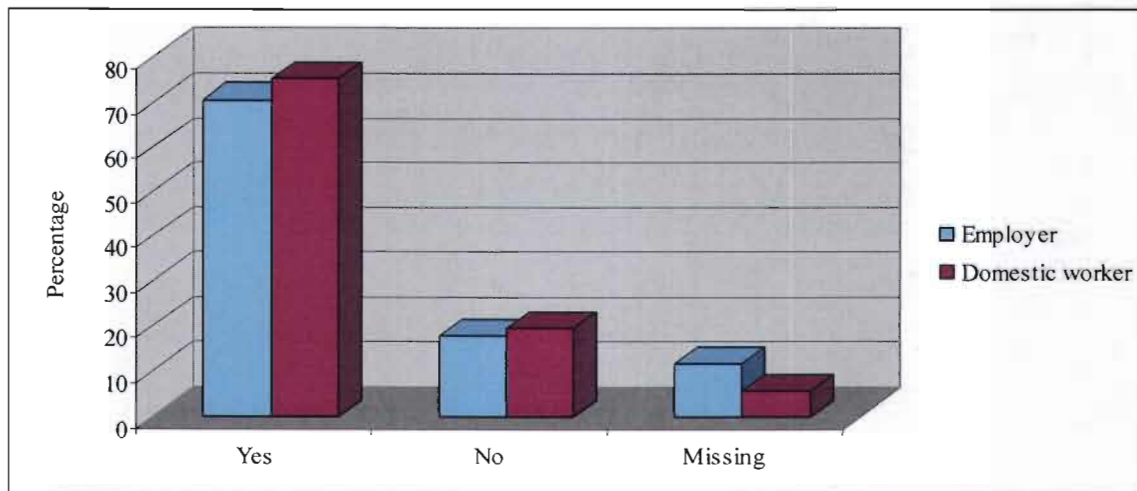
**4.4.4 Family responsibility leave**

**4.4.4.1 Granting of family responsibility leave**

As can be seen from Figure 71, a total of 70,59% of employers indicated that they granted family responsibility leave upon the request of their domestic worker. The total of 75,18% of domestic workers who also indicated that their main employer granted family responsibility leave upon request further accentuates the compliance in this regard.

Despite the fact that domestic workers are entitled to five days' family responsibility leave within a 12 month period, Figure 71 also shows that 17,65% of employers indicated that they did not grant family responsibility leave upon the request of their domestic worker. This non-compliance is further evident from the 19,34% of domestic workers who indicated that their main employer did not grant family responsibility leave upon their request.





**Figure 71: Comparison of responses regarding the granting of family responsibility leave**

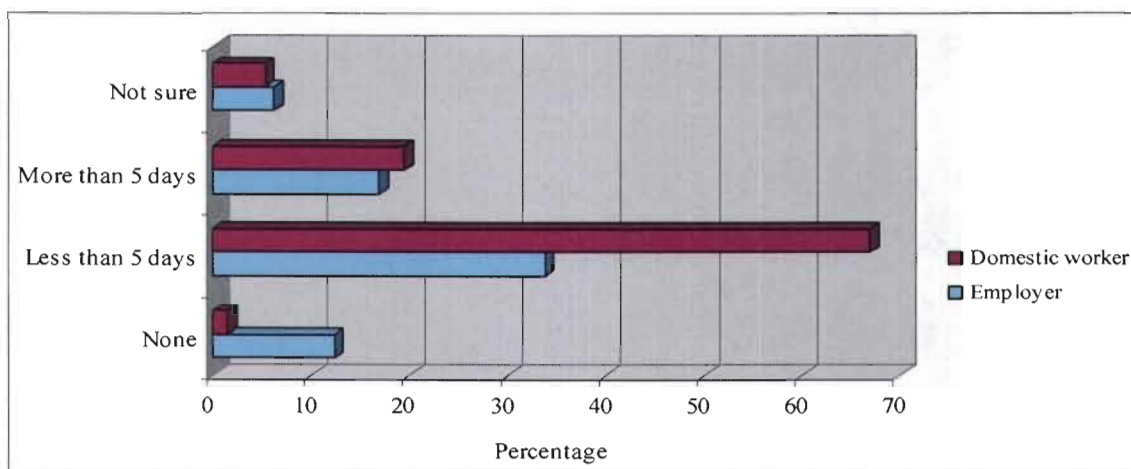
**Finding:**

- Significant compliance with regard to the granting of family responsibility leave is evident from the responses of both employers and domestic workers.

**4.4.4.2 Number of days of family responsibility leave granted**

The actual number of days granted for family responsibility leave by those employers and domestic workers who indicated that family responsibility leave had in fact been granted within their current employment relationships is illustrated in Figure 72.

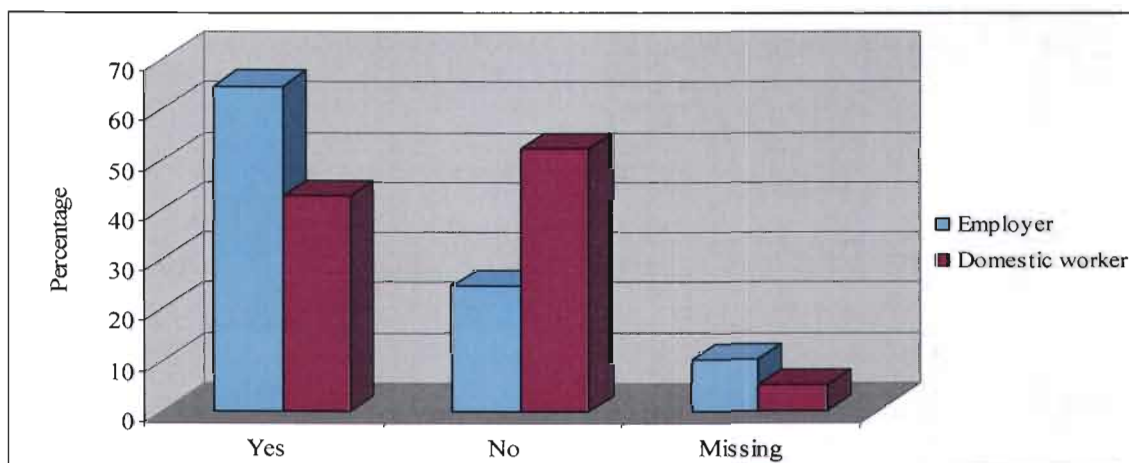
It should be noted that 6,15% of employers (see Figure 72) indicated that they were not sure of the extent of family responsibility leave granted, which could be indicative of a lack of effective record keeping.



**Figure 72: Comparison of responses regarding the number of days of family responsibility leave granted within the last 12 months (November 2005-October 2006)**

#### 4.4.5 Unpaid leave

Sectoral Determination 7 allows for the granting of unpaid leave as per agreement between the employer and the domestic worker. Figure 73 indicates that 64,71% of employers indicated that they allowed their domestic workers to arrange for unpaid leave and 42,70% of domestic workers indicated that their main employer did in fact allow them to arrange for unpaid leave.



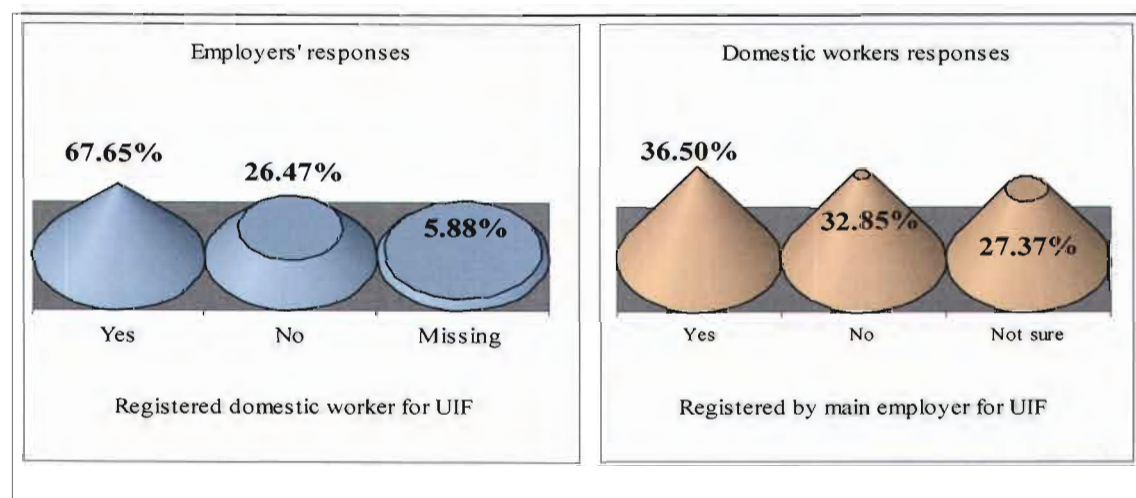
**Figure 73: Comparison of responses regarding the granting of unpaid leave**

### Finding:

- Significant compliance is evident from employers' responses with regard to allowing domestic workers to arrange for unpaid leave. Domestic workers, on the other hand, reported limited compliance by their main employers in this regard.

## 4.5 Unemployment Insurance Fund (UIF)

Figure 74 indicates that a total of 67,65% of employers indicated that they were compliant with the stipulations of Unemployment Insurance Act 63 of 2001 (see Chapter 2, Figure 6), which requires all employers of domestic workers to register their employees for UIF purposes. This is consistent with the 60% of employers who reported that they deducted UIF contributions from their domestic workers' compensation (see Chapter 4, Table 18).



**Figure 74: Comparison of responses regarding the registration for UIF purposes**

Uncertainty is evident from the 27,37% of domestic workers who indicated that they were not sure if they were registered for UIF purposes, as indicated in Figure 74. However, Table 18 (see Chapter 4) indicated that 75% of domestic workers reported that UIF contributions were in fact deducted from their compensation by their main employer. This again emphasises the need for effective communication regarding the

calculation of wages and deductions made. The value of a detailed payslip is thus implicit.

**Finding:**

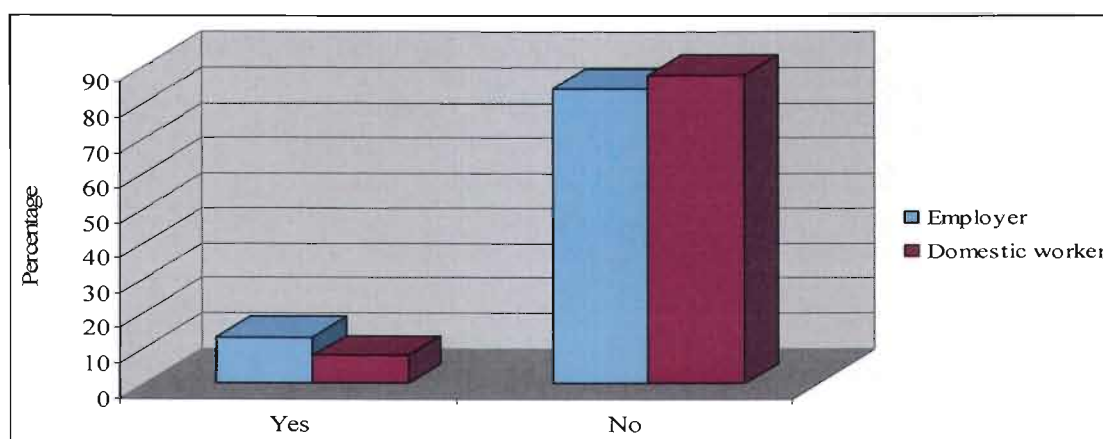
- Significant compliance with regard to the registration of domestic workers for the purpose of UIF is evident from the responses of employers. Domestic workers on the other hand, indicated limited compliance in this regard by their main employers.

#### **4.6 Termination of employment as per Sectoral Determination 7**

Whilst the contract of employment does make provision for the termination of employment, it is vital to ensure that the correct procedures are followed should employment be terminated. Stipulations in this regard are highlighted in Figure 15 (see Chapter 2).

##### **4.6.1 Termination of service**

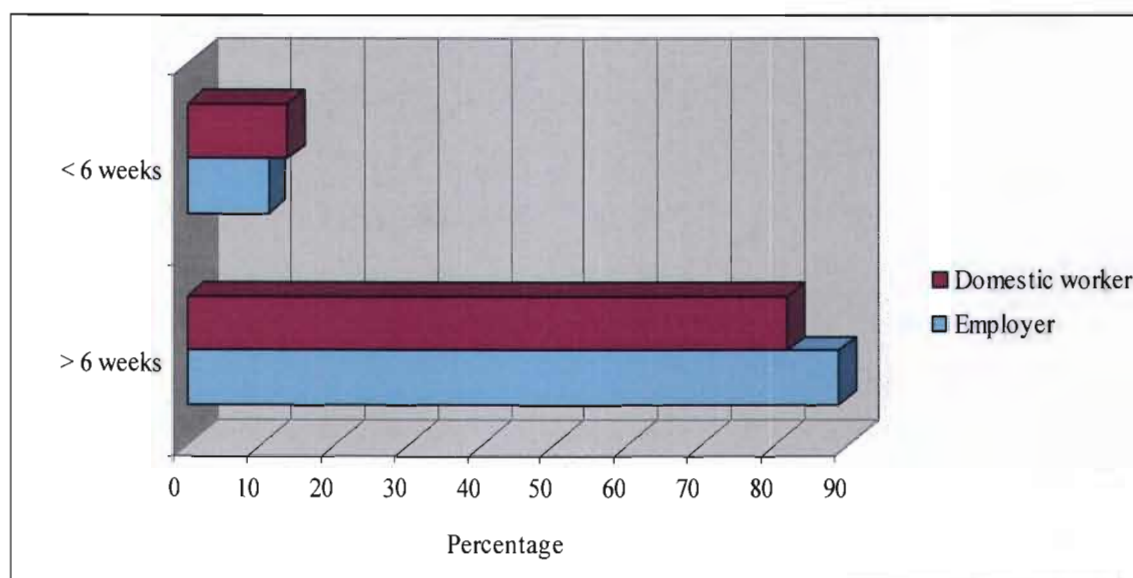
Figure 75 shows that only 13,24% of employers and 8,03% of domestic workers indicated that their employment relationships had been terminated within the last four years (2002-2006).



**Figure 75: Comparison of responses regarding the termination of employment within the last four years (2002-2006)**

#### 4.6.2 Period of employment prior to termination of employment

The period of employment directly affects the required notice period. Figure 76 indicates that 88,89% of employers who indicated that their employment relationship with their domestic worker had been terminated, had had an employment relationship of longer than six months, which implies that a four-week notice period would be appropriate. A total of 81,82% of domestic workers also indicated that they had had an employment relationship of longer than six months prior to the termination of their employment.



**Figure 76: Comparison of responses regarding the period of employment prior to the termination of employment**

#### 4.6.3 Reported reasons for the termination of employment

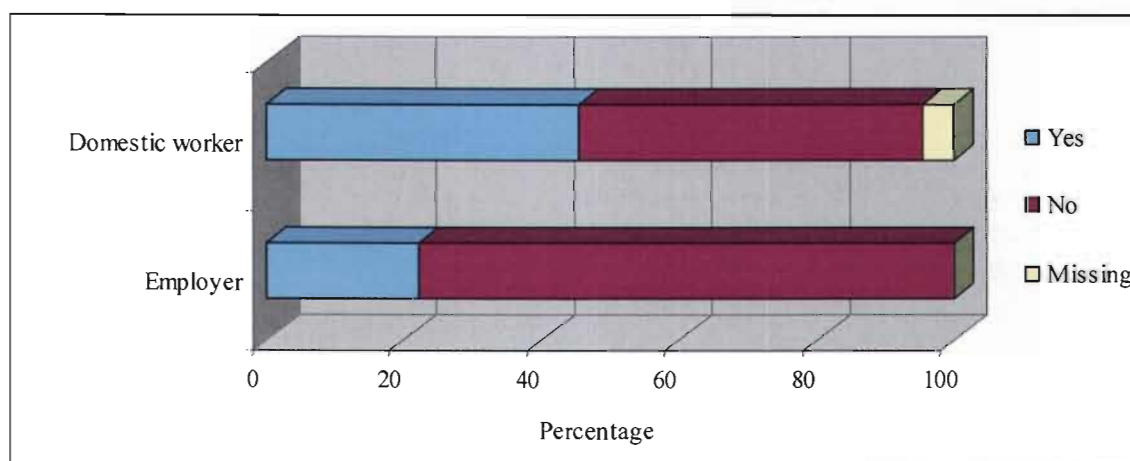
Although the number of respondents indicating that their employment relationship had been terminated within the last four years is limited, it is necessary to take cognisance of the reasons for the occurrence of terminations. Table 23 provides a summary of reasons for the termination of employment relationships as indicated by both employers and domestic workers.

**Table 23: Reasons provided for the termination of employment**

Employers' responses	Domestic workers' responses
<ul style="list-style-type: none"> <li>• Took my clothes home for the weekend</li> <li>• Took my groceries</li> <li>• Neglected some responsibilities</li> <li>• Stealing</li> <li>• She was helping herself to goods from the house</li> <li>• Drunk and not coming to work</li> <li>• Unsatisfactory performance</li> <li>• Repeatedly ignored specific requests</li> <li>• Poor quality of work and bad attitude</li> <li>• Retirement of domestic worker</li> </ul>	<ul style="list-style-type: none"> <li>• It was by agreement</li> <li>• The employer didn't tell me</li> <li>• He was moving to another town</li> <li>• They were leaving the country</li> <li>• Said my performance was not satisfactory for him</li> <li>• Accused of stealing earrings</li> <li>• My employer</li> <li>• They cut back on workers</li> <li>• I was absent for a week without telling her</li> <li>• I don't know/I'm not sure</li> <li>• Late coming, unfinished work and absence</li> <li>• The employer relocated</li> <li>• I was retrenched</li> </ul>

#### 4.6.4 Written notice of termination

Figure 77 shows that 22,22% of employers indicated that they had given written notice to their domestic workers of the termination of their service. A total of 45,45% of domestic workers also indicated that they had received a written notice of termination.



**Figure 77: Comparison of responses regarding the issuing of written termination notices**



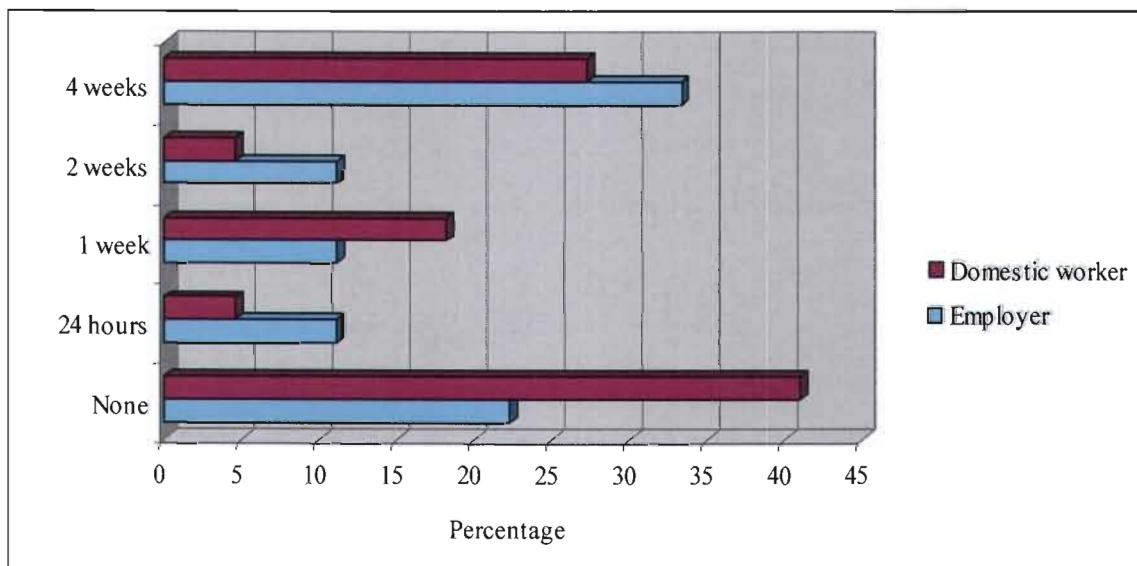
Figure 77 further indicates a general lack of compliance regarding the issuing of written termination notices. This is evident from the 77,78% of employers who reported that they had not issued a written termination notice and 50% of domestic workers who indicated that they had not received a written notice upon the termination of their services.

#### **Finding:**

- Employers' compliance is lacking with regard to the stipulation that notice of termination of employment must occur in writing. Domestic workers' responses indicated that the compliance of their past employers was limited in this regard.

#### **4.6.5 Period of notice given/received**

As is evident from Figure 78, a total of 88,89% of employers and 81,82% of domestic workers indicated that their employment relationship exceeded six months. The implication of this fact is that a notice period of four weeks is due.



**Figure 78: Comparison of responses regarding the period of notice given/received upon the termination of employment**



Figure 78 indicates that 22,22% of employers and 40,91% of domestic workers reported that no notice period was given upon the termination of their employment relationship. A total of 33,33% of employers and 27,28% of domestic workers reported a notice period of less than four weeks, as indicated above by the various responses. Since the questionnaires did not attempt to assess the legitimacy of each individual case, making a general judgement regarding the non-compliant nature of these instances would amount to mere speculation.

However, Figure 78 also indicates that a total of 33.33% of employers and 27,27% of domestic workers indicated that a notice period of four weeks had indeed been given.

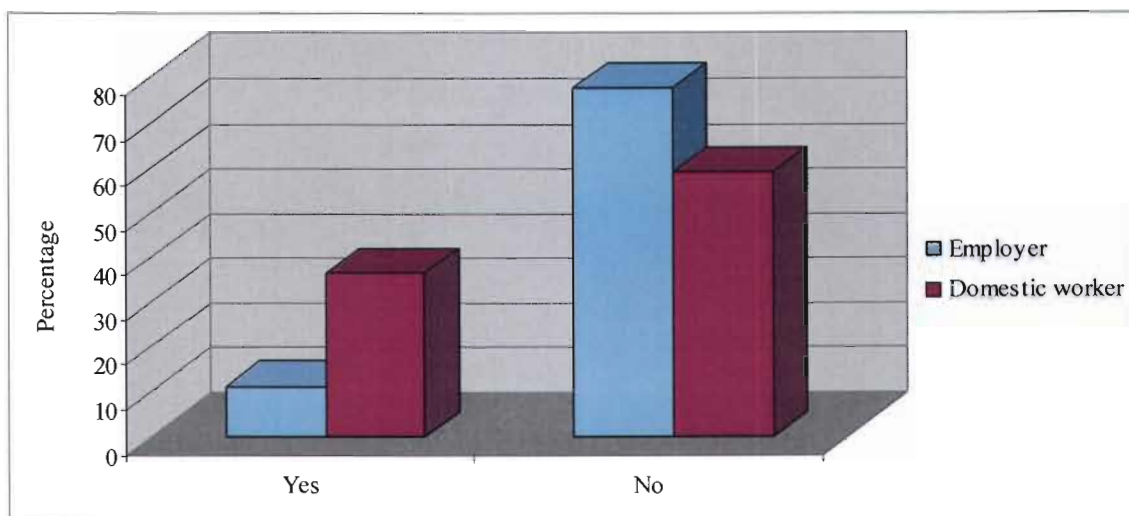
#### **4.6.6 The provision of a certificate of employment upon the termination of employment**

Despite the legal obligation that requires employers to issue a certificate of employment to their domestic workers upon the termination of employment, Figure 79 indicates that only 11,11% of employers complied with this stipulation. A total of 36,36% of domestic workers reported that they had actually received a certificate of employment upon the termination of their employment.

Figure 79 indicates the extent of non-compliance in this regard. A total of 77,78% of employers and 59,10% of domestic workers indicated that no certificate of employment had been issued upon the termination of the employment relationship.

#### **Finding:**

- Compliance with the stipulation requiring employers to issue a certificate of employment upon the termination of the employment relationship is lacking, as is evident from the responses of both employers and domestic workers.



**Figure 79: Comparison of responses regarding the provision/receipt of a certificate of employment upon the termination of employment**

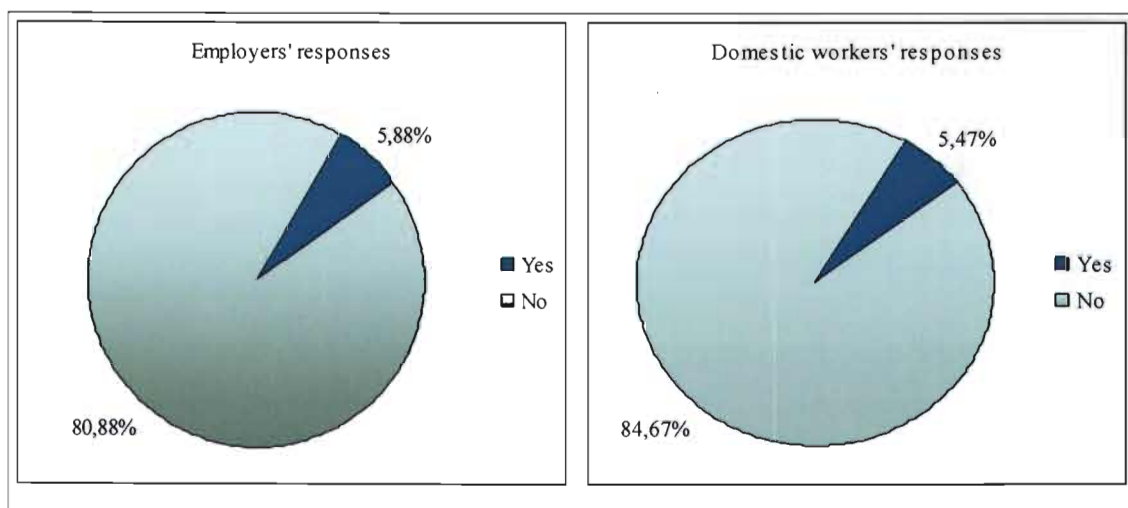
#### **4.7 Retrenchment as per Sectoral Determination 7**

##### **4.7.1 The occurrence of retrenchment**

Since the occurrence of retrenchments is the result of operational requirements, it should be noted that the number of reported cases of retrenchment within the last four years (2002-2006) is limited amongst respondents.

As can be seen from Figure 80, only 5,88% of employers indicated that they had had to retrench a domestic worker during this period. A total of 5,47% of domestic workers indicated that they had been retrenched within the previous four years.

A general classification of compliance levels with regard to retrenchments will not be made owing to the limited number of respondent employers and domestic workers who indicated that retrenchment had occurred in their employment relationships.



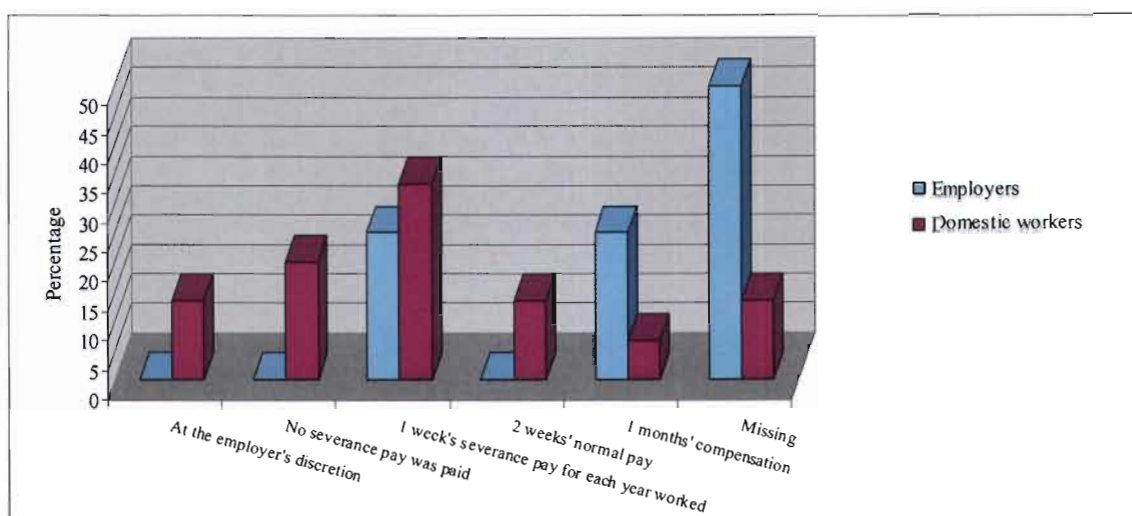
**Figure 80: Comparison of responses regarding the occurrence of retrenchment within the last four years (2002-2006)**

#### **4.7.2 Calculation of severance pay upon retrenchment**

Figure 81 provides a summary of reported responses regarding the calculation of severance pay by those who indicated that retrenchment had been part of their employment relationships over the previous four years (2002-2006).

Legislation requires one week's severance pay for every year's service. Figure 81 clearly shows that only 25% of employers and 33,33% of domestic workers indicated that this had been the case in their terminated employment relationship. Figure 81 further indicates that 50% of the employers who indicated that retrenchment had taken place did not indicate the basis upon which the domestic worker was compensated.

The questionnaires, however, did not enable the comparison of alternative compensations, as indicated below (see Figure 81), with the legislative stipulations in this regard, since the individual employment relationship prior to retrenchment was not explored.

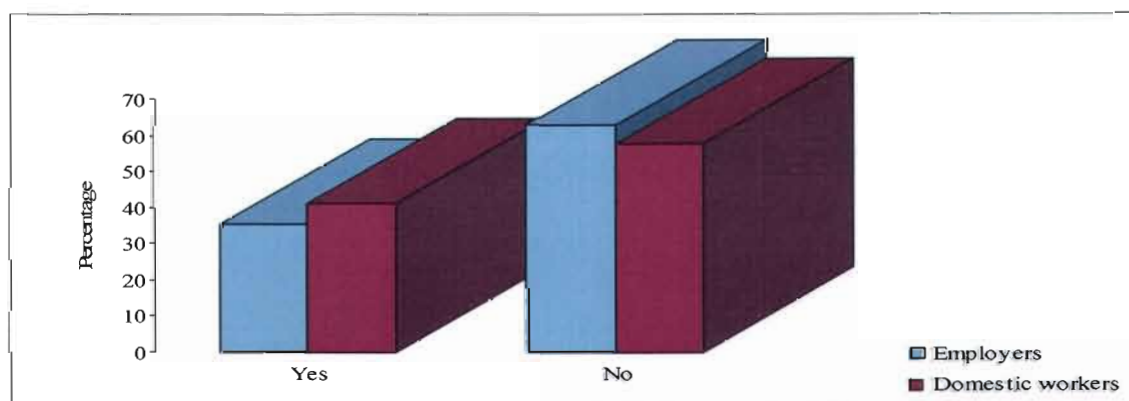


**Figure 81: Comparison of responses regarding the calculation of severance pay upon retrenchment**

#### **4.8 Possession and discussion of Sectoral Determination 7**

##### **4.8.1 Discussion of the content of Sectoral Determination 7**

Figure 82 shows that only 39,71% of employers indicated that they had discussed the content of Sectoral Determination 7 with their domestic workers, whereas a total of 41,24% of domestic workers indicated that their employers had in fact discussed the content of Sectoral Determination 7 with them.



**Figure 82: Comparison of responses regarding the discussion of the content of Sectoral Determination 7**

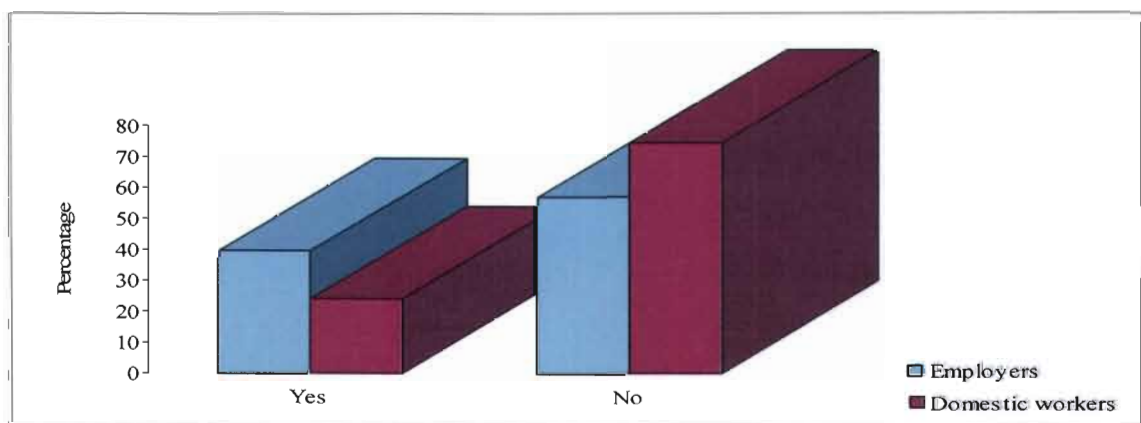
### Finding:

- Compliance of employers is lacking with regard to the discussion of the content of Sectoral Determination 7 with their domestic workers. Domestic workers indicated limited compliance by their main employers in this regard.

#### 4.8.2 Possession of a copy of Sectoral Determination 7

Access to relevant legislation by both employers and domestic workers is viewed as a vital link in the creation of awareness, and ultimately impacts on resultant actions. Sectoral Determination 7 stipulates that all employers of domestic workers must keep a copy or an official summary of the Sectoral Determination in the workplace and that the domestic worker must be able to access this document (RSA 2002:29).

As is evident from Figure 83, only 35,29% of employers indicated that they actually had a copy of the Determination in their possession. Although not required by law, only 24,09% of domestic workers indicated that they possessed a copy of the determination. This lack of possession could very well be a major reason for the limited awareness of both employers and domestic workers with regard to the stipulations of the Determination (see Chapter 4, 3.11).



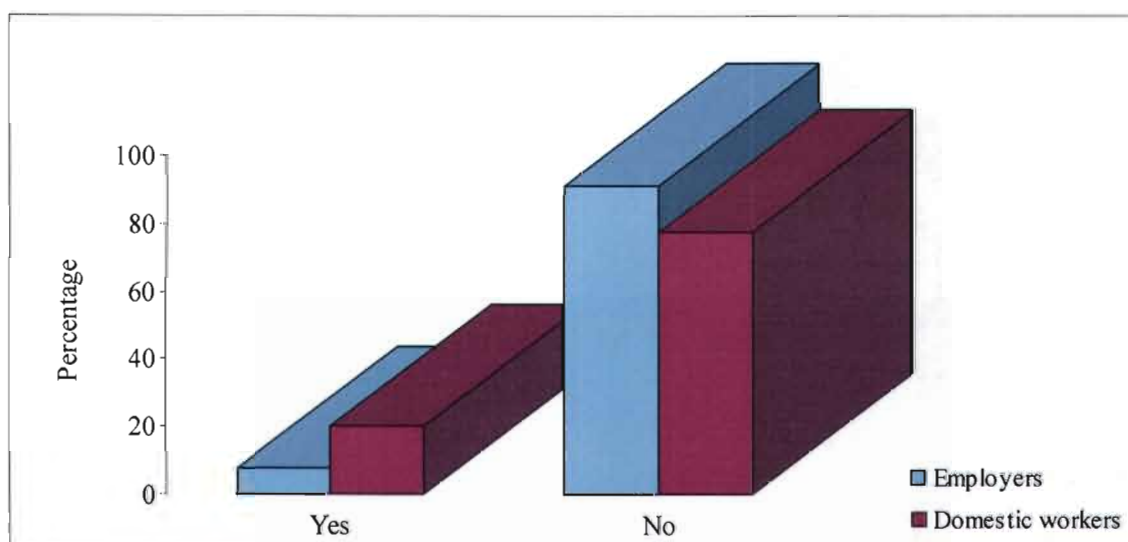
**Figure 83: Comparison of responses regarding the possession of a copy of Sectoral Determination 7**

**Finding:**

- Compliance of employers is lacking with regard to the possession of a copy of Sectoral Determination 7.

**4.9 The impact of minimum wages on working hours within the last four years (2002-2006)**

Responses indicate that the inception of minimum wages has had little effect on the number of hours worked, as is indicated in Figure 84. Only 7,35% of employers indicated that they had reduced the number of hours worked by their domestic workers as a result of the inception of minimum wages. This trend is also evident from the small percentage of domestic workers (20,07%) who indicated that the inception of minimum wages actually impacted negatively on their working hours. For the remainder, the inception of minimum wages had had no effect on hours worked within the last four years. However, this does not imply that there could not be other factors which might have led to the possibility of reduced working hours.



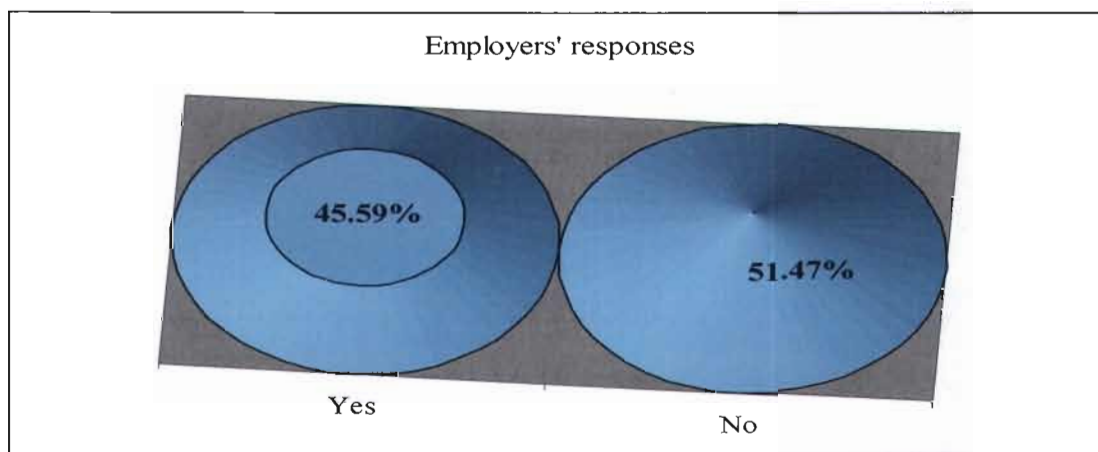
**Figure 84: Comparison of the extent of the impact of minimum wages upon work hours within the last four years (2002-2006)**

#### 4.10 Record keeping

Record keeping is vital to ensure the effective functioning of an employment relationship within any sector. Within the domestic worker sector, Sectoral Determination 7 stipulates that employers have to keep records for a period of three years from the last inscription (Van Niekerk 2003:115).

##### 4.10.1 The existence of record keeping by employers

Figure 85 indicates that only 45,59% of employers reported that they did keep employment records. Assessing the appropriateness of records kept will ultimately indicate compliance in this regard.



**Figure 85: Record keeping**

##### **Finding:**

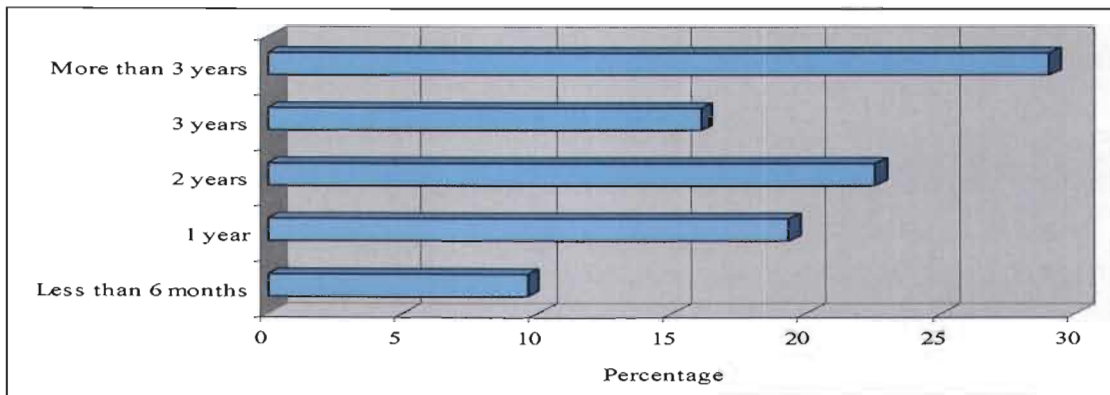
- Employers comply to only a limited extent with the stipulation requiring them to keep employment records.

##### 4.10.2 The extent of record keeping by employers

Figure 86 indicates that of the 45,59% of employers who indicated that they kept employment records, a total of 51,62% do so for a period of less than three years.



Concurring with legislative stipulations, a total of 45,03% of employers indicated that they kept employment records for a period of at least three years.



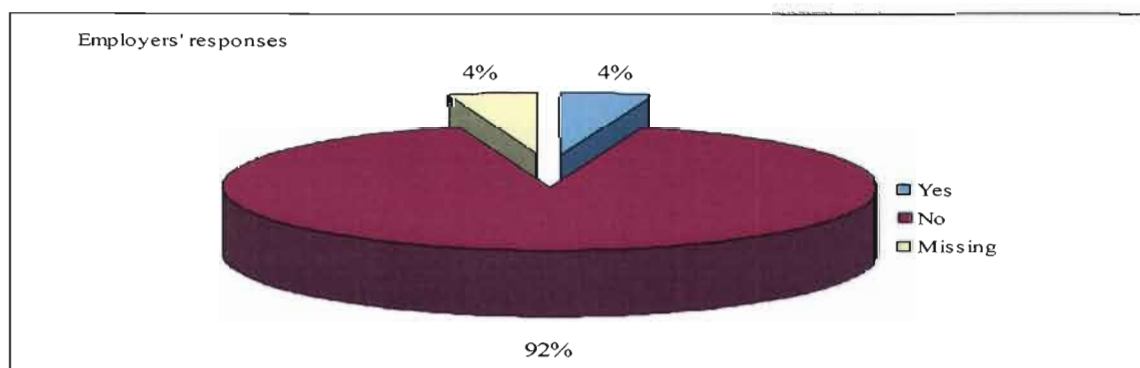
**Figure 86: Extent of record keeping as reported by employers**

**Finding:**

- With regard to the obligation to keep employment records for a period of three years, employers' compliance is limited.

**4.11 Visit of labour inspector**

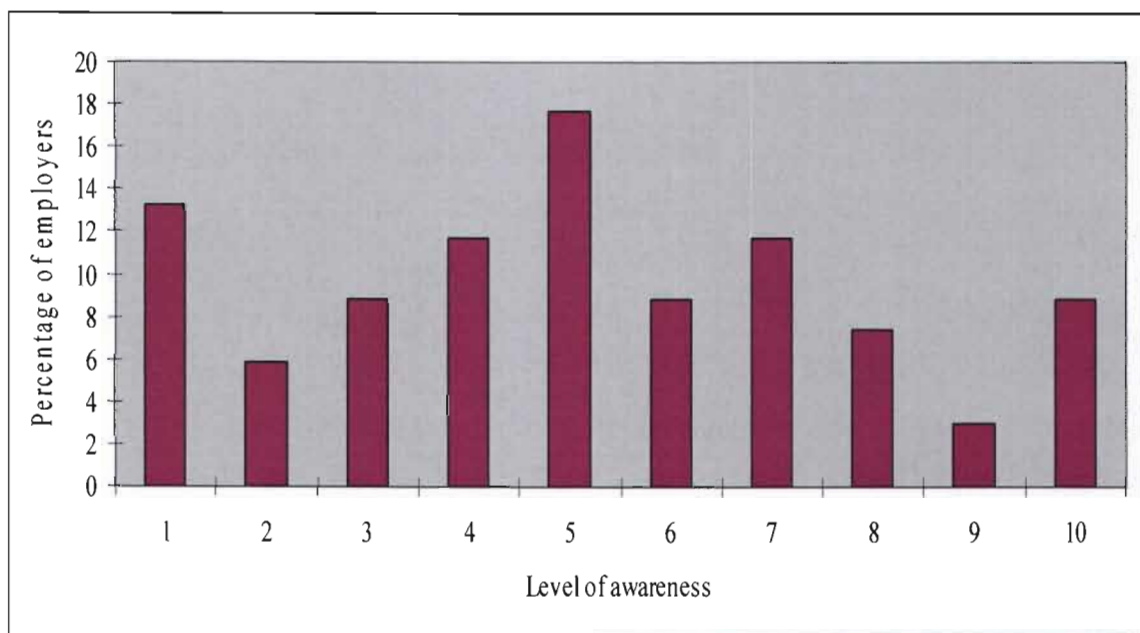
As can be seen from Figure 87, only 4,41% of employers indicated that a labour inspector had visited their premises within the previous 12 months (November 2005-October 2006).



**Figure 87: Extent of reported visits by labour inspectors**

#### 4.12 Reported extent of awareness regarding the consequences of non-compliance

Employers were required to rate their current awareness regarding the consequences of non-compliance. A rating of nought to one indicated a non-existent or very limited awareness while a rating of ten implied full awareness. Figure 88 indicates the lack of awareness regarding the consequences of non-compliance as is evident from the responses illustrated. Only 8,82% of employers indicated that they were fully aware of the consequences of non-compliance while 77,92% of employers allocated themselves a rating of below seven. It should be noted that 5,88% of these employers indicated that they had no awareness in this regard.



**Figure 88: Reported awareness regarding the consequences of non-compliance**

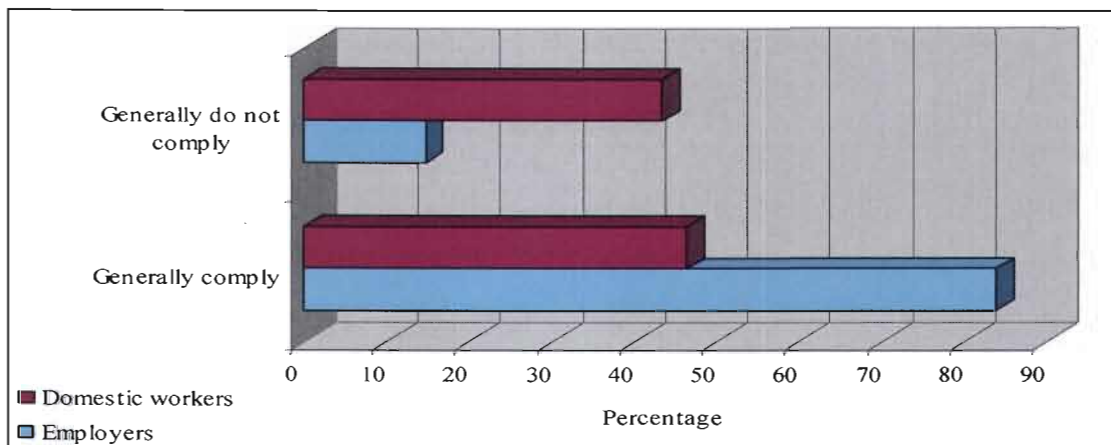
The limited awareness regarding the content of Sectoral Determination 7 (see Chapter 4, 3.11) and the consequences of non-compliance, coupled with the lack of possession of a copy of Sectoral Determination 7 (see Chapter 4, 4.8.2) and the apparent absence of labour inspections (see Chapter 4, 4.11) within this demarcated area could ultimately result in a spiralling cycle of non-compliance.

#### 4.13 Perceptions regarding the compliance levels of employers

The perceptions held by parties to the employment relationship, ultimately influence their interaction. Figure 89 provides a summary of perceptions that both employers and domestic workers hold regarding the general levels of compliance by employers.

As is evident from Figure 89, a total of 83,82% of employers regard themselves as generally compliant with labour legislation compared to the 14,71% of employers who regard themselves as generally not complying with legislative requirements.

The perceptions of domestic workers indicate that 46,35% regard their main employer as generally compliant with labour legislation, whereas a total of 43,43% of domestic workers regard their main employer as generally not compliant with labour legislation.



**Figure 89: Comparison of perceptions regarding the compliance levels of employers**

##### 4.13.1 Factors/reasons provided for perceived current level of compliance with labour legislation

Descriptive statistics enabled the researcher to distinguish responses by both parties that regard the employer as generally compliant, and also those that perceived the employer as generally non-compliant (see Figure 89).

Table 24 indicates that the main reasons mentioned by employers for their current perceived levels of compliance are their inclination generally to comply with all legislation (59,65%), which is followed by their insight into the needs of the domestic worker (47,37%) and then by the media campaign of the Department of Labour (22,81%).

**Table 24: Summary of factors/reasons that gave rise to current perceived levels of compliance**

Employer generally regarded as <i>compliant</i>		Factors/reasons that gave rise to current levels of compliance with labour legislation	Employer generally regarded as <i>not compliant</i>	
Employers' responses	Domestic workers' responses		Employers' responses	Domestic workers' responses
22,81%	26,77%	Media campaign of the Dept. of Labour	30%	8,47%
1,75%	15,75%	Pressure/request from domestic worker	0%	38,98%
59,65%	44,09%	I generally comply with all legislation	20%	7,63%
5,26%	22,83%	Feeling of guilt if not complying	20%	19,49%
47,37%	25,98%	Insight into the needs of domestic worker	0%	11,86%
1,75%	11,81%	Other	10%	2,54%

Table 24 further indicates that domestic workers who perceive their main employer as generally compliant, ascribe this to the fact that these employers generally complied with all legislation (44,09%). Other significant reasons are the media campaign of the Department of Labour (26,77%), insight into the needs of the domestic worker (25,98%) and feelings of guilt if not compliant (22,83%). It should be noted that 15,75% of domestic workers regarded their main employers' perceived compliance to be in part due to requests or pressure from the domestic worker.

#### 4.13.2 Factors/reasons that stand in the way of employers' compliance with labour legislation

Despite the fact that 83,82% of employers regard themselves as generally compliant (see Figure 89), it is important to identify the factors that act as hindrances in the way of total compliance.

As is indicated in Table 25, these employers indicated that they were not fully aware of the requirements of the law (36,84%), that compliance just complicates their relationship with their domestic worker (17,54%) and that they did not have time to study the requirements of the law (8,77%).

Those employers who regarded themselves as generally non-compliant (14,71%) (see Figure 89), also indicated a lack of time to study the requirements of the law (50%) as their main reason for non-compliance.

**Table 25: Summary of factors/reasons that stand in the way of current perceived levels of compliance**

Employer generally regarded as <i>compliant</i>		Factors / reasons that stand in the way of employers' compliance with labour legislation	Employer generally regarded as <i>not compliant</i>	
Employers' responses	Domestic workers' responses		Employers' responses	Domestic workers' responses
8,77%	14,17%	No time to study requirements of law	50%	13,56%
3,51%	8,66%	Do not agree with legislation	0%	37,29%
3,51%	7,87%	Cannot afford to comply (lack of money)	20%	18,64%
36,84%	22,83%	Not fully aware of the requirements of the law	20%	13,56%
17,54%	14,96%	Compliance will just complicate our relationship	20%	16,10%
7,02%	17,32%	Other	10%	2,54%

Table 25 further indicates that those domestic workers who perceived their main employer as generally compliant indicated that a lack of awareness regarding legislative requirements (22,83%) was the main factor affecting the compliance levels of their employer.

It should be noted that the domestic workers who regarded their main employer as generally non-compliant (43,43%) (see Figure 89), indicated that they believed that their employers' disagreement with current legislation (37,29%) was the main reason for non-compliance. A total of 18,64% of these domestic workers also indicated that their employers' lack of financial means led to their being unable to comply.

## **5. Exploring the link between awareness and compliance**

Throughout this study the researcher has stressed the fact that awareness and compliance cannot be viewed in isolation. The value of awareness without compliance is limited. Compliance thus gives value to awareness.

From reported responses it is evident that both employers and domestic workers are aware of the existence of labour legislation within this sector, but that their awareness regarding the content and stipulations is limited.

When considering compliance levels, as discussed in the previous sections, it became apparent that an overall pronouncement in this regard would limit the application of its value. Sectoral Determination 7 comprises numerous stipulations, each with its own criterion of what constitutes compliance.

In the light of the above, the researcher opted to present a summative comparison in Table 26, which will not only highlight levels of compliance as evident from the responses of employers and domestic workers, but will also compare these levels with awareness levels.

Table 26 will thus indicate both awareness of and compliance with the various stipulations of Sectoral Determination 7. With regard to compliance levels, missing responses will not be reflected.

Stipulations that were not assessed with regard to awareness or compliance will be indicated by a small line in the appropriate block ( \_\_\_\_ ). A star ( \* ) will be indicative of a specific stipulation which was assessed by the questionnaires, but where compliance could not be established. To limit repetition, no further discussion will follow in this regard.



**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7**

Employers' responses (Annexure A)							Legislative stipulations as per Sectoral Determination 7	Domestic workers' responses (Annexure B)								
AWARENESS				COMPLIANCE				COMPLIANCE				AWARENESS				
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance		LEVEL OF COMPLIANCE	LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D1	76,47	23,53	Significant	A3	100	0	Full	Demarcation – Urban Area (Area A)	Full	100	0	A2	Significant	81,75	18,22	C1
D3	38,24	61,76	Lacking	A2	100	0	Full	Demarcation applies to domestic workers working more than 24 hours per month	Full	100	0	A1	Lacking	35,04	64,96	C3
D9	86,76	11,76	Significant	E10	58,82	38,24	Limited	Existence of a signed employment contract	Limited	45,26	52,55	E10	Significant	74,45	24,82	C9
				E3	97,05	0	Significant	Compensation intervals	Full	100	0					
D4	26,47	73,53	Lacking	(E2 x E5) = >/<27 =E4/E5	88,89	11,11	Significant	Minimum wages equals R5,11 (Work week of less than 27 hours)	Limited	49,26	50,74	(E2 x E5) = >/<27 =E4/E5	Lacking	10,22	89,78	C4
D5	11,76	88,24	Limited		83,33	16,77	Significant	Minimum wages equals R6,04 (Work week of more than 27 hours)	Limited	52,78	47,22		Lacking	3,65	96,35	C5

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers' responses (Annexure A)								Legislative stipulations as per Sectoral Determination 7	Domestic workers' responses (Annexure B)							
AWARENESS				COMPLIANCE					COMPLIANCE				AWARENESS			
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE		LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D16	27,94	72,06	Lacking	E5	100	0	Full	Maximum working hours limited to not more than 12 hours per day	Significant	99,00	1,00	E5	Lacking	22,63	77,37	C16
—	—	—		E8	79,41	16,18	Significant	Existence of salary increases given in the last 12 months	Limited	52,55	45,25	E8	—	—	—	
—	—	—		E8a	94,44	5,56	Significant	Extent of salary increases given	Lacking	38,89	32,64	E8a	—	—	—	
D7	35,29	64,71	Lacking	18b	*	*		Deductions from compensation		*	*	18b	Lacking	38,83	61,17	C7
D8	76,47	23,53	Significant	E19	30,88	64,70	Lacking	Issuing of a detailed payslip	Lacking	31,39	65,68	E19	Significant	79,93	20,07	C8
—	—	—		E20	47,06	50,00	Limited	Discussion of wage calculations	Lacking	31,02	68,24	E20	—	—	—	

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers' responses (Annexure A)								Legislative stipulations as per Sectoral Determination 7	Domestic workers' responses (Annexure B)							
AWARENESS				COMPLIANCE					COMPLIANCE				AWARENESS			
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE		LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D11	27,94	72,06	Lacking	E13	98,53	0	Significant	Meal breaks granted	Significant	88,32	10,58	E13	Lacking	9,49	90,51	C11
D20	58,82	41,18	Limited	E14	*	*		Sunday work (seldom) compensated at two times the normal rate		*	*	E14	Significant	61,68	38,32	C20
D21	48,53	51,47	Limited	E15	*	*		Sunday work (usually) compensated at a rate of one and a half times the normal rate		*	*	E15	Significant	60,58	39,42	C21
D22	52,94	47,04	Limited	—	—	—		Sunday/Public holiday work exchanged for paid time off		—	—	—	Limited	58,76	41,24	C22
D18	88,24	11,76	Significant	—	—	—		Working on a public holiday is only by agreement		—	—	—	Significant	87,23	12,77	C18

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers’ responses (Annexure A)								Legislative stipulations as per Sectoral Determination 7	Domestic workers’ responses (Annexure B)							
AWARENESS				COMPLIANCE					COMPLIANCE				AWARENESS			
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE		LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D19	55,88	44,12	Limited	E16	73,35	26,65	Significant	Payment for working on a public holiday	Limited	45,99	54,01	E16	Limited	55,11	44,89	C19
D24	64,71	35,29	Significant	—	—	—		Agreement to standby arrangements must be in writing		—	—	—	Limited	56,20	43,80	C24
D25	10,29	89,71	Lacking	—	—	—		Extent of allowances payable per standby shift		—	—	—	Lacking	34,31	56,69	C25
D12	76,47	23,53	Significant	—	—	—		Overtime to be worked only by agreement		—	—	—	Significant	70,07	29,93	C12
D13	36,76	63,24	Lacking	—	—	—		Overtime worked is limited to 10 hours per week		—	—	—	Limited	51,46	48,54	C13

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers' responses (Annexure A)				Domestic workers' responses (Annexure B)			
AWARENESS			COMPLIANCE		COMPLIANCE		
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE
Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE
D14	54,41	45,59	Limited	E17	100	0	Full
D17	19,12	80,88	Lacking	—	—	—	—
D15	52,94	47,06	Limited	—	—	—	—
D26	30,88	69,12	Lacking	E23	*	*	—
D28	14,71	89,29	Lacking	—	—	—	—
—	—	—	—	E26	85,29	8,22	Significant

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers' responses (Annexure A)								Legislative stipulations as per Sectoral Determination 7	Domestic workers' responses (Annexure B)							
AWARENESS				COMPLIANCE					COMPLIANCE				AWARENESS			
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE		LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D29	50,00	50,00	Limited	E27	*	*		Request for proof of illness		*	*	E27	Lacking	37,23	62,77	C29
D30	27,94	72,06	Lacking	E28a	*	*		Period of maternity leave granted (entitled to four months unpaid leave)		*	*	E28a	Lacking	25,55	74,45	C30
D31	20,59	79,41	Lacking	E28b	*	*		Payment during maternity leave		*	*	E28b	Lacking	12,04	87,96	C31
—	—	—		E28c	66,67	33,33	Significant	Return to work after childbirth (minimum six weeks)	Limited	52,94	37,25	E28c		—	—	—
D27	20,59	79,41	Lacking	E29	70,59	17,65	Significant	Granting family responsibility leave (entitled to five days per year)	Significant	75,18	19,34	E29	Lacking	39,78	60,22	C27
—	—	—		E30	64,71	25,00	Significant	Allow for unpaid leave by agreement	Limited	42,70	52,19	E30		—	—	—

**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers' responses (Annexure A)							Legislative stipulations as per Sectoral Determination 7	Domestic workers' responses (Annexure B)								
AWARENESS			COMPLIANCE					COMPLIANCE				AWARENESS				
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance		LEVEL OF COMPLIANCE	LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF COMPLIANCE	% Correct awareness	% Incorrect awareness	Section/Q
—	—	—		E31	67,65	26,47	Significant	Registration for UIF purposes		36,50	*	E27		—	—	—
D32	85,29	14,71	Significant	C2	100	0	Full	Prohibition of child labour	Significant	97,44	1,82	B4	Significant	87,75	12,25	C32
D33	89,71	10,29	Significant	F1c	22,22	77,78	Lacking	Written notice of termination	Limited	45,45	50,00	F1c	Significant	74,09	25,91	C33
D34	23,53	76,47	Lacking	F1d	*	*		Period of notice given upon termination		*	*	F1d	Lacking	34,31	65,69	C34
D36	64,71	35,29	Significant	F1e	11,11	77,78	Lacking	Issue certificate of employment upon termination of employment	Lacking	36,36	59,10	F1e	Significant	71,90	28,10	C36
D37	72,06	27,94	Significant	—	—	—		Remedy for perceived unfair dismissal		—	—	—	Limited	56,57	43,43	C37



**Table 26: Summative comparison: Awareness of and compliance with the stipulations of Sectoral Determination 7 (continues)**

Employers’ responses (Annexure A)								Legislative stipulations as per Sectoral Determination 7	Domestic workers’ responses (Annexure B)							
AWARENESS				COMPLIANCE					COMPLIANCE				AWARENESS			
Section/Q	% Correct awareness	% Incorrect awareness	LEVEL OF AWARENESS	Section/Q	% Compliance	% Non-Compliance	LEVEL OF COMPLIANCE		LEVEL OF COMPLIANCE	% Compliance	% Non-Compliance	Section/Q	LEVEL OF AWARENESS	% Correct awareness	% Incorrect awareness	Section/Q
D35	36,76	63,34	Lacking	F2a	*	*		Compensation upon retrenchment (one weeks severance pay for every year worked)	*	*	F2a	Lacking	30,66	69,34	C35	
D39	50,00	50,00	Limited	G1	35,29	63,24	Lacking	Possession of a copy of Sectoral Determination 7	*	*	G2	Significant	65,69	34,31	C39	
—	—	—		G2	39,71	57,35	Lacking	Discussed content of determination with domestic worker	Limited	41,24	57,66	G1	—	—	—	
—	—	—		G4	45,59	51,47	Limited	Keeping employment records	—	—	—		—	—	—	
D38	33,82	66,18	Lacking	G4a	45,03	51,62	Limited	Period of record keeping (Three years)	—	—	—	Lacking	7,30	92,70	C38	

## **6. Conclusion**

Chapter 4 provided a statistical overview of data obtained from respondent employers and domestic workers. Descriptive statistics were used to analyse information obtained from the research process. Both graphic illustrations and tables were used to further illustrate responses.

The researcher explained the value of classifying levels of awareness and compliance within the scope of this study. Findings in this regard were presented where possible.

The link between awareness and compliance was explored as a summative representation of findings in this chapter.

Chapter 5 will provide a general overview of this study. This will be followed by final conclusions, recommendations as a result of the study, implications for future research, limitations and value of the study, as well as concluding remarks.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### 1. Introduction

This chapter will present an overview of the study. Final conclusions will be drawn and recommendations, based on the findings reported in Chapter 4, will be made. Limitations of the study will also be indicated. Suggestions for future research will be mentioned. Lastly, the value of the study will be highlighted. Chapter 5 will represent the culmination of a research process having gone full circle.

#### 2. Overview of the study

An introduction to the study was provided in **Chapter 1**, which aided in orientating the reader to the scope, context and focus of the study. From the problem statement, the need for the assessment of awareness of, and compliance with, labour legislation became evident. The problem statement provided the framework for the formulation of the purpose of the study, i.e.: “Determine the awareness of, and compliance with, labour legislation in Emfuleni’s Domestic Worker Sector”. Research questions were posed, focussing mainly on the rationale for and implications of Sectoral Determination 7 for both employers and domestic workers within the domestic worker sector, as well as the relevance and assessment of awareness and compliance within the scope of the study. Stated objectives of the study focussed on both theoretical and empirical objectives, which guided the research process at each stage. The research methodology used was outlined by focussing on both the literature and empirical study. Lastly, a provisional chapter outline was presented.

A detailed literature review was presented in **Chapter 2** to achieve the set theoretical objectives of the study. An initial introduction to the topic was followed by the clarification of concepts used within the study. Domestic work as a social and historical

phenomenon was highlighted. The social, economic and legislative rationale for legislative transformation within the domestic worker sector was explored. The introduction, implementation and implications of Sectoral Determination 7 were discussed in detail. The rationale for the creation of awareness within the scope of the study was explored by focussing on the nature of awareness, awareness as an empowerment tool and factors that impact upon awareness levels, with specific reference to the domestic worker sector.

The importance of legislative compliance was investigated. The link between awareness and resultant actions was explored by focussing on the transformation of awareness into compliant actions. In reflecting on why raising awareness is not sufficient, a transformation process was presented which acknowledged the existence of legislation and its enforcement as vital links in the process of becoming aware and of actual compliance within the domestic worker sector.

**Chapter 3** focussed on the research methodology used throughout the study. Both the primary and secondary objectives of the study were stated. The empirical objectives required the assessment of current levels of awareness and compliance by both employers of domestic workers and domestic workers. The need to explore the link between awareness and compliance, as well as to describe the application value of research findings, was expressed. The target population was defined and limited to employers of domestic workers and domestic workers within the Emfuleni Local Municipal District.

Sampling procedures were explained. Convenience sampling was used to select a total of 600 employees of the Vaal University of Technology as possible employers of domestic workers. An internal mail campaign was used to distribute questionnaires to these potential employers. A total of 400 domestic workers were accessed by means of accidental sampling at taxi ranks, bus stops or in their community. Fieldworkers

distributed questionnaires to domestic workers. A summative representation of the sample groups was presented.

The development of the survey design was discussed, focussing on the questionnaire construct and pilot study. The administration of the questionnaires was discussed and the statistical processing thereof explored.

**Chapter 4** focussed on the reporting of empirical findings through the use of descriptive statistics and illustrations by means of figures and tables. Both awareness and compliance were assessed in terms of the stipulations of Sectoral Determination 7. The need for the classification of awareness and compliance levels was discussed and applied to make a finding, where possible, for each item assessed within the questionnaires. Responses of both employers of domestic workers and domestic workers were presented in a comparative manner to enable the interpretation of results.

### **3. Final conclusions**

In the light of the literature study and the empirical study, the following conclusions have been drawn with regard to stated research objectives:

#### **Objective 1: Provide a historical overview of the domestic worker sector.**

Although South Africa prides itself on being a country with a very rich historical past, the domestic worker sector is still recognised as one of the most neglected sectors of the labour market, with a long history of being undervalued and exploited. By exploring the evolution of domestic work, the challenges and limitations faced by domestic workers are highlighted. The existence of the domestic worker cycle (see Chapter 2, Figure 1) affirmed the powerlessness of domestic workers to escape this sector. The subordinate position of women in society largely contributes to the reinforcement of this cycle. Changing demographics and increasing demands for survival led to domestic workers migrating from rural to urban areas in pursuit of better employment opportunities.

Confronted by limited opportunities, domestic workers were entrapped within the domestic worker cycle. The need for legislative reform within the domestic worker sector is thus evident from the historical preamble. It is therefore concluded that a detailed historical overview of the domestic worker sector has been provided.

**Objective 2: Distinguish the social, economic and legislative rationale for reform in the domestic worker sector.**

Transformation in itself is a process which evolves over time. This implied that the legal position of domestic workers had to be viewed within a broader social, economic and political context. Government faced the challenge of mobilising the various role players within the domestic worker sector (see Chapter 2, Figure 2) to buy into the reform process in order to change the past *modus operandi* in this sector, which was so deeply entrenched in society.

The eradication of poverty through the empowerment of women is central to the economic rationale for legislative reform. A private household can be viewed as a production unit and domestic labour as a production factor which enables the household to function effectively. Although domestic work constitutes a significant portion of the secondary labour market, the low income levels in this sector pointed to the need for minimum wages to assist in the alleviation of the poverty which was still a daily reality for most domestic workers.

The relationship between employers and domestic workers within the domestic sector is in essence a legal relationship. This relationship was in the past largely characterised by power imbalances, which resulted in gross exploitation of domestic workers, rendering them vulnerable as employees.

It can therefore be concluded that by distinguishing the social, economic and legislative rationale for transformation within the domestic worker sector the reasons which compelled Government to intervene are clearly indicated.

**Objective 3: Investigate the introduction, content and implications of Sectoral Determination 7: Domestic Worker Sector.**

The Minister of Labour, Membathisi Mdladlana, initiated an extensive investigation into the need for legislative reform and finally ratified Sectoral Determination 7: Domestic Worker Sector on 1 September 2002. Stipulating the minimum employment conditions for the domestic worker sector, the Determination aims to provide sufficient protection from abuse and exploitation and to streamline relationships within this sector.

It is therefore concluded that the motivation for the introduction of a sectoral determination has been thoroughly investigated. The effectiveness of this investigation is further evident from the detailed summative outlines provided with regard to the stipulations of Sectoral Determination 7. The implications of these stipulations are evident from the legal obligation they imply in terms of required compliance.

**Objective 4: Explore the concepts of awareness and compliance within the scope of the study.**

Awareness plays a part in all study fields but is unique in its focus in individual study fields. Within this study the focus of awareness was limited to cognitive knowledge of labour legislation. This awareness can never be taken for granted and is viewed as a multi-faceted concept, affected not only by the here and now but also by the past and, inevitably, the perceived future.

Access to legislative rights by domestic workers is dependent upon legislative compliance by employers. Sectoral Determination 7 aims to create an employment environment free from exploitation and limiting the bypassing of stipulations by



employers through the legislative obligation to comply. Compliance within the scope of this study is therefore regarded as the act of obeying labour legislated stipulations. The interpretation of these stipulations can differ, however, owing to the individualised nature of the employment relationship and the diverse backgrounds of both employers and domestic workers, as well as to their varying motivations for being part of this relationship.

It is thus concluded that the objective of exploring the concepts of awareness and compliance within the scope of this study has been achieved.

**Objectives 5: Determine how levels of awareness and compliance by both domestic workers and employers of domestic workers can be assessed.**

In order to enjoy any right one has to have knowledge thereof. It is concluded that awareness can be assessed by comparing the knowledge of both employers and domestic workers with the stipulations of Sectoral Determination 7.

Compliance necessitated actions that fully corresponded to the individual stipulations of the Determination. It is thus further concluded that the comparison of actual actions with required actions enabled the determination of compliance levels as presented in Chapter 4.

**Objective 6: Determine current levels of awareness and compliance by both domestic workers and employers of domestic workers.**

A survey design enabled the development of questionnaires which focussed on the assessment of both awareness of and compliance with the stipulations of Sectoral Determination 7. These stipulations ultimately guided the assessment of the awareness and compliance in relation to the Determination. Descriptive statistics enabled the presentation of data related to awareness and compliance.

The following conclusions can be drawn from the empirical results presented in Chapter 4:

- Both employers of domestic workers and domestic workers within the demarcated area have a limited awareness regarding the stipulations of Sectoral Determination 7 (see Chapter 4, 3.11).
- An overall statement regarding compliance levels would limit the application value of findings. Compliance with regard to the individual stipulations of Sectoral Determination 7 (see Chapter 4, Table 26) must guide conclusions regarding reported compliance of employers.
- Employers' responses indicated full compliance with regard to maximum work hours, compensation for overtime worked and the prohibition of child labour.
- Employers' responses further indicated that they were significantly compliant with stipulations that dictate compensation intervals, minimum wage levels, the existence and extent of salary increases given, meal breaks granted, compensation for working on a public holiday, payment during sick leave, period of return to work post childbirth, the granting of annual and family responsibility leave and registration for UIF purposes.
- Limited compliance by employers was evident with regard to the existence of a signed employment contract, the discussion of wage calculations and the keeping of employment records.
- Employers' responses also indicated that their compliance was lacking with regard to the need to issue detailed payslips, give a written notice of termination, issue a certificate of employment upon the termination of employment and possess a copy of Sectoral Determination 7.
- Domestic workers' responses indicated that their main employers only fully complied with the compensation intervals stipulated by Sectoral determination 7.
- Main employers were further reported to comply significantly with stipulations that specify maximum work hours, meal breaks, compensation for overtime worked and the prohibition of child labour.

- Domestic workers further reported limited compliance of main employers with the stipulations of the Determination with regard to the existence of a signed contract of employment, minimum wages, the existence of a salary increase, payment for working on a public holiday, payment during sick leave, return to work post-child-birth, permission for unpaid leave by agreement and written notice of termination.
- Domestic workers also indicated that their main employers lacked compliance with regard to the extent of salary increases granted, issuing of detailed payslips, discussion of wages, registration for UIF purposes, issuing of a certificate of employment upon termination of employment and the discussion of the content of Sectoral Determination 7 with the domestic worker.

It is concluded that the responses obtained from questionnaires circulated to and completed by respondent employers of domestic workers as well as domestic workers, resulted in the determination of levels of awareness of and compliance with the stipulations of Sectoral Determination 7 within the demarcated area.

**Objective 7: Investigate the link between awareness of employment standards and action.**

The ultimate objective of any law reform is to bring about dutiful actions which are in line with legislative requirements. This objective in itself implies a process that has to go full circle in order to culminate in compliance. Table 26 (see Chapter 4) presented a summative comparison of both awareness and compliance levels as evident from both employers' and domestic workers' responses. The researcher argues that the relationship between awareness and compliance is a very complex one, impacted upon by various factors (see Chapter 3, Table 7 & 8), among which the individualised nature of the employment relationship should not be ignored.

Investigation into the link between awareness of employment standards and actions resulted in the conclusion that awareness can never be assumed, nor does it guarantee

compliance. Compliance, however, assigns value to awareness, especially within the scope of this study.

**Objective 8: Describe the application value of the research findings.**

This study provided valuable insight into the employment relationship within the domestic worker sector with regard to awareness of and compliance with labour legislation.

It is therefore concluded that findings will be reported to the Department of Labour and are expected to impact on future planning and actions by the Department related to the creation of awareness of labour legislation, and actions to establish and enforce compliance.

#### **4. Recommendations**

Recommendations are based on the above conclusions:

- Since the possession of and access to a copy of Sectoral Determination 7 is lacking amongst both employers and domestic workers, as indicated in Chapter 4 (see 4.8.2), it is recommended that information related to the stipulations of the Determination be distributed through the UIF address list, which will reach a significant number of employers. Pamphlets can also be made available at a central point, such as post offices, where both employers and domestic workers can access them.
- It is also recommended that the scope of Sectoral Determination 7 be broadened to allow for stipulated social security benefits, which could afford domestic workers access to pension and medical benefits.
- Awareness programs can be launched at regular intervals using various media to access role players. Employers should be addressed predominantly by means of local and national newspapers and the internet (see Chapter 4, Figure 36). Radio broadcasts would be the most appropriate medium for addressing domestic workers (see Chapter 4, Figure 37). The use of television broadcasts can also be explored.

- Networking within the domestic work sector can be used, whereby selected domestic workers are identified and trained in the stipulations and implications of Sectoral Determination 7 in order to return to their communities and educate other domestic workers through word of mouth (see Chapter 4, Figure 37).
- Representative unions can be involved in the creation of legislative awareness in the domestic sector.
- The lack of sufficient labour inspections within the domestic worker sector can be addressed by the implementation of learnerships for students of labour relations, who could act as labour inspectors within this sector, not only to ensure the enforcement of legislation, but also to ensure continuous awareness creation.
- The consequences of non-compliance with the stipulations of Sectoral Determination 7 can be communicated in more detail (see Chapter 4, 4.12) .

## **5. Future research**

Possibilities for future research in this field could include the following:

- Explore compliance with legislative stipulations within a direct employment relationship.
- Investigate the need for advisory services pertaining to the implications and consequences of labour legislation within the domestic worker sector.
- Ascertain the need for social security within the domestic worker sector.
- Explore the possibility of tax relief for employers who provide pension benefits and medical aid benefits to domestic workers.
- Compare awareness of and compliance with labour legislation between urban and rural areas within the domestic worker sector.
- Investigate the development of a community project to be launched by tertiary institutions to increase awareness amongst employers and domestic workers with regard to legislative stipulations affecting the sector within their geographic area.
- Explore practical methods that would facilitate increased awareness of labour legislation within the domestic worker sector.

- Determine the feasibility of differential wages according to job content and context for the various categories of domestic workers within the domestic worker sector.

## **6. Limitations of the study**

The researcher regards the following as limitations of the study:

- The scope of the study was too wide since it focussed on both awareness of and compliance with labour legislation.
- The target population could have been composed of a wider selection of employers of domestic workers and domestic workers within the demarcated area.
- The questionnaires were lengthy since the various stipulations of Sectoral Determination 7 had to be assessed with regard to respondents' awareness thereof and compliance therewith.
- Questionnaires further did not enable the assessment of every specific aspect of Sectoral Determination 7 due to the sheer number of stipulations and the numerous alternatives that could constitute compliance.
- Differences in reported responses have to be attributed to the fact that employers and domestic workers were not necessarily in a direct employment relationship.
- Despite the use of fieldworkers, respondents' literacy levels affected their responses and thus their usefulness.

## **7. Value of the study**

The value of the study is described as follows:

- Awareness and compliance within the scope of this study has not previously been assessed in this manner.
- Results regarding the levels of awareness of and compliance with Sectoral Determination 7 will be reported to the Department of Labour.
- The Department of Labour can utilise findings in future planning of awareness campaigns and the assessment of compliance.

- The format used to assess awareness and compliance within this study can be applied to assess awareness of and compliance with other aspects of labour legislation.
- The mere circulation and completion of questionnaires contributed to respondents' increasing their awareness regarding the stipulations of Sectoral Determination 7.
- Students were exposed to the research process while acting as fieldworkers.
- The researcher was enriched through the whole research experience, which ultimately impacted positively on her role as an employer within the domestic worker sector.

## **8. Conclusion**

The purpose of this study was to determine the awareness of and compliance with labour legislation within Emfuleni's Domestic Worker Sector. The problem statement clearly indicates the need for the assessment of awareness and compliance within this sector. The need for transformation was evident from the literature review and this need resulted in legislative reform within this sector. Sectoral Determination 7 stipulated the minimum employment conditions and thereby guided the assessment of awareness and compliance during the empirical review. These results indicated that both employers and domestic workers have limited awareness with regard to the stipulations of the Determination. Results further indicated the difficulty in making a general statement regarding compliance levels. It is suggested that compliance should rather be considered per individual stipulation of the Determination as illustrated in Table 26 (see Chapter 4). The study concludes with the researcher's recommendation that more must be done to raise awareness within the domestic worker sector amongst both employers and domestic workers. It is also recommended that more labour inspectors be made available, not only to ensure the enforcement of Sectoral Determination 7 but also to facilitate continuous awareness creation.



## BIBLIOGRAPHY

AGIMBA, C., BUTEGWA, F., OSAKUE, G. & NDUNA, S. 1994. *Legal rights awareness among women in Africa: a handbook for non-lawyer legal educators*. Harare: Women in Law and Development in Africa.

BASIC GUIDE TO ANNUAL LEAVE (DOMESTIC WORKERS). 2004a. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=6010](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=6010)>. Accessed: 25/8/2005.

BASIC GUIDE TO CHILD LABOUR (DOMESTIC WORKERS). 2004b. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=8212](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=8212)>. Accessed: 29/8/2005.

BASIC GUIDE TO DEDUCTIONS (DOMESTIC WORKERS). 2004c. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5571](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5571)>. Accessed: 29/8/2005.

BASIC GUIDE TO EMPLOYMENT CONTRACT (DOMESTIC WORKERS). 2004d. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5575](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5575)>. Accessed: 29/8/2005.

BASIC GUIDE TO FAMILY RESPONSIBILITY LEAVE (DOMESTIC WORKERS). 2004e. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5736](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5736)>. Accessed: 29/8/2005.

BASIC GUIDE TO MATERNITY LEAVE (DOMESTIC WORKERS). 2004f. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=6023](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=6023)>. Accessed: 29/8/2005.

BASIC GUIDE TO MINIMUM WAGES (DOMESTIC WORKERS). 2004g. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5566](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5566)>. Accessed: 29/8/2005.

BASIC GUIDE TO OVERTIME (DOMESTIC WORKERS). 2004h. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5713](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5713)>. Accessed: 29/8/2005.

BASIC GUIDE TO PAYSLIPS (DOMESTIC WORKERS). 2004i. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5569](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5569)>. Accessed: 29/8/2005.

BASIC GUIDE TO PUBLIC HOLIDAYS (DOMESTIC WORKERS). 2004j. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5723](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5723)>. Accessed: 29/8/2005.

BASIC GUIDE TO SICK LEAVE (DOMESTIC WORKERS). 2004k. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5733](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5733)>. Accessed: 29/8/2005.

BASIC GUIDE TO TEMPORARY EMPLOYMENT SERVICES (DOMESTIC WORKERS). 2004l. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5756](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5756)>. Accessed: 29/8/2005.

BASIC GUIDE TO TERMINATION (DOMESTIC WORKERS). 2004m. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5747](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5747)>. Accessed: 29/8/2005.

BASIC GUIDE TO WORKING HOURS (DOMESTIC WORKERS). 2004n. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5709](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5709)>. Accessed: 29/8/2005.

BASIC GUIDE TO WORKING ON SUNDAYS (DOMESTIC WORKERS). 2004o. [Online]. Available at: <[http://www.labour.gov.za/basic\\_guides/bgguide\\_display.jsp?id=5715](http://www.labour.gov.za/basic_guides/bgguide_display.jsp?id=5715)>. Accessed: 29/8/2005.

BASSON, A., LOUW, C. & STRYDOM, E. 1993. *The employment of domestic workers: a practical guide to the law*. Cape Town: Juta & Co, Ltd.

BENDIX, S. 2000. *The basics of labour relations*. Cape Town: Juta.

BENDIX, S. 2001. *Industrial relations in South Africa*. 4<sup>th</sup> ed. Lansdown: Juta & Co, Ltd.

BENDIX, S. 2005. *Industrial relations in South Africa*. 4<sup>th</sup> ed. Revised. Lansdown: Juta & Co, Ltd.

BETTER OR WORSE. 1999. *Economist*, 350(8112): p46.

BIOS, J.S. 1966. *The art of awareness: a textbook on general semantics*. 2<sup>nd</sup> ed. Duddle: W.C. Brown Co.

BOOTH, W.C., COLOMB, G.G. & WILLIAMS, J.M. 1995. *The craft of research*. Chicago: The University of Chicago Press.

BOTHA, D. 1993. Enkele aspekte van die huisvrou-huishulpverhouding. M. Com. Dissertation. Potchefstroom: PU for CHE.

BREAKWELL, G.M., HAMMON, S. & FIFE-SHAW, C. 2002. *Research methods in psychology*. London: SAGE Publications Ltd.

CAVALEROS, C., VAN VUUREN, L.J. & VISSER, D. 2002. The effectiveness of a diversity awareness training programme. *SA Journal of Industrial Psychology*, 28(3):50-61.

CENSUS 2001 STATISTICS: EMFULENI LOCAL MUNICIPALITY. 2004. [Online]. Available at: <<http://www.demarcation.org.za>>. Accessed: 11/4/2004.

CLAYTON, C. 2003. A new deal for domestic workers. [Online]. Available at: <<http://www.persfin.co.za/index.php?fSectionId=710&fArticleId=151991>>. Accessed: 26/5/2006.

COCK, J. 1980. Black and White women: a socio-historical study of domestic workers and their employers in the Eastern Cape. PhD. Dissertation. Grahamstown: Rhodes University.

COLLINS DICTIONARY & THESAURUS DESKTOP. 2005. Compliance. Glasgow: Harper Collins Publishers.

CONRADIE, E.M. 2003. How can we help to raise an environmental awareness in the South African context? *Scriptura: International Journal of Bible, Religion and Theology in South Africa*, 83:122-138.

COSATU. 1999. *Submission on wages and conditions of employment for domestic workers*.

CURLE, A. 1972. *Mystics and militants: a study of awareness, identity and social action*. Norfolk: Cox and Wyman Ltd.

DANCASTER, L. 2003. Domestic workers and the law. *South African Journal of Labour*, 27(2):109-121, Winter.

DE VILLIERS, L. 1997. 'n Empiriese ondersoek na probleme en stres wat swart vroulike huiswerkers ondervind. MSc. Thesis. Potchefstroom: PU for CHE.

DEPARTMENT of Labour *see* REPUBLIC OF SOUTH AFRICA. Department of Labour.

DEPRAZ, N., VARELA, F.J. & VERMERSCH, P. 2002. *On becoming aware: a pragmatics of experiencing*, vol. 43. Amsterdam: John Benjamin's Publishing Company.

FAMILY TREE OF THEORIES, METHODOLOGIES & STRATEGIES IN DEVELOPMENT COMMUNICATION: CONVERGENCE & DIFFERENCES. 2003. [Online]. Available at: <<http://www.comminit.com/strategiethinking/stsilviocomm/sld-1783.html>>. Accessed: 3/10/2005.

FARR, V. 2003. Gender awareness in research and policy making. *African Security Review*, 12(1):115-118.

FLOOD, T., HOOSAIN, M. & PRIMO, N. 1997. Beyond inequalities: women in South Africa. Bellville: UWC (University of Western Cape Gender Equity Unit).

GIDDENS, A. 1994. *The class structures of the advanced societies*. London: Hutchinson and Co.

GILLHAM, B. 2002. *Developing a questionnaire*. London: Continuum.

GORDON, S. 1973. *Domestic workers: a handbook for housewives*. Johannesburg: South African Institute of Race Relations.

GOTSHALK, D.W. 1969. *The structure of awareness: introduction to a situational theory of truth and knowledge*. Illinois: University of Illinois Press.

GREENFIELD, T. (ed). 2002. *Research methods for postgraduates*. (2<sup>nd</sup> ed.). London: Arnold.

GREYLING, L. 2001. Skills development: a strategic perspective. *South African Journal of Higher Education*, 15(2):37-40.

HART, C. 1998. *Doing a literature review*. London: SAGE Publications Ltd.

HOOK, D. 2004. Racism as abjection: a psychoanalytic conceptualization for a post-apartheid South Africa. *South African Journal of Psychology*, 34(4):672-703.

INNER CITY EDUCATION AND AWARENESS CAMPAIGN. 2004. *ReSource*, 6(4):23, November.

INTERNATIONAL LABOUR ORGANISATION. 2004. Part IV. Towards an action plan to eliminate discrimination at work. The way forward. Defining the needs for further action by the ILO. [Online]. Available at: [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=1564](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1564)>. Accessed: 30/3/2004.

KETHUSEGILE, B. M., KWARAMBA, A & LOPI, A. 2000. *Beyond inequalities: women in Southern Africa*. Harare: Southern African Research and Documentation Centre.

KLATZKY, R.L. 1984. *Memory and awareness: an information-processing perspective*. 2<sup>nd</sup> ed. New York: W.H. Freeman.

LAWS see REPUBLIC OF SOUTH AFRICA.

LITWIN, M.S. 1995. *The Survey Kit: how to measure survey reliability and validity*. Vol. 7. United States of America: Sage Publications.

MANN, H. 1993. Patterns of human awareness and action: an interpretation of Ghandi's world view in comparative perspective. MA. Thesis. University of Cape Town.

MARKOVÁ, I. 1987. *Human awareness: its social development*. London: Hutchinson.

MBEKI, T. 2005. 50<sup>th</sup> Anniversary of the adoption of the Freedom Charter. *South African Journal of Social and Economic Policy*, 18(2):6-7.

McNEIL, C. 1989. Contradictory forces in the domestic worker's struggle: the significance of union, church and culture in the lives of domestic workers in Durban. MA. Thesis. University of Natal.

MEINTJIES, L. 1992. The domestic worker: some considerations for law reform. LLM. Thesis. Rhodes University.

MENNE, A.L. 1986. An exploratory investigation into the coping strategies of black domestic workers. MA. Thesis. University of Natal.



MEYER, H.W. J. 2002. Information as a resource for rural development. *Mousaion*, 20(1):93-108.

MOOKO, N.P. 2002. The use and awareness of women's groups as sources of information in three small villages in Botswana. *South African Journal of Libraries and Information Service*, 68(2):104-111.

MUBANGIZI, J.C. 2004. Protection of human rights in South Africa: public awareness and perceptions. *Journal of Juridical Science*, 29(1):62-87.

MUNICIPAL DEMARCATION BOARD. 2007. Map: Emfuleni Local Municipality. [Online]. Available at:  
<[http://www.demarcation.org.za/PORT\\_MAPS/Munics/GT421.jpg](http://www.demarcation.org.za/PORT_MAPS/Munics/GT421.jpg)>. Accessed: 13/3/2007.

NETSWERA, F.G. 2002. Risk awareness and sexual relationships among youth in the Johannesburg area. *Health SA*, 7(3):78-88, June.

NEL, P.S., VAN DYK, P.S., HAASBROEK, G.D., SCHULTZ, H.B., SONO, T. & WERNER, A. 2004. *Human Resource Management*. 6<sup>th</sup> ed. Cape Town: Oxford.

NMC (National Manpower Commission). 1991. Recommendations of the National Manpower Commission regarding the extension of labour legislation to domestic workers. Pretoria.

NUNN, C. 1996. *Awareness: what it is, what it does*. New York: Routledge.

NZIMANDE, B. 2003. Red Alert: domestic work is not what the lotto advert suggests. [Online]. Available at: <<http://www.sacp.org.za/umsebenzi/online/2003/u01026.htm>>. Accessed: 3/4/2004.

OXFORD DICTIONARY OF CURRENT ENGLISH. 2006. Compliance. Great Britain: Oxford University Press.

PENDERSEN, P. 2000. *A handbook for developing multicultural awareness*. 3<sup>rd</sup> ed. Alexandria: American Counseling Association.

PETERSON, R.A. 2000. *Constructing effective questionnaires*. California: Sage Publications Inc.

PHAROS (EKSTEEN, L.C., ed). 1997. *Major Dictionary: English-Afrikaans*. 14<sup>th</sup> ed. Cape Town: Pharos.

PILLAY, K. 2005. The philosophical and operational significance of security awareness programmes. *Acta Criminologica*, 18(2):34-43.

POTTER, S., LE VOI, M., WEILD, D. & WARD, A. 2002. *Doing postgraduate research*. London: SAGE Publications Ltd.

QAKISA, M.E. 2003. Theories, models and strategies in developing an effective HIV/AIDS campaign in South Africa. *Journal for Communication Sciences in South Africa*, 22(2):45-64, December.

RAUTENBACH, F. 1999. *Liberating South African labour from the law*. Cape Town: Tafelberg Publishers Limited.

REPUBLIC OF SOUTH AFRICA. 1997. Basic Conditions of Employment Act, Act No. 75 of 1997. (Proclamation No. 1631, 1997). *Government Gazette*, 390(18491). 5 December: 8,44-62.

REPUBLIC OF SOUTH AFRICA. Department of Labour. 2001a. Domestic workers: investigation into minimum wages and conditions of employment. Unpublished report. Pretoria. Photostat copy.

REPUBLIC OF SOUTH AFRICA. Department of Labour. 2001b. Domestic Worker Report. Pretoria. Photostat copy.

REPUBLIC OF SOUTH AFRICA. Department of Labour. 2002. Recommendations of the Employment Conditions Commission on the investigation into the domestic worker sector. Pretoria. Photostat copy.

REPUBLIC OF SOUTH AFRICA. 2002. Basic Conditions of Employment Act (75/1997): Sectoral Determination 7: Domestic Worker Sector, South Africa. (Proclamation No. 1068, 2002). *Government Gazette*, 446(23732). 15 August: 1-38.

REPUBLIC OF SOUTH AFRICA. Department of Labour. 2002. What domestic workers and employers should know: conditions of employment and minimum wages. Booklet.

REPUBLIC OF SOUTH AFRICA. 2005. Basic Conditions of Employment Act (75/1997): Amendment of Sectoral Determination 7: Domestic Worker Sector, South Africa. (Proclamation No. 1104, 2005). *Government Gazette*, 485(28223), 11 November: 1-8.

REPUBLIC OF SOUTH AFRICA. Department of Labour. 2005. Employment Equity Report: Vaal University of Technology. Photostat copy.

REPUBLIC OF SOUTH AFRICA. 2006. Department of Labour. Media statement: the Minister of Labour announces domestic worker minimum wages. [Online]. Available at: <[http://www.workinfo.com/Free/Sub\\_for\\_legres/Data/BCEA/domestics.htm](http://www.workinfo.com/Free/Sub_for_legres/Data/BCEA/domestics.htm)>. Accessed: 26/5/2006.

RESEARCH METHODOLOGY AND APPROACHES TO MEASURING AWARENESS KNOWLEDGE. 2004. [Online]. Available at: <<http://www.dti.gov.uk/er/emar/method.pdf>>. Accessed: 30/3/2004.

RSA *see* REPUBLIC OF SOUTH AFRICA.

SANDERS, A.J.G.M. In search of disciplined law reform. *In* proceedings of the Southern African Law Reform Conference. Sun City: 11-14 August 1981. Woburn, Mass: Butterworths

SAPA. 2002. Minimum wages set for domestic workers. Posted 15 August 2002. [Online]. Available at: <<http://www.iafrica.com>>. Accessed: 21/8/2003.

SCHULER, M (ed) & KADIRGAMAR-RAJASINGHAM, S. 1992. *Legal literacy: A tool for women's empowerment*. New York: UNIFEM.

SCHUR, E. M. 1977. *The awareness trap: self-absorption instead of social change*. New York: McGraw-Hill Paperbacks.

SCOTT, M. 2001. Project awareness: a whole school model for multidisciplinary intervention and support. *Child Abuse Research in South Africa*, 2(1):12-24, April.

STATISTICS SOUTH AFRICA. 2005. Labour force survey: September 2005. PO210.

STRYDOM, E.M.L. (ed). 2001. *Essential social security law*. Cape Town: Juta Law.

TERGURTHA, N. 2001. South African Farm Workers: a poverty profile. Unpublished draft report.

TOWARDS THE REALISATION OF WOMEN'S RIGHTS: LEGAL REFORM AND IMPLEMENTATION. 2001. [Online]. Available at:  
<<http://www.fao.org//DOCREP/005/Y4311E/y4311e07.htm>>. Accessed: 3/10/2005.

TROUBLE WITH THE SERVANTS. 1997. *Economist*, 342(8000); p79-80.

TSCHUDIN, V. 1991. *Beginning with awareness: a learner's handbook*. Edinburgh: Churchill Livingstone.

VAN JAARSVELD, S.R. & VAN ECK, B.P.S. 1996. *Kompendium van Suid-Afrikaanse arbeidsreg*. 2<sup>nd</sup> ed. Johannesburg: Lex Patria.

VAN NIEKERK, A. 2003. *Employing a domestic worker*. Claremont : Siber Ink.

VAN ZYL, A. 2004. Verbal Communication with the author. Pretoria.

WELMAN, J.C. & KRUGER, S.J. 2000. *Research methodology for the business and administrative sciences*. Cape Town: Oxford University Press.

WISKER, G. 2001. *The postgraduate research handbook*. Wales: Palgrave.

ZIKALALA, S. 2003. Labour Inspectors visit households. [Online]. Available at:  
<[http://www.labour.gov.za/docs/pr/2003/aug/19\\_dol.htm](http://www.labour.gov.za/docs/pr/2003/aug/19_dol.htm)>. Accessed: 31/3/04.

## **ANNEXURE A**

### **Questionnaire: Employers**



**Section A: Verifying Sample Population**

Please mark the appropriate alternative with a cross (X).

1	Does your household currently employ a domestic worker?	Yes	No
2	Does the domestic worker your household employs work for a minimum of 24 hours or more per month?	Yes	No
3	Does the residential address of your household fall within the boundaries of the Emfuleni Local Municipality?	Yes	No

*If your answer to Q1, Q2 or Q3 is "No", I thank you for your time.  
Please return the questionnaire.*

\*\*\*\*\*

**If all your answers to Section A are "Yes", I request that you please complete Sections B – G.**

**Section B: Biographical Information of Employer**

Please mark the appropriate alternative with a cross (X).

1	Gender:	Male	Female				
2	Ethnic group:	Black African	Coloured	Indian /Asian	White		
3	Marital status:	Single	Married	Divorced	Widowed		
4	Age:	Younger than 15	15-18	19-30			
		31-40	41-50	51-60	61+		
5	Highest level of formal education attained:	None	Grade 0-3	Grade 4-7	Grade 8-9		
		Grade 10-12	Diploma	Degree	Post Graduate		
6	Employment status:	Unemployed	Employed	Self-employed	Pensioner	Home executive	
7	Home language:	Afrikaans	English	isiNdebele	Sepedi	Sesotho	siSwati
		Xitsonga	Setswana	Tshivenda	isiXhosa	isiZulu	Other

**Section C: Household Profile**

Please provide information as requested by marking the appropriate alternative with a cross (X).

1	<b>Please indicate which of the following workers are currently employed in your household by marking all relevant alternatives:</b>			
	Domestic worker	Gardener	Caregiver for children	Caregiver for the aged
	Caregiver for the sick	Driver/Chauffeur	Domestic worker supplied by an agency	

2	<b>Age of domestic worker currently employed by household:</b>	Younger than 15	15-18	19-30
		31-40	41-50	51-60 61+

**Section D: Awareness**

This section is aimed at establishing your current awareness levels regarding labour legislation in the domestic worker sector. Please indicate the most appropriate alternative to each of the following statements with a cross (X).

1	<b>For the purpose of calculating minimum wages, Emfuleni is categorised as an:</b>		
	Area A (Urban area)	Area B (Rural area)	Not sure

2	<b>When calculating wages for domestic workers, legislation differentiates between workers working for less than 27 hours per week and those working for more than 27 hours per week:</b>		
	True	False	Not sure

3	<b>Domestic workers working for less than 24 hours per month do not enjoy the protection of Sectoral Determination 7.</b>		
	True	False	Not sure

4	<b>The current minimum wage rate per hour for domestic workers employed in urban areas and who work for more than 27 hours per week is:</b>				
	R4.10	R4.15	R5.11	R6.30	Not sure

5	<b>The current minimum wage rate per hour for domestic workers employed in urban areas and who work for less than 27 hours per week is:</b>				
	R3.95	R4.15	R4.90	R6.04	Not sure

6	<b>According to legislation, salary increases for domestic workers are due to take place:</b>				
	On 1 January	In November/ December	On birthday of employee	At discretion of the employer	Not sure

7	<b>Which one of the following may not be deducted from a domestic worker's compensation?</b>				
	The rand value of unpaid leave	10% of total value of wages for accommodation	Contributions to benefit funds	Value of food, clothing and equipment used	Not sure

8	<b>A detailed payslip must be issued to a domestic worker each time he/she receives wages.</b>		
	True	False	Not sure

9	<b>Domestic workers in your employment must be furnished with written particulars of employment.</b>		
	True	False	Not sure

10	<b>Labour legislation states that the maximum number of working hours (excluding overtime) for domestic workers is:</b>				
	40 hours per week	45 hours per week	48 hours per week	Determined at the discretion of the employer	Not sure

11	<b>Domestic workers ought to have a meal break of:</b>				
	15 minutes every 3 hours	60 minutes every 4 hours	60 minutes every 5 hours	Open to the discretion of the employer	Not sure

12	<b>Domestic workers are obliged by law to work overtime.</b>		
	True	False	Not sure

13	<b>Overtime worked is limited to not more than 10 hours per week.</b>		
	True	False	Not sure

14	<b>Overtime worked by domestic workers should be compensated at a rate equal to:</b>				
	The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure

15	<b>Legislation requires that domestic workers working between 18h00 – 6h00 (night work) must receive an allowance or must work reduced hours.</b>		
	True	False	Not sure

*Employer*

16	Domestic workers are not permitted to work more than _____ hours per day, including overtime.				
	8	10	12	15	Not sure
17	Domestic workers must have a rest period of at least _____ hours between working days.				
	8	10	12	15	Not sure
18	Working on public holidays is only by agreement.				
	True		False		Not sure
19	Compensation for working on a public holiday is at a rate equal to:				
	The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure
20	Domestic workers who work on Sundays only from time to time should receive double the normal rate for the day's work.				
	True		False		Not sure
21	Domestic workers who usually work on Sundays must receive 1.5 times the normal wages for the day's work.				
	True		False		Not sure
22	Time worked on Sundays or public holidays could be exchanged for paid time off by agreement.				
	True		False		Not sure
23	Employers could request that their domestic worker be on standby. Standby is from _____ to _____.				
	18h00-06h00	20h00-06h00	20h00-08h00	Not sure	
24	Agreement to standby arrangements must be in writing.				
	True		False		Not sure
25	Domestic workers must be paid an allowance of at least R_____ per standby shift.				
	R15.00	R20.00	R25.00	No allowance is payable by law	Not sure
26	Domestic workers are entitled to 1 day's paid leave for every _____ days worked.				
	7	17	21	Not sure	
27	Domestic workers are entitled to _____ days' family responsibility leave per year.				
	0	3	5	7	Not sure

28	Domestic workers are entitled to _____ weeks' sick leave within a sick-leave cycle of 3 years.				
	4 weeks	6 weeks	8 weeks	Not sure	
29	Proof of illness can be requested if the domestic worker has been absent for more than _____ consecutive days.				
	2	3	4	7	Not sure
30	Pregnant domestic workers are entitled to _____ months' maternity leave.				
	3 months	4 months	6 months	Not sure	
31	Labour law compels employers to compensate domestic workers during the period of maternity leave.				
	True	False	Not sure		
32	Children under the age of 15 may be employed as domestic workers.				
	True	False	Not sure		
33	Termination of employment must be done in writing.				
	True	False	Not sure		
34	What period of notice must be given to a domestic worker who has been employed for less than 6 months?				
	24 hours	1 week	4 weeks	Left to the discretion of the employer	Not sure
35	Retrenched domestic workers are entitled to:				
	No severance pay	1 week's severance pay for every year of service	2 weeks' normal pay	1 month's compensation	Not sure
36	Employers have to provide employees with a certificate of employment upon termination of employment.				
	True	False	Not sure		
37	Domestic workers who feel that they have been unfairly dismissed must refer their complaint to the ...				
	Department of Labour / CCMA	Labour union	Labour Court	Not sure	
38	Employers must keep records of employment for a period of:				
	12 months	2 years	3 years	No need to keep records	Not sure



39	<b>A copy of current labour legislation (i.e. Sectoral Determination 7) must be in the possession of every employer of a domestic worker.</b>		
	True	False	Not sure

40	<b>Through which of the following media did you gain information about current legislation in the domestic worker sector? (Mark all relevant alternatives.)</b>			
	Newspaper articles	Magazine articles	Radio broadcasts	TV Broadcasts
	Word-of-mouth	My domestic worker	Other Specify	

### **Section E: Current Employment Relationship**

Please provide information regarding the employment relationship which currently exists between your domestic worker and you as employer.

1	<b>How long has your current domestic worker been in your employment?</b>				
	Less than 6 months	6-12 months	1-5 years	5-10 years	10+ years

2	<b>How many days per week does your domestic worker work for you?</b>						
	One	Two	Three	Four	Five	Six	Seven

3	<b>Please indicate the basis on which you compensate your domestic worker:</b>		
	Daily	Weekly	Monthly

4	<b>How much do you pay your domestic worker per day?</b>	R	per day
---	--	---	---------

5	<b>How many hours does your domestic worker work on average per day, excluding overtime?</b>	Hours per day
---	--	---------------

6	<b>Indicate method/s of payment:</b>		
	Cash	Cheque	Direct bank transfer

7	<b>Please indicate if you provide any of the following benefits to your domestic worker: (Mark all appropriate alternatives.)</b>			
	Cost of medical treatment	Clothing	Accommodation	
	Water and electricity	Transport money	Annual bonus	School fees
	Pension benefits	Funeral benefits	Medical aid	Food
	Training fees	Afternoon off	Other Specify	

Employer

8	Did your domestic worker receive a salary increase within the last 12 months?	Yes
		No
8a	If the answer to Q8 is "Yes", please indicate the percentage of salary increase given:	
	Less than 5%	5%-7%
	8%-10%	More than 10%
8b	If your answer to Q8 is "No", please specify a reason/s why:	
9	Does your domestic worker live on the premises of your household?	Yes
		No
10	Have you signed an employment contract with your domestic worker?	Yes
		No
11	I compensate my domestic worker at a rate _____ what is required by law.	
		less than
	equal to	
	more than	
12	Do you compensate your domestic worker at a higher rate than before as a result of the inception of minimum wages?	Yes
		No
13	Does your domestic worker receive regular meal breaks during the day?	Yes
		No
14	How often do you require your domestic worker to work on Sundays?	Never
		Seldom
		Once a month
	Twice a month	
	Three times a month	
	Nearly every Sunday	
	Every Sunday	
15	At what rate do you compensate your domestic worker when he/she does work on Sundays?	
		My domestic worker does not work on Sundays
	The normal daily rate	
	1.5 times the normal daily rate	
	2 times the normal daily rate	
	Paid time off	



*Employer*

<b>16</b>	<b>At what rate do you compensate your domestic worker when he/she does work on a Public holiday?</b>				
	My domestic worker does not work on Public holidays	The normal daily rate	1.5 times the normal daily rate	2 times the normal daily rate	Paid time off

<b>17</b>	<b>At what rate do you compensate your domestic worker when he/she does work overtime?</b>				
	My domestic worker does not work overtime	The normal daily rate	1.5 times the normal daily rate	2 times the normal daily rate	Paid time off

<b>18</b>	<b>Do you make any deductions from your domestic worker's compensation?</b>	Yes
		No

<b>18a</b>	<b><i>If your answer to Q18 is "Yes", please indicate if the deductions you make from your domestic worker's wages amount to less than 20% of her/his total wages.</i></b>	Yes
		No

<b>18b</b>	<b><i>If your answer to Q18 is "Yes", please indicate which of the following deductions you do make. (Mark all the appropriate alternatives)</i></b>			
	<i>Training costs</i>	<i>Cost of equipment used</i>	<i>Cost of uniform / clothes</i>	<i>Cost of food/meals</i>
	<i>Cost of fines</i>	<i>Rand value of unpaid leave</i>	<i>Repayment of loans/advances</i>	<i>UIF</i>
	<i>Medical contributions</i>	<i>Pension contributions</i>	<i>Less than 10% of total value of wages for accommodation</i>	<i>10% of total value of wages for accommodation</i>
	<i>More than 10% of total value of wages for accommodation</i>	<i>Cost of breakage or damage as a result of employee actions</i>		<i>Cost of transport provided</i>

<b>19</b>	<b>Do you issue your domestic worker with a detailed payslip when he/she receives his/her wages?</b>			
	Never	Now and then	Regularly	Always

<b>20</b>	<b>Do you indicate to your domestic worker how his/her wages are calculated?</b>			
	Never	Now and then	Regularly	Always

<b>21</b>	<b>Does your domestic worker receive wages in a sealed envelope?</b>			
	Never	Now and then	Regularly	Always

*Employer*

22	Have you issued your domestic worker with written particulars of employment?	Yes
		No

23	How many days' paid annual leave did your domestic worker receive in the last 12 months?	days
----	--	------

24	Please indicate the basis on which the occurrence of annual leave is decided.			
	Upon the request of the domestic worker	To coincide with household holiday arrangements	At the end of the year	12 months after the previous leave

25	Has your domestic worker taken sick leave during the last 12 months?	Yes
		No

26	Do you pay your domestic worker at the normal daily rate while he/she is on sick leave?	Yes
		No

27	Do you request proof of illness from a medical professional before granting paid sick leave?			
	Never	Now and then	Regularly	Always

28	Has your domestic worker taken maternity leave within the last 12 months?	Yes
		No

*If your answer to Q28 is "Yes", please also answer Q28a – Q28c.*

28a	Please indicate the period of maternity leave granted.				
	6 weeks	3 months	4 months	6 months	Indefinite

28b	Did the maternity leave occur with ...		
	No payment for the period	Full pay for the period	Reduced pay for the period

28c	Please indicate how soon after the birth of the baby your domestic worker returned to work.					
	Less than 2 weeks	3 weeks	4 weeks	5 weeks	6 weeks	More than 6 weeks

29	Do you grant family responsibility leave to your domestic worker?	Yes
		No

29a	If your answer to Q29 is "Yes", please indicate how many days' family responsibility leave you have granted your domestic worker within the last 12 months.			
	0	Less than 5 days	More than 5 days	Not sure

Employer
----------

30	Do you allow your domestic worker to arrange for unpaid leave by agreement?	Yes
		No

31	Have you registered your domestic worker for UIF?	Yes	No
----	---	-----	----

## Section F: Termination of employment

Please provide information as requested.

1	Have you terminated the employment of a domestic worker in your service within the last 4 years?	Yes
		No

*If the answer to Q1 is "Yes", please answer Q1a-1e.*

1a	Did the domestic worker whose services you terminated work for you for a period of more than 6 weeks prior to termination?	Yes
		No

1b	Please specify reason/s for termination.	

1c	Did you give the domestic worker written notice of termination?	Yes
		No

1d	Indicate notice period given.					
		24 hours	1 week	2 weeks	4 weeks	None

1e	Did you provide the domestic worker with a certificate of employment?	Yes
		No

2	Have you retrenched a domestic worker within the last 4 years?	Yes
		No

2a	If your answer to Q2 is "Yes", please indicate the basis on which severance pay was calculated:					
		At my own discretion	No severance pay was paid	1 week's severance pay for every years' service	2 weeks' normal pay	1 month's compensation

**Section G: General**

Please provide information as requested by marking the appropriate block with a cross (X).

1	Do you have a copy of current labour legislation in the domestic worker sector (i.e. Sectoral Determination 7)?	Yes			
		No			
2	Have you discussed the content of Sectoral Determination 7 with your domestic worker?	Yes			
		No			
3	Have you reduced the number of hours your domestic worker works/ed within the last 4 years <u>as a result</u> of the inception of minimum wages?	Yes			
		No			
4	Do you keep employment records?	Yes			
		No			
4a	If your answer to Q4 is "Yes", please indicate the period of record keeping:				
	Less than 6 months	1 year	2 years	3 years	More than 3 years
5	Have your premises been visited by a labour inspector within the last 12 months?	Yes			
		No			
6	Do you regard yourself as generally ...				
	Complying with labour legislation	Not complying with labour legislation			
7	Please identify the various factors/reasons that gave rise to your current level of compliance with labour legislation in the domestic sector. (Mark all appropriate alternatives.)				
	Media campaign of the Dept. of Labour	Pressure/request from domestic worker			
	I generally comply with all legislation	Feeling of guilt if not complying			
	Insight into needs of domestic worker	Other Specify			

8	<b>Please identify the various factors/reasons that stand in the way of your compliance with labour legislation in the domestic sector. (Mark all appropriate alternatives.)</b>	
	No time to study requirements of the law	Do not agree with current legislation
	Cannot afford to comply (lack of money)	Not fully aware of current legislation
	Compliance will just complicate my current work relationship with my domestic worker	Other Specify

9	<b>To what extent are you aware of the consequences of non-compliance with current labour legislation in the domestic worker sector?</b>																																	
	<b>Please rate your current level of awareness on a scale of 0 – 10.</b>																																	
	<table border="0"> <tr> <td>Not aware.....</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>Fully aware</td> </tr> <tr> <td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td></td> </tr> </table>											Not aware.....											Fully aware	0	1	2	3	4	5	6	7	8	9	10
Not aware.....											Fully aware																							
0	1	2	3	4	5	6	7	8	9	10																								

**I thank you for taking the time to complete this questionnaire.  
Your input is appreciated.**

## **ANNEXURE B**

### **Questionnaire: Domestic worker**

**Section A: Verifying Sample Population**

Please mark the appropriate alternative with a cross (X).

1	Are you currently employed as a domestic worker in a private household for 24 or more hours per month?	Yes	No
2	Does the residential address of the household where you are employed for a minimum of 24 hours per month fall within the boundaries of the Emfuleni Local Municipality?	Yes	No

*If your answer to Q1 or Q2 is "No", I thank you for your time.  
Please return the questionnaire to the research assistant.*

\*\*\*\*\*

If your answer to Q1 and Q2 is "Yes", I request that you please complete Sections B–G.

**Section B: Biographical Information of Domestic Worker**

Please mark the appropriate alternative with a cross (X).

1	Gender:	Male	Female				
2	Ethnic group:	Black African	Coloured	Indian/Asian	White		
3	Marital status:	Single	Married	Divorced	Widowed		
4	Age:	Younger than 15	15-18	19-30			
		31-40	41-50	51-60	61+		
5	Highest level of formal education attained:	None	Grade 0-3	Grade 4-7	Grade 8-9		
		Grade 10-12	Diploma	Degree	Post Graduate		
6	Home language:						
	Afrikaans	English	isiNdebele	Sepedi	Sesotho	siSwati	
	Xitsonga	Setswana	Tshivenda	isiXhosa	isiZulu	Other	
7	Please specify how many persons are dependent on your current income:						
	Adults	Children					
	0	1	2	0	1	2	
	3	4	5+	3	4	5+	
8	Indicate your combined household income per month:						
	Less than R500.00	R501.00-R1000.00	R1001.00-R1499.00	R1500.00-R1999.00	R2000.00-R2999.00	R3000.00-R3999.00	More than R4000.00



9	<b>Indicate in which of the following categories you place your current job.</b>			
	Domestic worker	Gardener	Caregiver for children	Caregiver for the aged
	Caregiver for the sick	Driver/Chauffeur	Domestic worker supplied by an agency	

10	How old were you when you first started working as a domestic worker?	
----	---	--

### Section C: Awareness

This section is aimed at establishing your current awareness levels regarding labour legislation in the domestic worker sector. Please indicate the most appropriate alternative to each of the following statements with a cross (X).

1	<b>For the purpose of calculating minimum wages Emfuleni is categorised as an:</b>		
	Area A (Urban area)	Area B (Rural area)	Not sure

2	<b>When calculating wages for domestic workers, legislation differentiates between workers working for less than 27 hours per week and those working for more than 27 hours per week:</b>		
	True	False	Not sure

3	<b>Domestic workers working for less than 24 hours per month do not enjoy the protection of Sectoral Determination 7.</b>		
	True	False	Not sure

4	<b>The current minimum wage rate per hour for domestic workers employed in urban areas who work for more than 27 hours per week is:</b>				
	R4.10	R4.15	R5.11	R6.30	Not sure

5	<b>The current minimum wage rate per hour for domestic workers employed in urban areas who work for less than 27 hours per week is:</b>				
	R3.95	R4.15	R4.90	R6.04	Not sure

6	<b>According to legislation, salary increases for domestic workers are due to take place:</b>				
	On 1 January	In November/December	On birthday of employee	At employer's discretion	Not sure

7	<b>Which one of the following may not be deducted from a domestic worker's compensation?</b>				
	The rand value of unpaid leave	10% of total value of wages for accommodation	Contributions to benefit funds	Value of food, clothing and equipment used	Not sure
8	<b>A detailed payslip must be issued to a domestic worker each time she/he receives wages.</b>				
	True	False		Not sure	
9	<b>Domestic workers in your employment must be furnished with written particulars of employment.</b>				
	True	False		Not sure	
10	<b>Labour legislation states that the maximum number of working hours (excluding overtime) for domestic workers is:</b>				
	40 hours per week	45 hours per week	48 hours per week	Open to the discretion of the employer	Not sure
11	<b>Domestic workers ought to have a meal break of:</b>				
	15 minutes every 3 hours	60 minutes every 4 hours	60 minutes every 5 hours	Open to the discretion of the employer	Not sure
12	<b>Domestic workers are obliged by law to work overtime.</b>				
	True	False		Not sure	
13	<b>Overtime worked is limited to not more than 10 hours per week.</b>				
	True	False		Not sure	
14	<b>Overtime worked by domestic workers should be compensated at a rate equal to:</b>				
	The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure
15	<b>Legislation requires that domestic workers working between 18h00 – 6h00 (night work) must receive an allowance or work reduced hours.</b>				
	True	False		Not sure	
16	<b>Domestic workers are not permitted to work more than _____ hours per day, including overtime.</b>				
	8	10	12	15	Not sure
17	<b>Domestic workers must have a rest period of at least _____ hours between working days.</b>				
	8	10	12	15	Not sure

18	<b>Working on public holidays can occur only by agreement.</b>				
	True	False	Not sure		

19	<b>Compensation for working on a public holiday is at a rate equal to:</b>				
	The normal daily rate	1.5 times the normal rate	Double the normal rate	That determined at the discretion of the employer	Not sure

20	<b>Domestic workers who work on Sundays from time to time only should receive double the normal rate for the day's work.</b>				
	True	False	Not sure		

21	<b>Domestic workers who usually work on Sundays must receive 1.5 times the normal wages for the day's work.</b>				
	True	False	Not sure		

22	<b>Time worked on Sundays or public holidays could be exchanged for paid time off by agreement.</b>				
	True	False	Not sure		

23	<b>Employers could request that their domestic worker be on standby. Standby is from _____ to _____.</b>				
	18h00-06h00	20h00-06h00	20h00-08h00	Not sure	

24	<b>Agreement to standby arrangements must be in writing.</b>				
	True	False	Not sure		

25	<b>Domestic workers must be paid an allowance of at least R_____ per standby shift.</b>				
	R15.00	R20.00	R25.00	No allowance is payable by law	Not sure

26	<b>Domestic workers are entitled to 1 days paid leave for every _____ days worked.</b>				
	7	17	21	Not sure	

27	<b>Domestic workers are entitled to _____ days' family responsibility leave per year.</b>				
	0	3	5	7	Not sure

28	<b>Domestic workers are entitled to _____ weeks' sick leave within a sick-leave cycle of 3 years.</b>				
	4 weeks	6 weeks	8 weeks	Not sure	

29	<b>Proof of illness can be requested if the domestic worker has been absent for more than _____ consecutive days.</b>				
	2	3	4	7	Not sure

30	<b>Pregnant domestic workers are entitled to _____ months' maternity leave.</b>				
	3 months	4 months	6 months	Not sure	
31	<b>Labour law compels employers to compensate domestic workers during the period of maternity leave.</b>				
	True	False	Not sure		
32	<b>Children under the age of 15 may be employed as domestic workers.</b>				
	True	False	Not sure		
33	<b>Termination of employment must be done in writing.</b>				
	True	False	Not sure		
34	<b>What period of notice must be given to a domestic worker who has been employed for less than 6 months?</b>				
	24 hours	1 week	4 weeks	Left to the discretion of the employer	Not sure
35	<b>Retrenched domestic workers are entitled to:</b>				
	No severance pay	1 week's severance pay for every year of service	2 weeks' normal pay	1 month's compensation	Not sure
36	<b>Employers have to provide employees with a certificate of employment upon termination of employment.</b>				
	True	False	Not sure		
37	<b>Domestic workers who feel that they have been unfairly dismissed must refer their complaint to the ...</b>				
	Department of Labour / CCMA	Labour union	Labour Court	Not sure	
38	<b>Employers must keep records of employment for a period of:</b>				
	12 months	2 years	3 years	No need to keep records	Not sure
39	<b>A copy of current labour legislation (i.e. Sectoral Determination 7) must be in the possession of every employer of a domestic worker.</b>				
	True	False	Not sure		
40	<b>Through which of the following media did you gain information about current legislation in the domestic worker sector? (Mark all relevant alternatives.)</b>				
	Newspaper articles	Magazine articles	Radio broadcasts	TV Broadcasts	
	Word-of-mouth / other domestic workers	My employer	Other Specify		

**Section D: Current Employment**

Please provide information regarding the current employment relationship between you as the domestic worker and your employer/s.

1	<b>How many days in total do you work per week?</b>							
	One	Two	Three	Four	Five	Six	Seven	

2	<b>How many employers are you currently working for?</b>				
	1	2	3	4	More than 4

3	<b>If you are currently working for one or more employers, please indicate how much each of the different employers is paying you per day.</b>							
					<b>Wages per day</b>			
	First Employer				R			
	Second Employer				R			
	Third Employer				R			
	Fourth Employer				R			

4	<b>How many hours do you work per week in total?</b>	
---	--	--

5	<b>How much do you receive in total wages from all your employers per month?</b>	R
---	--	---

**Section E: Main Employment Relationship**

Please provide information regarding the current employment relationship you have with your **main employer** (the one where you work for the most number of hours).

1	<b>How long have you been working as a domestic worker for your main employer?</b>				
	Less than 6 months	6-12 months	1-5 years	5-10 years	10+ years

2	<b>How many days per week do you work for your main employer?</b>							
	One	Two	Three	Four	Five	Six	Seven	

3	<b>Please indicate the basis on which you are compensated by your main employer.</b>							
	Daily		Weekly			Monthly		

4	<b>How much does your main employer pay you per day?</b>	R	per day
---	--	---	---------

5	How many hours does your main employer require you to work per day, excluding overtime?	Hours per day
6	Indicate method/s of payment used to compensate you:	
	Cash	Cheque
		Direct bank transfer
7	Please indicate if your main employer provides any of the following benefits to you as a domestic worker: (Mark all appropriate alternatives.)	
	Cost of medical treatment	Clothing
	Water and electricity	Transport money
	Pension benefits	Funeral benefits
	Training fees	Afternoon off
		Annual bonus
		Medical aid
		Other/Specify
8	Did you receive a salary increase in the last 12 months from your main employer?	Yes
		No
8a	If the answer to Q8 is "Yes", please indicate the percentage of salary increase received:	
	Less than 5%	5%-7%
	8%-10%	More than 10%
		Not sure
8b	If your answer to Q8 is "No", please specify the reason/s why, if you know.	
9	Do you live on the premises of your main employer?	Yes
		No
10	Have you signed an employment contract with your main employer?	Yes
		No
10a	If your answer to Q10 is "Yes", do you have a copy of the employment contract that you signed with your main employer?	Yes
		No
11	Does your main employer compensate you at a rate that is _____ what is required by law?	
	less than	equal to
		more than
12	Does your main employer currently compensate you at a higher rate than before as a result of the inception of minimum wages?	Yes
		No
13	Do you receive regular meal breaks during the day while working at your main employer?	Yes
		No



14	<b>How often does your main employer require that you work on Sundays?</b>			
	Never	Seldom	Once a month	Twice a month
	Three times a month	Nearly every Sunday	Every Sunday	

15	<b>At what rate does your main employer compensate you for working on Sundays?</b>				
	I never work on Sundays	The normal daily rate	1.5 times the normal daily rate	2 times the normal daily rate	Paid time off

16	<b>At what rate does your main employer compensate you for working on a Public holiday?</b>				
	I never work on a Public holiday	The normal daily rate	1.5 times the normal daily rate	2 times the normal daily rate	Paid time off

17	<b>At what rate does your main employer compensate you for working overtime?</b>				
	I never work overtime	The normal daily rate	1.5 times the normal daily rate	2 times the normal daily rate	Paid time off

18	<b>Does your main employer make any deductions from your compensation?</b>				Yes
					No

*If your answer to Q18 is "Yes", please answer Q18a and Q18b.*

18a	<b>Are the deductions that your main employer makes from your wages less than 20% of your total wages?</b>				Yes
					No

18b	<b>Please indicate which of the following deductions are made by your main employer from your wages. (Mark all the appropriate alternatives)</b>			
	Training costs	Cost of equipment used	Cost of uniform/cloths	Cost of food/meals
	Cost of fines	Rand value of unpaid leave	Repayment of loans/advances	UIF
	Medical contributions	Pension contributions	Less than 10% of total value of wages for accommodation	10% of total value of wages for accommodation
	More than 10% of total value of wages for accommodation	Cost of breakage or damage as a result of employee actions		Cost of transport provided

19	<b>Do you receive a detailed payslip when your main employer gives you your wages?</b>			
	Never	Now and then	Regularly	Always

20	<b>Does your main employer indicate to you how your wages are calculated?</b>			
	Never	Now and then	Regularly	Always



21	<b>Do you receive your wages in a sealed envelope from your main employer?</b>			
	Never	Now and then	Regularly	Always
22	<b>Have you been issued with written particulars of employment by your main employer?</b>			Yes
				No
23	<b>How many days' paid annual leave did you receive from your main employer during the last 12 months?</b>			Days
24	<b>Please indicate the basis on which the occurrence of annual leave is decided between yourself and your main employer.</b>			
	Upon my request	To coincide with household holiday arrangements	At the end of the year	12 months after the previous leave
25	<b>Have you taken sick leave during the last 12 months while working for your main employer?</b>			Yes
				No
26	<b>Does your main employer pay you at the normal daily rate while you are on sick leave?</b>			Yes
				No
27	<b>Does your main employer request proof of illness from a medical professional before granting paid sick leave?</b>			
	Never	Now and then	Regularly	Always
28	<b>Have you taken maternity leave within the last 12 months?</b>			Yes
				No

*If your answer to Q28 is "Yes", please also answer Q28a-28c.*

28a	<b>Please indicate the period of maternity leave granted by main employer.</b>				
	6 weeks	3 months	4 months	6 months	Indefinite
28b	<b>Did your maternity leave occur with ...</b>				
	No payment for the period	Reduced pay for the period		Full pay for the period	
28c	<b>Please indicate how soon after the birth of your baby you returned to work for your main employer.</b>				
	Less than 2 weeks	3 weeks	4 weeks	5 weeks	6 weeks
29	<b>Does your main employer grant family responsibility leave upon your request?</b>			Yes	
				No	

<b>29a</b>	<i>If your answer to Q29 is "Yes", please indicate how many days' family responsibility leave you have been granted by your main employer within the last 12 months.</i>			
	0	Less than 5 days	More than 5 days	Not sure

<b>30</b>	<b>Does your main employer allow you to arrange for unpaid leave by agreement?</b>	Yes
		No

<b>31</b>	<b>Has your main employer registered you for UIF?</b>	Yes	No	Not sure
-----------	---	-----	----	----------

## **Section F: Termination of employment**

Please provide information as requested.

<b>1</b>	<b>Has your service / employment been terminated by any of your employers within the last 4 years?</b>	Yes
		No

*If the answer to Q1 is "Yes", please answer Q1a-1e.*

<b>1a</b>	<b>Did you work for a period of more than 6 months before the employer terminated your employment?</b>	Yes
		No

<b>1b</b>	<b><i>If you know the reason/s for termination, please specify them.</i></b>

<b>1c</b>	<b>Were you given written notice of termination by the employer?</b>	Yes
		No

<b>1d</b>	<b>What notice period were you given by the employer?</b>
	24 hours      1 week      2 weeks      4 weeks      None

<b>1e</b>	<b>Did your employer provide you with a certificate of employment upon termination?</b>	Yes
		No

<b>2</b>	<b>Have you been retrenched within the last 4 years?</b>	Yes
		No

<b>2a</b>	<b><i>If your answer to Q2 is "Yes", please indicate the basis on which severance pay was calculated:</i></b>				
	<i>At the employer's discretion</i>	<i>No severance pay was paid</i>	<i>1 week's severance pay for every years' service</i>	<i>2 weeks' normal pay</i>	<i>1 month's compensation</i>

**Section G: General**

Please provide information as requested.

1	Has any of your employers discussed the content of current labour legislation in the domestic sector (i.e. Sectoral Determination 7) with you?	Yes
		No
2	Do you have a copy of Sectoral Determination 7 in your possession?	Yes
		No
3	Has the number of hours that you work been reduced within the last 4 years by any of your employers <u>as a result of</u> the inception of minimum wages ?	Yes
		No
4	Do you regard your main employer as generally:	
	Complying with labour legislation	Not complying with labour legislation
5	Please identify the various factors/reasons that you think motivate your main employer's current level of compliance with labour legislation in the domestic sector. (Mark all appropriate alternatives.)	
	Media campaign of the Dept. of Labour	Pressure/request from domestic worker
	Generally comply with all legislation	Feeling of guilt If not complying
	Insight into needs of domestic worker	Other Specify
6	Please identify the various factors/reasons that you think stand in the way of your main employer's compliance with labour legislation in the domestic sector. (Mark all appropriate alternatives.)	
	No time to study requirements of the law	Does not agree with legislation
	Cannot afford to comply (lack of money)	Not fully aware of the requirements of the law
	Compliance will just complicate our relationship	Other Specify

*I thank you for taking the time to complete this questionnaire. Your input is appreciated.*