

**AN INVESTIGATION OF THE CURRENT PERCEPTIONS OF
THE UIF POLICY FOR DOMESTIC WORKERS**

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(Honours degree in Policy and Development Studies)

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November 2004

A research portfolio submitted in partial fulfilment of the requirements for Master of
Social Science degree in Policy and Development Studies in the Faculty of Human
and Management Sciences, University of KwaZulu-Natal,
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Abstract

The study aims to investigate the current perceptions of the Unemployment Insurance Fund (UIF) for domestic workers in a township called KwaNdengezi, a Durban Metro area, Pretoria section. The study used qualitative research methods to gather and interpret data. A sample consisting of 13 domestic workers, 10 employers of domestic workers, Department of Labour (UIF official) and representative from the South African Domestic and Allied Workers Union (SADAWU) were interviewed. The study found that there are negative perceptions about the policy due to the fact that people (employers and domestic workers) do not understand the policy objectives and how the policy tries to meet these objectives. The study also found that SADAWU was participated in setting the agenda for policy by identifying the problems of domestic workers and petitioning government to address them. Lastly, the study highlighted that the main problem with the implementation of the policy was that it was not communicated clearly enough which has led to many misinterpretations of the policy.

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Introduction

For many years in South Africa the problems of domestic workers were not addressed to by the state through legislation. They were left to fight their own battles without any help, and even when they formed trade unions, the unions were too weak to deal with the problems that domestic workers faced (Meer 1998:32). It was also more difficult to get domestic workers organised because they lived in individual households and with different work schedules. The current UIF Policy (2001) for domestic workers is a regulation that the new democratic government of South Africa has in place as an attempt to recognise the sector of domestic workers and to try to regulate their conditions of employment through legislation.

According to the UIF policy a domestic worker is “any employee who performs domestic work in the household of his or her employer; including a gardener, a person employed by a household as a driver of motor vehicle and a person that takes care of any person in that household or any”(UIF Act No. 62 Of 2002). This means that everyone who is paid in a household to assist with the day to day running of the house is recognised by the UIF and may be registered for the fund regardless of the number of hours or days that the person works within that household. However, for the purpose of this study the focus is on domestic workers who do house work for their employers, and currently there are 800 000 such domestic workers in South Africa (Carroll 2004:11).

The objective of this study was to compare the current UIF policy with the perceptions of domestic workers, trade union, employers of domestic workers and government official managing the policy. This objective was carried out though applying policy analysis to literature on the history of domestic workers in South Africa, and the current UIF policy. The policy analysis looked at problem identification, agenda setting, policy formulation and policy implementation. Policy implementation was the main part of the study in that it revealed most of the employers, domestic workers and union’s perceptions on the policy.

This study is divided into three sections or parts: Part 1 starts by examining policy theories; looking at how problems are defined in policy analysis, how problems get

onto the government agenda, how solutions to the problem are formulated and who is involved in the formulation of the policy and lastly how are policies implementation what constitutes a perfect policy implementation. Part 2 examines the history of the UIF policy, the current UIF, the history of domestic workers and their history with trade unions and lastly looks at the studies from the United Kingdom on domestic workers. Part 3 discusses the findings of the study and conclusions drawn from the findings.

PART ONE

Theoretical Framework

Defining Public Policy

According to Howlett & Ramesh (1995:4), public policies results from decisions made by governments and the decision by government to do nothing are just as much policy as are decisions to do something. This means that private business decisions, organizational decisions, interests group, individuals or other social groups are not public policy (Dye in Howlett et al, 1995:4). He argues that when we speak about public policy we speak of government actions not that of interest groups or anyone else's but that of government, that its up to the government to make a decision whether to address a social problem or not and their non decision is as much decision as a decision acted out. He (*ibid*) continues to argue that nongovernmental organisations do influence what government do but their activities do not in themselves make public policy.

Jenkins in Howlett et al (1995:5) defines public policy as a “ set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and means of achieving them within a specified situation where those decisions should be within the power of those actors to achieve.” His definition of public policy is different to that of Dye in that he acknowledges the existence of non governmental organisation that are involved in public policy decisions.

Lasswell's version of public policy in Howlett & Ramesh (1995:11) introduced the notion of the policy process as an ongoing cycle. It recognized that most policies did not have a definite life cycle, moving from start to finish. The stages of policy cycle are:“ agenda setting (problem recognition), policy formulation (proposal of solutions), decision-making (choice of solution), policy implementation (putting solutions into effect) and policy evaluation (monitoring)” Howlett & Ramesh (1995:11). The advantage of the policy cycle is that it facilitates the understanding of public policy making by breaking the complexity of the process into a limited number of stages each of which is investigated alone. However, the policy cycle is not just circular and

can't be broken, if at a certain stage policy makers feel that they need to go back to the previous stage before moving on the cycle allows for that.

Problem Identification

To a great degree perceptions about a problem and the probability of its solution depends on whether there is consensus that some goal is good or more central, that is a legitimate matter for government intervention (Nagel, 1994:98). For example if governments could take a man in the moon, why can't government solve the problems of the ghettos, this stems from vast differences in societal consensus about the goals themselves. Even getting consensus on goals however there is no guarantee about agreement on means of achieving the goals (Nagel, 1994:98).

Parsons (1995:87) argues that the beginning of a policy involves the recognition of a problem. What counts as a problem and how a problem is defined depend on the way in which policy makers seek to address as the issue or the problem. Jones in Parsons (1995:87) argues, "Whosoever identifies a social problem shapes the initial terms in which it will be debated." Meaning that whoever identifies a social problem will be the one who set out the terms of how best the problem could be solved. A problem has to be defined, structured, located within certain boundaries and be given a name (Parsons, 1995:87). This means that in order to address a problem, it needs to be well defined and categorised. How a problem is defined is important when attempting to find solutions to a problem. Kingdon (1994) in Nagel (1994:98) argues that there are three mechanisms, which serve to bring problems to the attention of policy makers:

- *Indicators* - these are measurements, which are used to assess the scale and change in problems. Government officials or interest groups write reports that feed into government a picture of the problem and thus have a significant role in shaping governmental attitudes and positions.
- *Events* - certain events serve to focus attention on problems such as disasters, personal experience and symbols and this could be done by interest groups through lobbying, marching or boycotting.
- *Feedback* - gives information on current performance and indicates a failure to meet goals or points towards anticipated consequences.

Agenda Setting

Agenda setting is a process by which problems and alternative solutions gain or lose public and elite attention (Birkland, 2001:106). Group's competition to set the agenda is fierce because no society or political system has the institutional capacity to address all possible problems that arise at any one time. Therefore, groups need to fight for their issues to reach the agenda or wait until a crisis comes that will give them an opportunity to push their issues up in the agenda, this Kingdon (1995) in (Howlett & Ramesh, 1995:123), terms policy windows opening. Birkland (2001:106) argues that agendas exist in all levels of government, every community and every government body.

There are different levels of agenda setting; the largest level is the agenda universe, which contains all the ideas that could possibly be brought to discussion (Birkland, 2001:107). Then there are issues that appear in the systematic agenda, which consist of issues that are commonly perceived by members of the political community as meriting public attention and as involving matters within legitimate jurisdiction of existing governmental authority, for example job creation (Birkland, 2001:107). If a problem is successfully alleviated from systematic agenda it moves to the institutional agenda "is a list of items explicitly up for the active and serious consideration of authoritative decision makers" (Birkland, 2001:107).

However only a few issues reach this stage and even fewer issues reach the decision makers' agenda, which contains items that are about to be acted on by a government body. It is a long way to this stage and sometimes the political powers that are always present with each issue may prevent certain issues ever reaching this stage. It is important also to remember that the agenda is infinite; interests must compete with each other to get issues and their preferred alternatives policies on the main agenda. Issues are brought into the government agenda by different interest groups, or the civil servants themselves or sometimes-certain events lead to issues gaining a space in the government agenda (Howlett & Ramesh, 1995:104).

Policy Formulation

“Policy formulation refers to the process by which policy options are formulated within government” (Howlett & Ramesh, 1995:122). Meaning that it’s a process that involves eliminating certain policy options, until one or a few are left from which a choice has to be made. When a government acknowledges that a problem does exist and that they need to do something about it, policy makers need to decide on some course of action. This is achieved by exploring various options available for addressing the problem. The proposals for solutions may come during the agenda setting process, as a problem and its solution are placed together on the government agenda, or they may be developed after the government has agreed to address a problem (Howlett & Ramesh, 1995:122).

Characteristics of policy formulation

Formulation need not be limited to one set of actors. Therefore there may be more than one formulation group working on the proposal of solutions or options. In most cases government comes together with some interest groups to try and find solutions to the problem. “Groups such as policy subsystems, advocacy coalitions and policy networks” (Howlett & Ramesh, 1995:123).

Formulation may proceed without clear definition of a problem or without formulators ever having much contact with the affected groups (Howlett & Ramesh, 1995:123). However formulation of policy options without clearly understanding the problem is not good, in that you may come up with solutions to the problems that are not specific for the problem at hand and you might find that what you deemed as a problem was not the actual problem but a product of an underlying problem that could have been identified if the was clearly defined in the first place.

Formulation and reformulation may occur over a long period of time without ever building sufficient support for any one proposal (Howlett & Ramesh, 1995:123). Policy options may be formulated and reformulated without ever reaching a definite solution to the problem; this may be a sign that policy makers were addressing the wrong problem.

For those that lose in the formulation process there are often several appeal points for them (Howlett & Ramesh, 1995:123). This serves to illustrate that the other actors within the formulation process are allowed to appeal the decision that has been made. The process of policy formulation does not have a neutral effect, somebody will win and somebody will lose (Howlett & Ramesh, 1995:123). Meaning that there is no place for neutrality during policy formulation its either you with a losing team or a winning one.

Policy formulation involves the elimination of policy options, until one or only a few are left from amongst which the policy makers can make their final decision (Howlett & Ramesh, 1995:123). This is a process that reveals what is feasible and what is not, some policy options may seem appealing when raised but once they are under a microscope they are revealed as not feasible.

The question of who is actually involved in policy formulation is a complex one. Policy formulation is not only the responsibility for government but also for other interest groups, such as advocacy coalitions and policy networks (Nagel, 1994:98).

Advocacy coalitions

According to Jenkins-Smith in Howlett & Ramesh (1995:126) “an advocacy coalition consists of actors from a variety of public and private institutions at all levels of government who share a set of basic beliefs and who seek to manipulate the rules, budgets and personnel of governmental institutions in order to achieve these goals over time.” The actors come together because of their shared beliefs, often based on their knowledge of the public problem they share and their common interests, they can be trade unions, NGOs or community based organisations. Their shared view is based on the nature of human kind and some desired state of affairs and this reason holds the coalition together. If people get together because of shared interest or beliefs whatever they do their beliefs keep them together. In policy advocacy coalitions, societal groups and government come together to formulate a policy.

Policy networks

Howlett & Ramesh (1995:127) refer to policy networks as those links joining the state and societal actors together in the policy process. Networks analysis is based on the idea that a policy is framed within a context of relationships and dependencies.

Analysis of networks assumes that actors are participating in a social system in which other actors' impact upon one another's decisions.

Policy Implementation

After a public problem has made its way to the policy agenda, various options have been proposed to resolve it, and government has made its choice among options, what remains is putting the decision into practice. This is policy implementation, "which is a process whereby programs or policies are carried out, that policy plans are put into practice" (Howlett & Ramesh 1995:153). Pressman & Wildavsky (1973) in Howlett et al (1995:153) defines implementation as a "process of interaction between the settings of goals and actions geared to achieve them". Hood (1976) in Parsons (1995:465) suggests that there are five conditions that could lead to a perfect implementation:

- That ideal implementation is a product of unitary army like organization with clear lines of authority; during an implementation people should know who they report to and who is in charge of the implementation so that one person will be known as the leader of the implementation so that they will be less confusion about who to report to.
- The norms would be enforced and objectives given; a set of rules about how the implementation is going to take place should be set out clearly enough in a way that everyone within the implementation team knows and keeps the objectives in mind throughout the implementation, so that they could be able to tell if something is going wrong.
- That people would do what they are told and asked; with clear guidelines and a firm chain of command everyone has a task assigned to them and they do that without affecting someone else's task.
- That there should perfect communication in and between units of the organization; for implementation strategy to work within the organization and

from the policy or program to be accepted by the public, the policy or program needs to be clearly communicated perfectly to both personnel in the organization and the public. For implementation to be a success the public needs to know what is it that the policy is trying to readdress and how the policy intends to address it the problem and how the policy is going to impact upon them, and

- That there would be no time pressure; time pressure that is setting time limits for implementation of a policy isn't wise in that implementers will try to implement a policy without keeping track of its impact on the public or government itself. So for a policy to be implemented perfectly there should be no time limits set for the completion of the implementation. The implementation should be left to take shape over a long time for it to work.

Realities of policy implementation

Translating programs into practice is not as simple as may first appear. For a host of reasons relating to the nature of the problems, the circumstances surrounding them, or the organisation of the administrative machinery in charge of the task, programs may not be implemented as intended (Howlett & Ramesh, 1995:153). These are the realities of implementation as distinct from the stated objectives and the procedures prescribed for achieving them. Its important to recognize these limitations if we are to understand the public policy process.

The nature of the problems themselves affects the implementation of programs designed to address them in a number of ways Howlett & Ramesh (1995:154). For one, policy decisions involve varying degrees of technical difficulties during implementation, some of which are more intractable than others. Implementing some programs can be expected to be unproblematic if they are single decisions whose translation into practice is rather than routine. However, some problems are more difficult to deal with because of their complex, novel or interdependent nature and because they don't involve one single decision. The diversity of problems targeted by government program may make up its implementation difficult Howlett & Ramesh (1995:155). Public problems such as domestic violence are rooted in so many causes that programs designed to address single or even multiple causes can normally be expected to fail. The size of the target population I also an important factor that

affects implementation, in that the larger and more diverse the group the more difficult it is to affect its behaviour in a desired fashion Howlett & Ramesh (1995:155). For example trying to alleviate poverty, because of the number of people living below the poverty lines it will be harder to actually reach everyone at the same time.

Perspectives on policy implementation

Howlett & Ramesh (1995:157) argue that studies on policy implementation emphasizing policy design are usually referred to as the “top down” approach to the subject. The top down approach assume that policy processes is seen as a series of chains of command whereby political leaders articulate a clear policy preference which is then carried out at increasing levels of specificity as it goes through the administrative machinery that serves government. This approach starts with the decisions of the government, examines the extent to which administrators carry out or fail to carry the decisions and seeks to find the reasons underlying the extent of the implementation. Its emphasis on the objectives to be achieved and activities of the implementation, offers clear indicators of what implementers have to understand and keep in mind (Howlett & Ramesh, 1995:157). On the down side of the approach it assumes that goals to be achieved are clear whereas we all know that that is not true. Goals are set sometimes set but they may be unclear and as the policy matures the goals become clearer with time.

The critics of the top down approach have offered an alternative approach the bottom up approach (Howlett & Ramesh, 1995:157). This approach starts “with all the public and private actors involved in the implementation and examines their personal and organizational goals, their strategies, and network of contacts the have. It then works its way upward to discover the goals, strategies and contacts of those involved in the designing, financing, and executing the policy” (Howlett & Ramesh, 1995:157). The failure or success of the implementation depends on the commitment and skills of the bottom actors who are directly involved in the actually implementation. Meaning that street level bureaucrats are the ones involved in the implementation and if they lack commitment or skills the implementation becomes a failure. Its advantage (bottom-up) is that it looks at both informal and formal relationships making the policy

networks involved in the implementation, as they are important in the policy formulation as well as in its implementation.

Requirements for delivery of a policy or program

Attracting targets

Rossi (1989:180) argues that any intervention or treatment that requires participants to learn new procedures, change their habits or take instruction may encounter difficulties in attracting targeted groups. The reason being that people may not want to participate voluntarily as the policy makes had anticipated and this need to be check so that some other ways of attracting the targets may be devised. Monitoring evaluations are needed to verify whether a program is reaching its target population. The extent to which the target population is participating in a project concerns both project managers and program sponsors. Managing a project requires that information on target population, in case a procedure may need to be modified if target participants are not at the desired level (Rossi, 1989:181). The target participants are critical measures of the viability and effectiveness of the program.

Rossi (1989:182) argues that planners often neglect target participation issues in the development of phase of a new programs, when it is assumed that the targets are necessary motivated to participate. Which is often false, in that sometimes target participants may not want to participate because of some reasons of their own. For instance, some mentally ill patients may feel that they don't need to go to support groups that are set up for them because they think that they can handle their illness by themselves or they feel embarrassed to go there. Therefore, developers of programs need to be concerned with how best to motivate potential targets to participate in the program.

Access

Access according to Rossi (1989:198) refers to the structural and organisational arrangements that facilitate participation in the program. All programs need to have a set of strategies that are going to be used for to provide the service to the target population. For example, government offices where a person can get forms to apply for the services before they can get them. Rossi argues that a number of questions

arise in connection to access. The questions vary from: are the specified access operations consistent with the design of the policy? Or do participants remain in the program and terminate as planned? Or does access match potential targets with the appropriate services?(Rossi, 1989:198)

Specification of services

It is important during the planning and implementation stages to specify the actual services provided by operational terms (Rossi, 1989:198). Programs elements may be defined in terms of time, costs, procedures or product. For example, it is important to know how long a treatment campaign to immunise dogs is going to last, or how much its estimated to cost. The close monitoring of the distribution of services delivered to participants can help staff and administrators to keep closely to align with the original intent.

Conclusion

From this discussion its clear that public policy is not easy to accomplish, with various stages that policy has to go through, from the identification of a problem to its implementation and monitoring. Decision makers not clearly defining the problem make public policy even more complex, and sometimes what is regard as a problem may need to be investigated further before its true source is known. According to Parsons (1995:466) policy makers may go as far as implementing a policy without clearly defining a problem or defining what the policy wants to achieve, meaning that some faults that we see in policies may be caused by the fact that policy makers do not clearly define the problem that they want to address and end up addressing the cause of the problem not the problem itself. Communication, according to Hood (1976) in Parsons (1995:465) is the most important element of implementation and policy formulation, because a policy that is not clearly defined can not meet its objectives, and this proves that the policy making process is not clear and cut, it needs lots of decision making through the policy stages.

PART TWO

UIF Policy for Domestic Workers

According to the Unemployment Insurance Fund (UIF) policy a domestic worker is “any employee who performs domestic work in the household of his or her employer; including a gardener, a person employed by a household as a driver of motor vehicle and a person that takes care of any person in that household or any” (UIF Act No. 62 Of 2002). While there are labour laws that government has put into place to address their problems domestic workers have most of the time been left out. Carroll (2004:11) argues that domestic workers who know about the laws are isolated from household to household and therefore it’s hard to get them organised.

Background to domestic workers in South Africa

In South Africa, domestic service has been the single largest source of employment for black women, apart from the agricultural sector. According to Cook (1980) 89% of domestic workers are women and of these 88% are black. In many white households the housekeeping depends largely on the skills and hard work of domestic workers. Cook (1980) argues that even whites were so depended on domestic workers; domestic workers were not treated as part of the households they serve. Their positions within these households was largely shaped by the structures, which control the distribution of power and resources in South Africa, that was caused by the apartheid era viewing black people as inferior.

Domestic services in South Africa provided one of the inter-racial contacts, the contact did not change views of white madams about their domestic workers. They were (domestic workers) subjected to practices of inferiority such as "servant's rations" and "servant's blankets" which are synonymous with cheap products of inferior quality (Cook, 1980). The inferior living quarters and the prohibition on using facilities such as same plates, toilets and bathrooms underline their subordinate place in the household.

Overall, Cook (1980) argues that the relationship between domestic workers and their employers is intensely paternalistic. This paternalism is seen by Cook (1980) to have

two central implications: firstly, it generates a sense of power and superiority in the employer, and secondly, it consigns the worker to a dependent and powerless position. Domestic workers are totally dependent on their employers not just for wages, but also for basic necessities such as food and accommodation. This dependence both reflects and reinforces the structural location of black women in South African society.

“By virtue of being female and black, the average domestic worker finds herself at the convergence of two structures of dominance, namely race and sex” (Meer 1998:44). Meer (1998:44) also argues that, she is at the bottom of the ladder of apartheid; she is oppressed because all blacks are oppressed and because she is a woman. The oppression makes her vulnerable to exploitation. This exploitation is evident in her struggles (Meer 1998:45)

- Low wages
- Long working hours,
- The lack of paid holidays,
- Lack of benefits such as maternity leave,
- As well as her deprivation of social and family life.

In interviews conducted by Speak newsletter in 1984 when white women were asked why they employ domestic workers when they are stay at home mothers, most of them answered that: “All of my friends have domestic workers why shouldn’t I have one, I don’t have time to take care of my children, so I got help.” These statements show that for some of the people (white) who hired domestic workers don’t need them, they only hire them just because they saw it as a socially given right. If you don’t have a domestic worker you look poor, so you have to have one to be accepted in society.

In response to domestic workers' plight, the South African Domestic Workers Association (SADWA) was launched in 1981. In 1986, SADWA then became the South African Domestic and Allied Workers Union (SADAWU) affiliated to the Congress of South African Trade Unions (COSATU) (Mandlala et al, 2001). This union is however not entitled to registration under the Labour Relations Act.

However, it is difficult to get domestic workers mobilised because they are dispersed in different households.

Unprotected by legislation and desperate to maintain a regular source of income, domestic workers were forced to suffer in silence because of the fear of losing their income or accommodation. In this way, they were trapped in a situation of inequality and immobility within which they are subject to extreme exploitation. It was this notion of being trapped in this system of inequality and exploitation that has raised the question of domestic service as an "institution". Studies (Cock, 1980) have shown how domestic service shares some common institutionalising effects as prisons, mental hospitals etc. for instance their movements are monitored, their friends and visitors are limited and controlled.

Another form of depersonalisation also takes place through the invasion of the domestic's environment. This often takes the form of room searches that the domestic is forced to endure either routinely or when "trouble" arises. In these cases, it is the search that penetrates the private reserve of the individual and violates territories of her self. An example of this sort of invasion to domestic service is illustrated by the following incident drawn from the SADWU records:

"During December 1988, a live-in domestic worker came back to her room at 20h45 from her sister's place. On arrival, she found her employer and a friend inside her room conducting a search. The employer showed her what she believed to be a piece of glass, which she (the employer) claimed to be diamond. The worker was accused of having stolen the employer's earrings and diamond ring. The employer pushed the worker out of the room and locked it. The latter had to go and sleep at her sister's place. The next day the worker went to her employer's place to collect her belongings and was refused access. Later that evening she was picked up by the police at her sister's place and spent the night at the police station. She made her first appearance in court the next day. It is, however, not clear as to what charges she faced; she was granted bail and the matter was postponed."

"In South Africa, violence against domestic workers could be linked to the prevailing culture of violence characteristic of the apartheid system" (Motsei 1990). The idea of racism created a sense of power and superiority on the part of the white employers

and if their superiority is threatened it was validated through such means as violence (Motsei 1990). Therefore, being black, female and a domestic worker within the white household made the domestic worker an easy target for aggression.

Physical violence against domestic workers is presently reported to be on the increase. Union officials express great concern at the growing incidence of cases, especially of physical assaults, flooding their offices (Motsei 1990). They identify the country's current uneasy political atmosphere as one of the reasons for this increase. As the education officer of the South African Domestic Workers' Union (SADWU) puts it: "Since the start of the unrest in 1984, we've had a terrifying increase in the number of domestics assaulted by their employers. Domestics often bear the brunt of their employer's frustration" (Motsei, 1990).

One victim of such physical abuse worked as a domestic worker in Brakpan in 1987 earning R50 a month. Her employer for refusing to remove a dog's mess from the kitchen floor assaulted her. She stated in Motsei, (1990):

"I had long finished my housework and Piet's children repeatedly played in the kitchen with dogs against my orders to them to play outside. When 'madam' returned home from work, she ordered me to clean the kitchen, which I did. But I refused to clean up the mess, and said her children should do it. When Piet came home later, he gave me the same orders. I told him it was not part of my job. He called me a 'kaffir' and other insulting names. I demanded my salary for the 10 days I'd worked and notice pay, and told him I would not go before he paid me. He then punched me all over and kicked me in the eye. The next day the assaulted worker went to hospital and reported the matter to the police. She stayed with her friend who advised her to contact the local Black Sash office, which then referred her to SADWU. She never went to court and the employer was never convicted despite having a record of other previous assaults" (Motsei 1990).

Domestic workers and trade unions in South Africa

A new union was born for domestic worker and was launched in 1987 (Meer 1998:32). It was formed by domestic workers' organisations joining together to form South African Domestic Workers Union (SADWU). The union had 50 000 members

around the country. It was demanding laws to protect domestic workers, living wages of R200 a month, pensions, workmen's compensation, unemployment insurance, sick leave and pay, maternity benefits and holiday pay (Meer 1998:32). The union decided to join COSATU. However this was always weak union struggling to organise women workers who are paid very low wages, who are cut off from each other in individual homes, and whose long working days and live-in conditions make attending union meetings very difficult. At its first launch SADWU promised to give a voice to workers whose working conditions often resemble slavery.

However SADWU was dissolved and was re-launched as the South African Domestic and Allied Workers Union (SADAWU) the launch took place in Durban. SADWU was dissolved by COSATU in 1996 and the organisation has been trying to reorganise ever since domestic workers constitute the largest single employment sector for women in South Africa and perform under difficult conditions, with inadequate legal protection (*Agenda*, 35,1997) in Meer (1998:33). SADAWU was not COSATU's first attempt to forming a union for domestic workers; there was the Black Domestic Workers Association (BDWA) in the 60s and 70s, which had failed. SADAWU has national offices in Johannesburg, Pretoria and the Vaal region, one in the Western Cape and one in KwaZulu-Natal.

SADAWU's main priorities were to set up educational structures on AIDS, women and child abuse as well as mobilising workers and sending demands to the Minister of Labour on the Wage Act/Unemployment Insurance Fund regulations (Meer 1998:34). Myrtle Witbooi, General Secretary, said that the main aim of the union was to empower domestic workers to stand up for themselves and be able to free themselves from their oppression. 'Women will never be free until domestic workers are free!' (SADAWU, April 2000).

Historical Background to UIF

The great depression of the 1930's left millions of workers jobless throughout the world. South Africa was no exception as thousands of workers lost their jobs to join millions of the world's unemployed. The Government had no legislation in place to protect workers against the risk of losing their jobs. Attempts at job creation schemes

failed to help in alleviating the problem of unemployment. Only members of the few trade unions were partly protected through funds set aside for this purpose (Labour Department, 2002).

A Cabinet Committee appointed by Government in 1932 recommended the introduction of legislation to protect victims of unemployment, - the Unemployment Benefit Act. This Act came into operation in 1937. In 1945 payment of benefits was extended to women who ceased work and lost their earnings due to pregnancy. The Act provided for the establishment of separate funds for individual industries. By the end of 1946, 12 funds were in place with 225 000 contributors and a total investment of about R6 million (Department of Labour, 2002).

The scope of coverage was extended over a number of years. In 1952 benefits were extended to contributors who were unemployed due to illness. In 1957 payment was extended to cater for dependents of deceased contributors. The Unemployment Insurance Act of 1946 was repealed and the 1966 Act came into operation in 1967. Initially the Fund benefited only contributors who were registered as unemployed. In addition such contributors had to be capable and available for work and actively seeking employment (Department of Labour 2002).

The 1946 UIF discriminated against women as claimed maternity benefits are subtracted from payments available for unemployment. The 1966 UIF stated that women contributing to the UIF had to be paid for maternity leave regardless of their capability and availability for work. The 1966 UIF provided for a maternity benefit of 45 percent of the last salary for a maximum period of six months. However, the new UIF of 2001 aim to separate maternity and unemployment benefits for women. The proposed maternity benefit would be paid for 16 weeks without drawing on accumulated UIF credits for unemployment.

The new Unemployment Insurance Act, No. 63 of 2001, came into effect on 1 April 2002. This Act provided a framework for an Unemployment Insurance Fund (UIF) that is sustainable, efficient and gives extended benefits to workers at all levels and came into effect on 1 April 2003 for domestic workers (Department of Labour, 2002).

The Current UIF Policy For Domestic Workers

The UIF is “a fund established to provide short term relief to workers, subject to certain conditions, when they become unemployed or unable to work because of illness, maternity leave or adoption leave and also to provide relief to the dependants of deceased contributors” (UIF, 2003:2).

Registration

The current UIF policy of requires employer of domestic workers to register their domestic workers for the fund so that in case they lose their jobs or become ill, the fund can offer them temporary relief (UIF, 2003). The policy sets out the Sectoral Determinations for domestic workers, which are in line with the Basic Conditions of Employment Act, based on section 51 (1) of the Basic Conditions of Employment Act, No. 75 of 1997. The Sectoral Determination establishes conditions of employment and minimum wages for employees in the domestic worker sector (Department of labour, 2002). The determination spells out the working hours, payment of wages, annual leave deductions and family responsibility. The determination sets out different conditions of payment for domestic workers depending on the areas that they work in, there is Area A (suburban areas) including areas such as Ethekwini Unicity and Msunduzi Municipality, Area B include areas not mentioned in Area A (areas on the outskirts).

Wages

The determination requires that domestic workers must be paid for every hour or part of an hour they worked. The wages of domestic workers are dependent on: where the domestic workers works and the number of hours worked per week (Sectoral Determination Seven, 2002).

- Area A-if a domestic worker works less 27 hours per week they have to be paid at an hourly rate of R4.51, if a domestic worker works for more than 27 hours per week R4.41
- Area B- if a domestic worker day or less than 27 hours a week they have to be paid R3.66 per hour, if they work for more than 27 hourly week R3.33 per hour
- Annual increase of 8% is expected on the 1st of November 2004

- The minimum wage for Area A is approximately R800 depending on a domestic workers employment conditions, and in Area B approximately R700.

Working hours

- A maximum 45 ordinary hours per week
- Maximum of 9 hours if working for 5 days a week
- Maximum of 8 hours per day if more than 5 days a week

Employment benefits

- Annual leave (3 weeks per year or 1 day for 17 days worked)
- Sick leave
- Family responsibility leave (5 days per year)
- Maternity leave (4 consecutive months of unpaid leave)

Registration & contribution

- UIF requires employers to domestic workers to register them for the fund
- Contribution to the Fund is made by both, 2% of the wages, domestic pays 1% and the employer pays the other 1%

Studies on domestic workers in the United Kingdom

Before 1998 in U K migrant domestic workers had no laws or legislation protecting their interests. In the mid-1980s, “ The NGOs in the UK began to identify this precarious immigration status as one of the main factors behind migrant domestic worker abuse and, along with the Transport and General Workers Union and its live-in migrant domestic worker members, began to lobby the U.K. government to amend immigration regulations to allow these workers to change employers in the U.K. as long as they continued to work as domestic workers” (Human Rights Watch, 2001).

Their lobbying paid off because, in the early 1990s, the U.K. government imposed new requirements on the employment of migrant domestic workers by foreign employers or U.K. citizens residing abroad. “Several of the requirements parallel current U.S. special visa program provisions, which include information leaflets setting forth workers' rights be distributed to workers during the "entry to the job process and that employers submit written contracts stating terms and conditions of employment” (Human Rights Watch, 2001). NGOs monitoring the living and working conditions of overseas domestic workers in the U.K., found that these changes were

making no difference to workers' lives and continued lobbying for meaningful reforms.

In July 1998, the U.K. government announced additional amendments to the relevant immigration regulations. These new immigration regulations require that prior to accompanying their employers to the United Kingdom, migrant domestic workers must have been employed abroad by their employers for at least one year (Human Rights Watch, 2001). Once in the United Kingdom, however, the workers are allowed to change employers-to any other foreigner or U.K. citizen-regardless of whether they allege employer abuse, so long as they continue to work as domestic workers (Human Rights Watch, 2001). No limit is placed on the time within which they must find new employers, though they must do so prior to expiration of the period for which they were initially admitted. After four years as a migrant domestic worker in the United Kingdom, the worker can apply for permanent residence.

In the UK immigrant domestic workers now have rights and the law that protects their interests if they feel that they are exploited by their madams they are allowed to change jobs, as long as they keep on doing domestic work.

The challenges that domestic workers are facing in South Africa

HIV/AIDS

According to the Employment Equity Act in South Africa it is illegal to fire an HIV-positive employee or demand they take a test for the virus before being given a job. One in nine people in the country are HIV positive (BBC, 2003). Myrtle Witbooi of the South African Domestic and Allied Workers Union told the paper most employers are scared if they have children (BBC, 2003). But he also argued that if an employee has HIV, both parties must go for counselling to learn how to cope. They should sit down and discuss it thoroughly. Ivan Polson of the South African Labour Department argued that workers who face discrimination over their HIV status or are asked to take a test before being hired can take their employers to the arbitration service (BBC, 2003).

An HIV-positive maid told the Cape Times she has experienced discrimination because of her status. "I was told I had to have my own cup, knife and fork and keep

them in a separate cupboard. They are not educated about Aids. They don't know the pain this makes me feel", (BBC, 2003).

Black madams

There is a new breed of madams these days for domestic workers who are referred to as the black madams. These are black women who exploited the relaxation of apartheid at the end of the era by getting tertiary education (Carroll 2004:11). These women because of work commitments have domestic workers. However they complain that they end up with slightly older employees than themselves who automatically take on a motherly/sisterly role and because of the black culture (respect the elderly) they find themselves not able to give out instruction to these maids.

According to the secretary of the South African Domestic Services and Allied Workers Union, the black madams are said to be worse than white madams. One domestic explains: "They are arrogant and makes you work long hours, its like slavery"(Carroll 2004:11).

They complain that black madams are unreliable, and pay drops and conditions of employment change so frequently. These madams are said to be taking women from the rural areas to their homes with promises that are not kept (Madywabe 2004:10). When you arrive at their homes everything changes. They seem to even forget something's that form part of the black culture, like taking a few days to prepare for funeral. On domestic worker says:

"I was taken from my home in rural KwaZulu-Natal with a promise of a job that pays R800 a month. And at the end of the month I was R700 as my employer had decided to take the child to a crèche and so my responsibilities were reduced. The salary went even further down to R650. And when I had to go to a funeral at home after four months. I was home for only 3 days and she phone asking if I still wanted my job or not, and told me if did not return the next day I was fired. And I couldn't leave before the funeral and I was fired" (Madywabe 2004:10).

Non-compliance

Approximately 600 000+ employees have already been registered with the Unemployment Insurance Fund, exceeding the 500 000 target the Department of Labour had initially set (Department of Labour 2003). However, there is a new trend to the conditions of employment for domestic help, whereby employers who don't want to register their domestic workers reduce the number of days that a domestic works and keep them on the same pay without registering them

Exploitation continues

The unions are complaining that domestic workers are still working long hours and without payment for overtime. When they ask about it they are told that they should be happy with what they are earning. There are also complaints that employers still don't give their employees termination notices they just dismiss them when they don't want them (Department of Labour, 2003).

Poverty that prevails in the rural areas forces young women to come into towns to seek employment (Madywabe 2004:10). Most people in urban areas hire them because they provide them with cheap and they don't complain as long as they are able to send some money home.

Conclusion

Many factors have contributed to the exploitation of domestic workers in South Africa. The apartheid era was one such factor. White women in general, used domestic workers for social acceptance and their mistreatment of their domestic workers in front of their friends and relatives was about power. They wanted to show their friends that they had power over black people and they can make them do anything. The inability to get domestic workers organised like all other workers such as miners was also a contributing factor to their problems. If the people within a working sector cannot get together to fight for their rights they cannot be free, they will only be exploited. This is what happened to domestic workers, the fact that they were separated between different households with different sets of rules made it difficult to get them organised.

PART 3

Findings and Conclusion

Methodology

The research was carried out in a small township called KwaNdengezi in KZN, in a section of the township called Pretoria. The motivation for conducting the study here was that the researcher lives in the area and because there has been a lot of publicity in the media about the so called “black madams” exploiting their domestic workers (Carroll 2004:11).

Sample

The sample consisted of 25 participants. A convenient sample was used, and it included any domestic worker living within the area who was willing to participate in the study. The sample consisted of 13 domestic workers, 10 employers, Vice-president of South African Domestic and Allied Workers Union (SADAWU), and the Supervisor of UIF from the Department of Labour.

Codes for the respondents:

Union Representative >TU

Labour Department > LD

Domestic Worker > Dom

Employers > EM

Research Method

This was a qualitative study, and in-depth interviews were used to understand peoples views. The data was collected using an individual interview guide, with questions relating to the UIF. The questions were open-ended so as to allow people to elaborate their responses. Grounded theory was used to analyse the data and in identifying recurring themes were identified.

Shortcomings of the study

Access

Most domestic workers refused to participate in the study without the consent of their employers. Most of them feared that they might lose their jobs if their madams found out that they were involved interviewed about the UIF policy. I later found the reason for this was that most employers had not registered their domestic workers and they feared that I might have been sent by the Department of Labour for spot checks.

When access had been gained most employers wanted the interviews to be conducted right away, the domestic and I will be at the kitchen and the madam will be at the sitting room, this might have had an impact on the responses of domestic workers.

Language

The interviews with domestic workers and their employers were conducted in isiZulu and then had to be translated into English. These are two different languages with English having in most cases more than one word meaning the same thing in different contexts, and isiZulu uses one word for one thing but the meaning of the word could mean different things in different contexts.

FINDINGS AND ANALYSIS

Identifying the problem and Agenda Setting

Parsons (1995:87) argues that the beginning of a policy involves the recognition of a problem. What counts as a problem and how a problem is defined depend upon the way in which policy makers seek to address an issue or an event. Jones in Parsons (1995:87) argues, "Whosoever identifies a social problem shapes the initial terms in which it will be debated." SADAWU argued that they were the ones that identified the problems of domestic workers and they were constantly requesting government to include domestic workers in UIF.

"We made a resolution that domestic workers should be included in the UIF policy throughout the country. We had been requesting for years, asking why domestic workers had no privileges like all other workers, and so when the UIF policy came out it included domestic workers and it's the law." Trade Union

The actions of the union might have led to the forwarding of issues of domestic workers into the institutional government agenda.

Kingdon (1984) in Howlett & Ramesh (1995:115) “argues that there are policy windows that open and close due to certain changes in the countries environment and that these changes may affect agenda setting. “ policy windows are opened either by the appearance of compelling problems or by happenings in the political stream” Kingdon (1984) in Howlett & Ramesh (1995:115). Post 1994, women’s issues in South Africa came into the agenda of the state in full force, the state attempted to empower women by setting up legislation that would protect their rights and at the empower them and the work that they do. Many black women in the country work within this informal sector of domestic work, and as the state was trying to empower women form all walks of life, a policy window might have opened for domestic workers issues to be places on the government agenda.

Formulation of policy

Refers to the process by which policy options are formulated within government. It refers to the process of eliminating certain options, until one or a few are left from which to consider (Howlett et al, 1995:4). The solution may come from other actors within the policy network. The union representative acknowledged that the union was part of the formulation process of the policy; they actually had a list of demands for the department of labour stating what they wanted for domestic workers:

“ It was the union that started the formulation of the policy, the policy comes from us. We had a list of demands for the department of labour about issues affecting our domestic workers, we demanded a law that would cover domestic workers efficiently than all the others that have tried.” Trade Union

Policy Implementation

Registration

Rossi (1989:181) argues that planners often neglect target participation issues in the development of phase of a new programs, when it is assumed that the targets are necessary motivated to participate. Which is often false, in that sometimes target

participants may not want to participate because of some reasons of their own. With the registration of domestic workers for UIF, the data reveals that it is not only employers who don't want to register their domestic workers also some domestic workers don't want to be registered.

"I am not registered because I don't want any money deducted from my paycheque. I told my mother (madam) that I don't want to be registered if that will mean loosing my job because she told me she did not have R800 to pay me so that I can register I have to choose between loosing my job and being registered I chose my job, I get R700 a month, which is good for someone like me who is not educated and I m satisfied with that." Domestic Worker

Another reason for unregistered domestic workers according to the union is that some employers ask domestic workers to go and get registration forms for themselves:

" The problems that our members are still facing are that some employers say that they don't want to register anyone because they don't have money to pay for that. Some domestic workers are not registered because their employers ask them to go and get the forms themselves if they want to register, because the employers claim that they don't have time to do that. You know that ere is still that rudeness by employers to domestics asking your domestic to go and get the forms themselves if they want to be registered is rude, according to the law it's the duty of the employer to make sure that their domestic worker is registered. However we know that some of the employers are making an effort and registering their domestic workers, this we get from the number of our members that are registered with the fund and that is a good thing."
Trade Union

Among the employers in the sample, they have fired their domestic workers because of the lack of understanding of how the policy works. Some employers in the sample have domestic workers but they have not registered them because they say that they cannot pay their domestic workers a minimum wage of R800. This is evident in the following statement by an employer:

“No I haven’t, you see umama Hlophe, we wet with her in church and she kept on telling us about the poverty that was eating away into her house, so my husband and I decided to ask her to come and work for us for R250 a month for a certain days a week. She agreed and when UIF came I told her Mama uHlope I cannot pay you R800 a month since I am a stay at home mum, and we only hired you so that we can help you. So if you want to be registered we going to have to let you go or you can stay for the same fee. She decided to stay for the same fee as before and without being registered. And when my daughter had a child we increased her pay because she now had to do all the housework since I was going to look after my grandchild.” Employer

The union also acknowledged that there were gaps in the registration of domestic workers, depending on when the domestic worker works. She said:

“There is a gap between domestic workers because of the places that they work in. the gap is there because of Area A and Area B in the treatment of their domestics. Most employers in Area A do comply with the law because they are in suburbs rather than those in area B which consist of townships and all other places on the outskirts of town. This makes the gaps between registered and unregistered domestic workers most feasible in that you find that most domestic workers in suburbs are registered and when you go to the outskirts of the city you find that most of them are not.” Trade Union

Conditions of employment

The Sectoral Determination are set in terms of section 51 (1) of the Basic Conditions of Employment Act, No. 75 of 1997. Sectoral determination sets to establish conditions of employment and minimum wages for employees in the Domestic Worker Sector in South Africa (www.labourguide.co.za). This means that sectoral determination help employer of domestic workers and domestic workers themselves to determine the how much they should be paid for a certain number of hours they work and it also guides employer to making sure how many hours or days they can pay their domestic workers for. The supervisor of UIF says about the determination:

“Although we are still getting a few enquiries about things because employers cannot meet the minimum wage of R800 and we find a few of them having fired their domestics because of that. That sort of thing causes a lot of frustration because

domestics are losing whatever little income they were getting, because the employer can't meet minimum wage. However those cases have been very few. The R800 minimum wage depends on the number of hours a person works, if a domestic works a 45 hour week they need to be paid R800. But what we are saying to employers is that if they cant meet the minimum wage they should reduce the number of hours a person works to the number of hour they can afford to pay for so that they comply with the number of a day of R4, 42 per hour. So if an employer cannot afford minimum wage rather reduce the hours than terminate the job. This has been a concern of many because quite a number of domestics have lost their jobs because of this requirement and lack of understanding.” Department of Labour

In general all people affected by the policy who have not enquired in the labour centers about how the policy works/operate seem to have a misconception that the determinations are being forced on them by being asked to pay their domestic workers a minimum of R800 a month. People have a perception that only when you can or you pay your domestic worker R800 than you can register them, which is false according to determination it and what the labour centers say.

Accessing the fund

Access according to Rossi (1989) refers to the structural and organisational arrangements that facilitate participation in the program. All programs need to have a set of strategies that are going to be used for to provide the service to the target population. In this case the access that we talk of is that of claiming from the fund, what is required of a domestic to claim. For any domestic worker wanting to claim from the fund there are certain conditions that they must fulfil;

“To claim the benefits of the fund there are certain conditions to meet: the person should be unemployed, they should come in to fill out an application, and they need prescribed documents such as the identity document, pay slips for six months if paid monthly, with a minimum of two for those paid monthly, and for weekly a minimum of four pay slips, fill in UI-19, and a report form the employer than your claim will be processed. We also take into consideration the reasons for the termination, to determine the qualification for a claim if you resign you don't qualify, if dismissed we consider the reasons behind the dismissal, you qualify if you are unemployed and

when your contract lapses. The amount that the person gets is dependent on how long the person has been paying and what credit they got available, these credits are calculated in terms of one day unemployed per 6 days as they contribute to the fund.”
Department of Labour

Communication

Parsons (1995:465) argues that a key to a near or a perfect policy intervention is communication. If a solution to a problem is not communicated well enough to the people receiving the policy that that policy will be a failure. The department acknowledges tried to access the public through the media road shows, TV talk shows TV ads and newspaper ads.

“We as an organization we hold workshops for our members where we teach them about the laws that are set to protect their interests as workers. Every time a new labor law comes that deals with workers we hold meetings to explain the law to our people. We also go to the media to try and get to as many people as we can, we use the radio and newspaper ads. We do this so that we can reach a large audience of domestics. You know there is still lack of education among domestics themselves, so when we go to the media especially radio we going to stations that are most popular with people like Ukhozi FM, which is an Is Zulu, broadcasting station, so that we can explain the law to the people in a language that they understand.” Trade Union

“Generally, in terms of distributing information to the public we advice them on how to apply, tell them about minimum wages, so that they wont have to terminate their workers. To ensure that they comply with the requirements in terms of the contract, leave and sick leave, so we do inform employers as they call us or when they come over in the offices. I know that the provincial communications office have things like talk shows, road shows, newspaper ads and such thing in order to inform the public about the policy.” Department of Labour

The union as one of the partners of government in the policy formulation, they were also involved in trying to communicate the policy communicated the policy to both their members and general public. This shows that government does not only need other actors in formulating policy but also when they decide to implement.

Reaching the target population

Rossi, (1989: 198) argues that when the policy is being monitored one has to look at the extent to which the policy is reaching the targeted population. This will serve as an indication of whether people are responding to the policy or not. The union argues that there are UIF registration gaps whereby people in area A have registered their domestics more than in B.

TU: *“ There is a gap between domestic workers because of the places that they work in. the gap is there because of Area A and Area B in the treatment of their domestics. Most employers in Area A do comply with the law because they are in suburbs rather than those in area B which consist of townships and all other places on the outskirts of town. This makes the gaps between registered and unregistered domestic workers most feasible in that you find that most domestic workers in suburbs are registered and when you go to the outskirts of the city you find that most of them are not.”*

Policy Impact

When monitoring a policy or program the aim is to look at the impact that a policy/program has had on the target population (Parsons, 1995:550). The UIF for domestic workers was designed to address the issues or problems of domestic workers such as low wages, long working hours, lack of benefits and other things. The policy has been successful in that it has had positive results. The union and Labour official agreed that the conditions of employment for domestic workers have improved.

“Since the policy working conditions have generally improved for domestics especially in Area A where people fear that if they don't comply with the law they will be arrested. Wages have increased and working hours have been adjusted to meet the requirements of the law.” Trade Union

The Supervisor of the UIF also agrees with the union that there have been improvements in the working conditions of domestic workers.

“ On the positive side employers are calling in and asking us about the policy and how to register their domestics. Employees are getting the benefits of a minimum wage, sick leave, paid leave and set working hours include overtime and there is less exploitation because of the contract spells out all the duties and responsibilities of the domestic. So I would say that the response has been positive and we are looking forward to more people being registered.” Department of Labour

Unintended consequences

For every action there is a reaction, and it might be positive or negative. The UIF policy has born unintended consequences, which the department had not foreseen such as employers of domestic workers firing their domestic workers just because they cannot comply with the minimum wage of R800.

“However the worst of the policy are the sartorial determination that say the basic salary is R800 an then splitting times to a normal day, number of hours a day, and working day is killing our people, because in the beginning some employers decided that they couldn't pay R800 a month to domestics and they terminated their employment, some reduces the number of hours and days that domestics worked to a few and reduces the wages, this is killing our domestics. Some have actually had illegal deals with their employer that they get the same wages as before the policy rather than being terminated, this might lead to the employer exploiting the domestic because they know that they cant do much because they agreed not to be registered. So this as a union we want changed as soon as possible, what's the point of having a regulation that is suppose to help people then ends up destroying them.” Trade Union

“The feedback that we are getting from the public is both negative and positive about the policy. Most domestic workers are dissatisfied whereby their employers cant with the minimum wage and they terminate their employment. They complain that they are loosing whatever little income they were getting because of this determination. Lots of employers are not keen on going the long route of registering and payments to the fund. Most have terminated their employees and getting cleaning agencies to find them domestics, this way they don't have the burden of contributing and registering these domestics because the cleaning agencies have already registered them.”

Department of Labour

The negative impact of the policy is also observable in the responses of domestic workers when they asked what has changed in their working lives since the policy. Some of them say that they have actually lost their jobs because of the policy, some have got their working days reduced to a few and the pay has also decreased, some are not registered but still working because they agree to continue working even if they are not registered.

“No I haven’t registered my domestic worker, because not everyone will be able to pay their domestics R800 a month and give them an annual increase at the same time, its ridiculous. I don’t think that this policy will have much success at least if had said people should be paid from R400 and get annual increase from that it would be better than R800.” Employer

“Nothing much has changed since the policy in my working life except that my workdays and pay were cut after that which is frustrating because I now have less money and cant fulfill all my obligations.” Domestic Worker

“Nothing has changed except that my employer gave a choice between my job and registration, and I chose my job and I am happy.” Domestic worker

However some domestic workers have benefited from the policy even though they are moderately few.

“We had domestic work training and first aid lessons. The pay has increased very much with the implementation of the policy from R1300 to R 2200 a month other things have remained the same. But now we have Sundays called skeletons where you find that some people not working on those days and they don’t get paid for those Sundays because they are off.” Domestic Worker

Conclusion

The study looked at the current perceptions of the UIF policy for domestic workers. It is important to keep in mind that the policy is still very new and that the Department of Labour still has a lot to do in order to achieve the goals set out by the policy. Policy networks played a big part in formulating the policy as the union had said that they (union) were instrumental in requesting that sector of domestic workers be regulated like all other sector. There is a lot of confusion and anger by both domestic workers and employers about the Sectoral Determination that states that domestic workers need to be paid a minimum wage of R800. Employers seem to think that there are no conditions guiding this amount. Some have ended up firing their domestic helpers because they feel that they cannot pay R800 to domestic workers. This is evidence that the stakeholders of the UIF are selective in their perceptions of the policy. They tend to pick what they feel is important to them and shut all other explanations aside. In some cases employers who have knowledge of the policy, are using it as means of cutting the wages of domestic workers within their employment. They reduce the number of days or hours that a person works and also reduce the wages.

Parsons (1995:465) argues that communication is important for a perfect implementation, the Department of Labour has not made enough efforts to make people aware of the policy and how it has benefited both the employer and the domestic worker. The employers in the sample said that the only kind of information that they got from the department was a UIF information booklet, which they found in their mailboxes and that they had not heard anything about the Department of Labour's road shows.

However all the negative perceptions aside, many domestic workers have registered with the Fund. On the 12 June 2004, the Minister of Labour a statement saying that the number of domestic workers registered to that date was 601 546 about 75,2%. However it would be interesting to know what is the breakdown per category of domestic worker registered, i.e. how many domestic helpers drivers, gardeners and care givers are registered. An estimated 63 012 domestic workers have already lost their jobs since being registered (Department of Labour, 2004). The Department of Labour needs to go to communicate the policy more clearly to the people so that

employers of domestic workers the policy, how the wages are set, conditions of employment and how they can make the policy work for both of them effectively.

APPENDIX

APPENDIX: A**INTERVIEW GUIDES**

Individual interview guide for the research study, for the trade union, domestic workers, employers and government officials.

Association/Union

How many domestic workers are registered with your organization?

How many of those domestic workers are from townships?

What are the UIF registration gaps that you have observed between domestic workers and what are they depended on?

Is the policy meeting the needs of domestic workers?

What problems have your members experienced with the policy?

Would you change anything about the policy? What and why?

Was your organization involved in the policy formulation process?

Has there been an improvement in the working conditions of domestic workers because of the policy?

How does the policy protect HIV positive domestics?

Do the experiences of domestic workers differ with the location of their employers?

What is the procedure that domestic workers have to follow in order to claim from the fund?

How long does the department take to process the payment of UIF?

What are the administrative problems that are encountered?

Do you know why some employers are reluctant to register their domestics?

What problems have employers came to you with regards to the policy?

Do you have any other comments?

Domestic workers

Are you a member of the union? If yes, for how long? If no why not?

Do you know about the UIF?

How does the policy reflect on the problems that you as a domestic worker face?

How does the policy address your problems?

How much do you contribute to the policy?

Have you ever claimed the uif?

What problems do you experience with the claims?

Are you able to meet the requirements for claiming?

What changes have you experienced with the implementation of the policy with regard to working conditions, a living wage, and leave?

What would you recommend be changed about the policy?

How will those changes improve your working situation?

What other comments do you have?

Management/ government official

How many domestics is register to your knowledge?

Do you think this cover all domestics?

Who should contribute to the UIF?

How much do domestic workers contribute?

When will contributors qualify for benefits?

How are unemployment benefits calculated?

Please explain to me the requirements for claiming?

What are the problems that domestics have with the requirements?

How does the policy address protect HIV infected domestics?

Is this justifiable?

What have you done as the department to make sure that domestics and their employers have knowledge and understanding of the policy?

How have the lives of domestic workers changed with the implementation of the policy?

What are some concerns of domestics and their employers about the policy?

Has the department been involved in any mediation and arbitration between a domestic and her employer? What was the problem?

Employers

Do you know about the policy?

Have you registered you domestic?

What are the problems with applying for the UIF?

What are your views about the policy?

Do you think that the policy protects your interests as the employer adequately?

What was /were your greatest fears about registering your domestic?

Do you believe that the policy protects your domestic worker adequately?

Any other comments?

Bibliography

Barrett J (1985). *Vukani Makhosikazi: South African Women Speak*. Catholic Institute for international Relations. Sigma Press: London

BBC (2003). *South African maids fired over Aids*. March 14, 2003
www.bbcnews.com/Africa

Birkland T. A. (2001). *An introduction to the policy process: theories, concepts and models of public policy making*. M.E. Sharpe Inc. London: England. Chapter 5

Carroll R, (2004). *The new madams and old Eves*. Mail & Guardian (August 27 to September 2, 2004.)

Cock J, (1980). *Defence and dependence: A note of the self-imaginary of domestic workers*. South African Labour Bulletin, 6: 9-21 (www.status.co.za/agenda)

Cock J (1981). *Maids and madams: A study in the politics of exploitation*. Raven Press: Johannesburg. (www.status.co.za/agenda)

Department of Labour (2004). *Increased number of registered domestic workers*. (www.labour.gov.za/publications). 12 June 2004

Department of Labour (2002). *UIF: Knowing your Rights*. Department of Labour Publication.

Department of Labour (no date provided). Basic Conditions of Employment Act, No. 72 of 1997. *Sectoral Determination 7: Domestic Worker*, South Africa

Department of Labour (2001). *Unemployment Insurance Act of 2001*.

Human Rights Watch (2001). *Hidden in the home: the abuse of domestic workers with special visas in the US*. HRW: Defending Human Rights Worldwide.
www.hrw.org/reports/2001/usadom/usadom0501-08

Howlett M. & Ramesh M. (1995). *Studying public policy: Policy cycles and Policy subsystems*. Oxford University Press. Toronto. New York: Oxford. Chapters 5-9

Kingdon J. W. (1995). *Agendas, alternatives and public policies*. (2nd eds.). Harper Collins College Publishers. New York: N Y

Madlala N and Moolman J (2001). *Lifeline for domestic workers*. Agenda 44.
www.status.co.za/agenda

Meer S (1998). *Women speak: Reflection on our struggles 1982-1997*. Kwela Books: Cape Town.

Madywane L (2004). *Employers' promise of a better life ends in exploitation*. Mail & Guardian (August 27 to September 2, 2004).

Motsei M (1990). *The best kept secret: Violence against domestic workers*. Seminar No. 5, 1990. www.csvc.org.za/index

Nagel S. S. (1994). *Encyclopaedia of Policy Studies*. (2nd Eds.) Marcel Dekker, Inc. New York: NY. Chapter 5 & 6

Parsons W. (1995). *Public policy: An introduction to the theory and practise of policy analysis*. England: Edward Elgar.

Patton (1997). *Implementation evaluation: Utilisation-focused evaluations*. (3rd Eds). Sage Publications: London pp195-214

Rossi P. H. & Freeman H. E. (1989). *Evaluation a systematic approach: Program monitoring for evaluation*. Newbury Park. Sage Publications: California Chapter 4